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SOUTH AFRICAN

TREATIES, CONVENTIONS, AGREE-

MENTS AND STATE PAPERS

SUBSISTING ON THE

1ST DAY OF SEPTEMBER, 1898.

Presented to both Houses of Parliament by command of His Excellency the Governor.
1898.

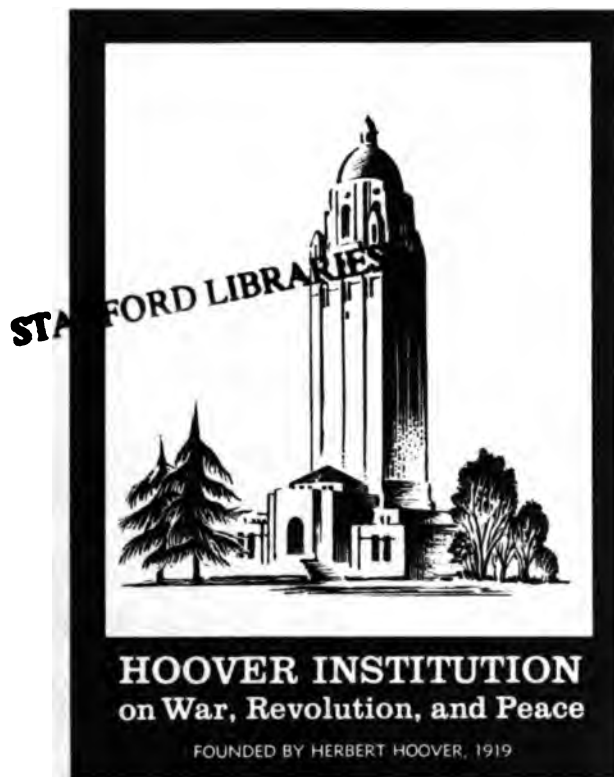
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CAPE OF GOOD HOPE.



SOUTH AFRICAN
TREATIES, CONVENTIONS, AGREE-
MENTS AND STATE PAPERS

SUBSISTING ON THE

1ST DAY OF SEPTEMBER, 1898.

COMPILED BY ORDER OF THE RIGHT HONOURABLE SIR J. GORDON SPRIGG, P.C., K.C.M.G.,
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PRIME MINISTER'S OFFICE.

Presented to both Houses of Parliament by command of His Excellency the Governor.
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TABLE OF CONTENTS.

	PAGE.
Table of Contents	i
Chronological List	v
Subject Index	vii

SECTION I.—GENERAL TREATIES AND CONVENTIONS.

(A.) Bloemfontein Convention. Great Britain—Orange River Territory.—February 23, 1854	1
(B.) Convention of Aliwal North. Great Britain—Orange Free State.—February 12, 1869	4
(C.) Treaty of Friendship and Commerce. Portugal—Transvaal Republic.—December 11, 1875	8
Protocol of Exchange of Ratifications.—October 7, 1882	15
(D.) Treaty of Friendship and Commerce. Portugal—Orange Free State.—March 10, 1876	16
(E.) Memorandum of Agreement. Great Britain—Orange Free State.—July 13, 1876	21
Further Memorandum of Agreement. Great Britain—Orange Free State.—July 13, 1876	22
(F.) Convention. Great Britain—South African Republic.—February 27, 1884	22
(G.) Treaty of Friendship and Commerce. Germany—South African Republic.—January 22, 1885	29
(H.) Convention (Boundary, &c.). Great Britain—South African Republic.—June 11-20, 1888	36
(J.) Treaty of Friendship and Commerce. South African Republic—Orange Free State.—March 9, 1889	40
Protocol.—March 9, 1889	41
(K.) Political Treaty. South African Republic—Orange Free State.—March 9, 1889	42
(L.) Treaty. Great Britain—Portugal.—June 11, 1891	42
(M.) Convention (Swaziland). Great Britain—South African Republic.—December 10, 1894	48

SECTION II.—POSTAL.

(A.) Universal Postal Union.—July 4, 1891	52
Final Protocol	66
Detailed Regulations	72
(B.) Postal Union Convention. Cape Colony—Natal—Orange Free State—South African Republic.—December—January, 1897	101
(C.) Money Order Arrangement. Cape Colony—Zanzibar.—June—August, 1897	142
(D.) Money Order Convention. Cape Colony—British South Africa Company.—September—October, 1896	146
(E.) Telegraph Convention. Cape Colony—Natal—Orange Free State—South African Republic.—September—November, 1886	152
(F.) Additional Articles to above.—September 1, 1887	154
Notes to Section II	154
(1) The Washington Convention of 1897.. .. .	154
(2) Unpublished Postal Agreements	155

SECTION III.—RAILWAYS.

(A.) Convention. Cape Colony—Orange Free State.—October 12-16, 1896	155
(B.) Agreement. Cape Colony—South African Republic.—November 7, 1894	165
(C.) Treaty. South African Republic—Orange Free State.—March 8, 1889	171
(D.) Agreement. High Commissioner—British South Africa Company. Extension through British Bechuanaland.—January 23, 1890	171
(E.) Agreement. Cape Colony—British South Africa Company.—January 23, 1890	173

	PAGE
(F.) Proclamation (British Bechuanaland). Extension of Railway.—October 21, 1895	175
Schedule to above. Contract for construction of Railway from Vryburg to Palapye.—August 3, 1894	177
Provisional Supplementary Agreement.—October 18, 1895	188
(G.) Proclamation (Bechuanaland Protectorate). Extension of Railway.—November 23, 1896	189
(H.) Agreement. Cape Colony—Bechuanaland Railway Company.—May 28, 1897	191
(J.) Convention. Natal—Orange Free State.—June 12-24, 1890	193
(K.) Agreement. Natal—South African Republic.—February 3, 1894	201
(L.) Agreement. Natal—South African Republic.—February 12, 1894	206
(M.) Agreement. Natal—South African Republic.—April 25, 1894	211
(N.) Supplementary Agreement. Portugal—South African Republic.—May 17, 1884	217
(O.) Concession. South African Republic—Netherlands South African Railway Company.—June 26, 1890	219

ANNEXURES TO SECTION III.

(I.) Memorandum of Agreement (Extension from Kimberley to Fourteen Streams). Cape Colony—British South Africa Company.—October 29, 1889	228
Correspondence relating to foregoing	230
(II.) Memorandum of Conference. Cape Colony—Orange Free State.—September 20, 1892	235
Note to Section III. Beira Railway Company	238

SECTION IV.—CUSTOMS.

(A.) Customs Union Convention. Cape Colony—Orange Free State.—March-April, 1889	238
(B.) Protocol. Cape Colony—Orange Free State.—March-April, 1889	243
(C.) Protocol. Cape Colony—Orange Free State.—March-April, 1889	244
(D.) Protocol (Admission of British Bechuanaland). Cape Colony—Orange Free State—British Bechuanaland.—June 4-19, 1889	246
(E.) Supplement to foregoing.—September 11-24, 1890	248
(F.) Protocol. Cape Colony—Orange Free State—British Bechuanaland.—November 21-26, 1890	249
(G.) Protocol (Admission of Basutoland). Cape Colony—Orange Free State—Basutoland.—January-February, 1891	250
(H.) Protocol (Admission of the Bechuanaland Protectorate). Cape Colony—Orange Free State—Bechuanaland Protectorate.—December 30, 1891; February 1, 1892	252
(J.) Supplement to foregoing. Cape Colony—Orange Free State—Bechuanaland Protectorate.—June 5-8, 1893	254
(For non-ratified (Sept. 1, 1898) Convention of May, 1898, see Section VIII, Part IV, page 413.)	

SECTION V.—EXTRADITION.

(A.) Act (British). Evidence in matters pending before Foreign Tribunals.—July 29, 1856	254
(B.) Act (British). Extradition.—August 9, 1870.—August 9, 1870	256
(C.) Act (British). Extradition. To amend foregoing.—August 5, 1873	265
(D.) Act (British). Fugitive Offenders.—August 27, 1881	267
(E.) Act (Cape of Good Hope). Administration of Imperial Acts of 1870 and 1873.—August 8, 1877	279
(F.) Act (Cape of Good Hope). To amend Extradition Acts.—June 22, 1882	280
(G.) Law (South African Republic). Extradition to the Cape of Good Hope.—1882	285
(H.) Ordinance (Orange Free State). Extradition to Cape of Good Hope.—1882 ..	288
(J.) Convention. Basutoland—Orange Free State. Extradition.—September 1-7, 1887	293
Protocol to foregoing.—August 2-6, 1895	297
(K.) Order in Council. Colonial Prisoners Removal.—December, 13, 1889	297
(L.) Order in Council. Great Britain—Orange Free State. Extradition.—March 20, 1891	301
(M.) Order in Council. Great Britain—Portugal. Extradition.—March 3, 1894	307
(N.) Order in Council. Great Britain—Germany. Extradition.—February 2, 1895	313
(O.) Convention. Orange Free State—Rhodesia. Extradition.—August 9, 1895 ..	316
(P.) Act (Cape of Good Hope). Transit under Warrant of Extradited Offenders.—June 25, 1895	321

SECTION VI.—BOUNDARIES.

	PAGE.
<i>Amatongaland.</i>	
(A.) Exchange of Notes. Great Britain—Portugal.—September-October, 1895	322
(B.) Notification (British).—June 11, 1895	323
(C.) Proclamation (British).—April 23, 1895	324
(D.) Proclamation (British). Annexation of Amatongaland.—November 22, 1897	325
<i>Angola.</i>	
(E.) Treaty. Portugal—Congo. (Extract).—May 25, 1891	326
(F.) Declaration. Portugal—Congo.—March 24, 1894	327
<i>Basutoland.</i>	
(G.) Act (Cape of Good Hope). Annexation of Basutoland. (Extract).—August 11, 1871	329
<i>Bechuanaland Protectorate.</i>	
(H.) Proclamation (British).—September 30, 1885.. .. .	330
(J.) Proclamation (British).—May 5, 1891	330
<i>Cape Colony.</i>	
(K.) Act (Cape of Good Hope). Annexation of British Bechuanaland. (Extract).—1895	331
(L.) Award (Orange Free State). South-Western boundary of South African Republic.—August 5, 1885	331
(M.) Convention. Cape of Good Hope—Natal. Amaxesibi Boundary.—June 30, 1888	333
<i>German South-West African Protectorate.</i>	
(N.) Declaration. Germany—Portugal. Limits of Possessions and Spheres of Influence.—December 30, 1886	334
Protest (British) against foregoing.—August 13, 1887.. .. .	336
<i>Ichaboe and Penguin Islands.</i>	
(O.) Proclamation (British). Annexation.—July 9, 1874	337
<i>Mozambique.</i>	
(Q.) Treaty. Portugal—South African Republic.—July 29, 1869	339
<i>Natal.</i>	
(R.) Order in Council.—February 3, 1858	345
(S.) Letters Patent. Annexation of part of Nomansland.—December 9, 1863.. .. .	346
(T.) Letters Patent. Annexation of Zululand.—December 1, 1897	346
(U.) Proclamation. Annexation of Zululand.—December 1, 1897	347
<i>Nyassaland.</i>	
(V.) Notification (British). Protectorate.—May 14, 1891	348
<i>Orange Free State.</i>	
(W.) Order in Council.—January 30, 1854	348
Letters Patent.—January 30, 1854	349
<i>Rhodesia.</i>	
(X.) Agreement. Great Britain—Congo.—May 12, 1894	349
(Y.) Award. Great Britain—Portugal. Manica Boundary—1897	350
<i>South African Republic</i>	352
<i>Swasiland</i>	353
<i>Walfish Bay.</i>	
(Z.) Proclamation (British). Annexation.—March 12, 1878	353
Note	354
<i>Zululand.</i>	
(A.A.) Notification (British). Inclusion of Territories of certain Chiefs.—December 9, 1888	354
(B.B.) Proclamation (British). Inclusion of Territories of certain Chiefs.—April 23, 1895.. .. .	355
Note and Correspondence	356

SECTION VII.—CHARTERED COMPANIES.

(A.) Charter. British South Africa Company.—October 29, 1889	358
(B.) Order in Council. British South Africa Company.—May 9, 1891	365
(C.) Order in Council. Amending foregoing.—July 30, 1891	368
(D.) Order in Council. British South Africa Company. Matabeleland.—July 18, 1894	368
(E.) Decree (Portuguese). Granting Charter to Mozambique Company.—February, 11, 1891. (As amended by Decree of July 30, 1891)	377

SECTION VIII.—MISCELLANEOUS.

	PAGE.
PART I.—ARRANGEMENTS RELATING PARTIALLY TO SOUTH AFRICA.	
(A.) Arrangement. Great Britain—Germany. Spheres of action.—April 29- June 16, 1885	386
(B.) Agreement. Great Britain—Germany. Africa and Heligoland.—July 1, 1890.	388
PART II.—TREATIES PARTIALLY DETERMINED.	
(C.) Convention. Great Britain—Transvaal State. Settlement of the Transvaal Territory.—August 3, 1881	394
(D.) Agreement. Great Britain—New Republic. Boundary, Zululand, Mis- sionaries, Independence.—October 22, 1886	401
PART III.—PARTICULAR AWARDS AND AGREEMENT.	
(E.) Protocol. Great Britain—Germany. Claims in South-West African Protectorate.—July 15, 1886	403
(F.) Award (Orange Free State). Article XIV. of London Convention of 1884.—April 2, 1895	406
(G.) Convention. Great Britain—Orange Free State. Bridges across the Orange River.—December 5-24, 1874	407
PART IV.—NON-RATIFIED CONVENTION.	
Customs Union Convention. Cape Colony—Natal—Orange Free State.—May, 1898	413

ANNEXURES TO SECTION VIII.

I. Convention. Great Britain—Transvaal Settlers (Sand River Convention).— January 17, 1852	426
II. Proclamation (High Commissioner). Confirmation of foregoing.—April 15, 1852	427
III. Despatch (Secretary of State). Approval of foregoing.—June 24, 1852	428
Notes to Section VIII.	428
1. Laws of War. Adhesion of South African States to Geneva Convention of 1864	428
2. Protocol to Convention for the Settlement of Affairs of Swaziland of 1894. Great Britain—South African Republic.—October 5, 1898	429

APPENDICES.

APPENDIX I.—PAPERS HAVING REFERENCE TO THE PUBLIC RELATIONS OF SOUTH AFRICAN COLONIES AND STATES.

(A.) Compilations	431
(B.) British Parliamentary Papers	432
(C.) Printed Papers laid before the Colonial Parliament	438
(D.) German White Books having reference to the South-West African Pro- tectorate	440

APPENDIX II.—PAPERS HAVING REFERENCE TO THE PRIVATE RELATIONS OF SOUTH AFRICAN STATES.

(A.) Postal. List of countries which are members of the Universal Postal Union	441
(B.) Railways. Printed papers laid before the Colonial Parliament having reference to the extension of the Railway System	442
(C.) Customs. Printed papers laid before the Colonial Parliament	444
(D.) Extradition. List of Treaties between Great Britain and Foreign Countries with the dates of the Orders in Council applying them to the Colonies, and references.	444

APPENDIX III.—LIST OF PRINTED TREATIES AND STATE PAPERS HAVING REFERENCE TO NATIVES.

(A.) Cape Colony and Natal	445
(B.) German South West African Protectorate	446

APPENDIX IV.—CHRONOLOGICAL LIST OF STATE PAPERS HAVING REFERENCE TO THE RELATIONS OF SOUTH AFRICAN STATES

.. .. .	447
---------	-----

CHRONOLOGICAL LIST.

			PAGE.
1852	Jan. 17	Sand River Convention. Great Britain—Transvaal settlers ..	426
1852	April 15	Proclamation. High Commissioner's approval of foregoing ..	427
1852	June 24	Despatch. Secretary of State's approval of foregoing ..	428
1854	Jan. 30	Order in Council. Constituting the Orange River Territory a distinct Government	348
1854	Jan. 30	Letters Patent Do.	349
1854	Feb. 23	Bloemfontein Convention. Great Britain—Orange River Territory	1
1856	July 29	Act (British). Evidence in matters pending before Foreign Tribunals	254
1858	Feb. 3	Order in Council. Defining boundaries of Natal	345
1863	Dec. 9	Letters Patent. Annexing part of Nomansland to Natal ..	346
1869	Feb. 12	Convention of Aliwal North. Basutoland—Orange Free State ..	4
1869	July 29	Treaty. Portugal—Transvaal Republic	339
1870	Aug. 9	Act (British). Extradition	256
1871	Aug. 11	Act (Cape of Good Hope). Annexation of Basutoland. (Extract)	329
1873	Aug. 5	Act (British). Extradition. Amending Act of 1870	265
1874	July 3	Proclamation (British). Annexation of Ichaboe and Penguin Islands	337
1874	Dec. 5-24	Convention. Great Britain—Orange Free State. Orange River Bridges	407
1875	Dec. 11	Treaty. Portugal—Transvaal Republic	8
1876	March 10	Treaty. Portugal—Orange Free State	16
1876	July 13	Memorandum of Agreement. Great Britain—Orange Free State	21
1876	July 13	Further Memorandum Do.	22
1877	Aug. 8	Act (Cape of Good Hope). Administration of Imperial Extradition Acts of 1870 and 1873	279
1878	Mar. 12	Proclamation (British). Annexation of Walfish Bay	353
1881	Aug. 3	Convention. Great Britain—Transvaal Republic	394
1881	Aug. 27	Act (British). Fugitive Offenders	267
1882	June 22	Act (Cape of Good Hope). To amend Extradition Acts.. .. .	280
1882	Oct. 7.	Protocol. Portugal—Transvaal Republic. Exchange of Ratifica- tions of Treaty of 1875	15
1882	No. 1	Ordinance (Orange Free State). Extradition to Cape of Good Hope	288
1882	—	Law (South African Republic). Extradition to Cape of Good Hope	285
1884	Feb. 27	Convention. Great Britain—South African Republic	22
1884	May 17	Supplementary Agreement (Railways). Portugal—South African Republic	217
1885	Jan. 22	Treaty. Germany—South African Republic	29
1885	June 16	Arrangement. Great Britain—Germany. Spheres of Action ..	386
1885	Aug. 5	Award (Orange Free State). South-Western Boundary of South African Republic	331
1885	Sept. 30	Proclamation (British). Bechuanaland Protectorate	330
1886	July 15	Protocol. Great Britain—Germany. Claims in South-West African Protectorate	403
1886	Oct. 22	Agreement. Great Britain—New Republic	401
1886	Sept.-Nov.	Telegraph Convention. Cape Colony—Natal—Orange Free State	152
1886	Dec. 30	Declaration. Germany—Portugal. Limits of Possessions ..	334
1887	Aug. 13	Protest (British) against the German Portuguese Declaration of December 30, 1886	336
1887	Sept. 1	Telegraph Convention. Cape Colony—Natal—Orange Free State. Additional Articles	154
1887	Sept. 1-7	Basutoland—Orange Free State. Extradition	293
1888	June 11-20	Convention. Great Britain—South African Republic. Union with New Republic	36
1888	June 30	Convention. Cape Colony—Natal. Amaxesibi Boundary ..	333
1888	Dec. 9	Notification (British). Inclusion in Zululand of Territories of certain Chiefs	354
1889	March 8	Treaty (Railways). South African Republic—Orange Free State	171
1889	March 9	Treaty (Friendship and Commerce). South African Republic— Orange Free State	40
1889	March 9	Protocol to foregoing	41
1889	March 9	Treaty (Political). South African Republic—Orange Free State	42
1889	Mar.-Apr.	Convention (Customs Union). Cape Colony—Orange Free State..	238
1889	Mar.-Apr.	Protocol to above	243
1889	Mar.-Apr.	Do.	244
1889	June 4-19	Do Admission of British Bechuanaland	246
1889	Oct. 29	Charter. British South Africa Company	358
1889	Oct. 29	Memorandum of Agreement. Cape Colony—British South Africa Company. Railway Extension to Fourteen Streams.. .. .	228
1889	Dec. 13	Order in Council. Colonial Prisoners Removal	297

			PAGE.
1890	Jan. 23	Agreement. High Commissioner—British South Africa Company. Railway Extension through British Bechuanaland ..	171
1890	Jan. 23	Agreement. Cape Colony—British South Africa Company. Do.	173
1890	June 12-24	Convention (Railways). Natal—Orange Free State ..	193
1890	June 26	Concession. South African Republic—Netherlands South African Railway Company ..	219
1890	July 1	Order in Council. British South Africa Company ..	365
1890	Sept. 11-22	Supplement to Protocol (Customs Union Convention). Cape Colony—Orange Free State—British Bechuanaland ..	248
1890	Nov. 21-26	Protocol (Customs Union Convention). Cape Colony—Orange Free State—British Bechuanaland ..	249
1891	Jan.—Feb.	Protocol (Customs Union Convention). Admission of Basutoland ..	250
1891	March 20	Order in Council. Great Britain—Orange Free State. Extradition ..	301
1891	May 5	Proclamation (British). Bechuanaland Protectorate ..	330
1891	May 9	Order in Council. British South Africa Company ..	365
1891	May 14	Notification (British). Nyassaland Protectorate ..	348
1891	May 25	Treaty. Portugal—Congo. (Extract) ..	326
1891	June 11	Treaty. Great Britain—Portugal ..	42
1891	July 4	Universal Postal Union ..	52
1891	July 30	Order in Council. British South Africa Company ..	368
1891	July 30	Decree (Portuguese.) Granting Charter to Mozambique Company. (As amended by Decree of July 30, 1891) ..	377
1892	Feb. 1	Protocol (Customs Union Convention). Admission of Bechuanaland Protectorate ..	252
1892	Sept. 20	Memorandum of Conference (Railways). Cape Colony—Orange Free State ..	235
1893	June 5-8	Supplement to Protocol (Customs Union Convention) of 1892 ..	254
1894	Feb. 3	Agreement (Railways). Natal—South African Republic ..	201
1894	Feb. 12	Do. ..	206
1894	March 3	Order in Council. Great Britain—Portugal. Extradition ..	307
1894	March 24	Declaration. Portugal—Congr. Boundary. ..	327
1894	April 25	Agreement. Natal—South African Republic ..	211
1894	May 12	Agreement. Great Britain—Congo ..	349
1894	July 18	Order in Council. British South Africa Company. Matabeleland. ..	368
1894	Aug. 3	Contract. Construction of Railway from Vryburg to Palapye ..	177
1894	Nov. 7	Agreement (Railway). Cape Colony—South African Republic ..	165
1894	Dec. 10	Convention (Swaziland). Great Britain—South African Republic ..	48
1895	Feb. 2	Order in Council. Great Britain—Germany. Extradition ..	313
1895	April 2	Award (Orange Free State). Article XIV of London Convention of 1884 ..	406
1895	April 23	Proclamation (British). British Sovereignty, Amatongaland ..	324
1895	April 23	Proclamation (British). Inclusion in Zululand of Territories of certain Chiefs ..	355
1895	June 11	Notification (British). Protectorate over part of Amatongaland ..	323
1895	June 25	Act (Cape of Good Hope). Transit under Warrant of Extradited Offenders ..	321
1895	Aug. 26	Protocol to Convention (Extradition). Basutoland—Orange Free State ..	297
1895	Aug. 9	Convention. Orange Free State—Rhodesia. Extradition. ..	316
1895	Oct 18	Provisional Supplementary Agreement (Railway). High Commissioner—British South Africa Company—Bechuanaland Railway Company ..	188
1895	Oct. 21	Proclamation (British Bechuanaland). Extension of Railway ..	175
1895	Sept.-Oct.	Exchange of Notes. Great Britain—Portugal. Boundary. ..	322
1895	—	Act (Cape of Good Hope). Annexation of British Bechuanaland. (Extract) ..	331
1896	Oct. 12-16	Convention. Cape Colony—Orange Free State. Railways. ..	155
1896	Sept.-Oct.	Money Order Convention. Cape Colony—British South Africa Company ..	146
1896	Nov. 23	Proclamation (Bechuanaland Protectorate). Extension of Railway ..	189
1897	Dec.-Jan.	Postal Union Convention (South African). Cape Colony—Natal—Orange Free State—South African Republic ..	101
1897	May 28	Agreement (Railway). Cape Colony—Bechuanaland Railway Company ..	191
1897	July 27	Award. Great Britain—Portugal. Mainca Boundary ..	350
1897	June-Aug.	Money Order Arrangement. Cape Colony—Zanzibar ..	142
1897	Nov. 22	Proclamation (British). Annexation of Amatongaland ..	325
1897	Dec. 1	Letters Patent. Annexation of Zululand to Natal ..	346
1897	Dec. 1	Proclamation (Natal). Annexation of Zululand ..	347
1898	May	Convention (Customs Union). Cape Colony—Natal—Orange Free State ..	413
1898	Oct. 5	Protocol to Convention (Swaziland) of 1894. Great Britain—South African Republic ..	429

INDEX OF SUBJECTS AND GEOGRAPHICAL NAMES.

- Accounts—53, 57, 59, 88, 91, 94, 103, 114, 119, 144, 149, 162, 169, 198, 215, 226, 242, 296, 306, 312, 320, 363, 397, 413.
Acknowledgements of Postal Delivery—76.
Acts (British)—254, 256, 265, 267.
Acts (Cape of Good Hope)—279, 280, 321.
Ad valorem duties—11, 18, 420.
Administrator (Matabeleland)—370.
Advice of Parcel—111.
Akalunga Cape—350.
Albatross Rock—337.
Aliwal North—4, 152.
Algeria—96.
Amacundo—326.
Amatongaland—322-5, 337, 355, 356-7.
Amaxesibi—323.
Amazizi Range—38.
Ambingo—326.
Andara—335.
Andorra—96.
Angola—326-9, 335, 336.
Annam—96.
Anzovo—326.
Apia—96.
Application of Stamps—75.
Arbitration—6, 26, 44, 45, 46, 47, 61, 158, 170, 173, 187, 197, 201, 205, 208, 209, 227, 331, 350, 360, 385, 391, 406.
Argentine Republic—63, 68.
Arms and Ammunition, trade in—3, 10, 17, 40, 51, 58, 372, 378.
Assegai River—24.
Australasia—62, 64, 67, 68.
Austria—63, 67, 68.
- Bamangwato—370.
Bangwelo Lake—350.
Banco Nacional Ultramarino—381.
Barberton—219.
Barlongs—26, 398.
Barotse Kingdom—44.
Basutoland—4-8, 250-1, 278, 293-6, 297, 329, 345, 413.
Bechuanaland—171-3, 175, 188, 246-9, 278, 331, 366.
Bechuanaland Protectorate—175, 189-91, 228, 252-4, 330, 359, 413.
Bechuanaland Railway Company—175-88, 189-91, 191-2.
Beira Railway Company—238.
Belgium—63, 68.
Bethulie—157, 159, 171.
Berlin Act—348.
Bivana River—24, 37.
Bloemfontein—1, 21, 22, 171, 235-7, 297.
Blood River—23, 38.
Board of Trade—273.
Bolivia—63, 67, 68.
Bomba River—357.
Bonded Warehouses—244-5, 422.
Book Packets—102.
Boundaries—7, 21, 23-5, 26, 37-9, 51, 322-57, 398.
Brakes—159, 216.
Branch Lines (Railway)—183, 196.
Brazil—63, 68.
Bremeradorp—50.
Bridges—45, 157, 159, 176, 180, 235, 407.
British India—62, 64, 68.
British South Africa Company—146-151, 171-3, 173-4, 175-188, 228-235, 358-376.
Buffalo River—23, 211.
Bulgaria—63, 68.

[G. 81—'98.]

- Buluwayo—191.
 Burger's Laager—23.
 Burgher Rights—40, 50.
 Burghersdorp—171.
 Busi—46, 380.
 Busuka—24.
 Cablegrams—152.
 Caledon River—5, 329.
 Cambodia—96.
 Camden—24.
 Cameron Bay—350.
 Canada—62, 68, 302.
 Canals—46, 220, 377, 380.
 Cape Colony—22, 101-41, 142-5, 146-51, 152-3, 154-5, 155-65, 165-70, 171, 173-4, 228-35, 278, 331-4, 413-25, 426.
 Capela Hill—38.
 Capenda—326.
 Casablanca—96.
 Casonga—326.
 Cassai—326, 328.
 Cassassa—326.
 Charlestown—201, 205, 212.
 Chicundo—343.
 Chikapa—328.
 Chili—63, 67, 68.
 Chilwa Lake—43.
 Chimanimani—351.
 Chiuta Lake—43.
 Chiwanga—43.
 Chobe River—390.
 Christiana—25.
 Clearing Officers—162, 168, 213.
 Closed Mails—57, 72, 86.
 Coal, carriage of—157, 167, 212, 236.
 Coldstream—23.
 Colesberg—171.
 Colombia—63, 68.
 Colonial Prisoners Removal Act—297.
 Comatie River—343.
 Commercial Papers—52, 81, 102, 104.
 Commissioners—26, 395.
 Concessions—44, 51, 172.
 Conductors—162.
 Conferences—61, 127, 164, 215.
 Congo—63, 68, 326-8, 348, 349, 350.
 Consuls—3, 12-13, 14, 19, 26, 31-4, 342.
 Contracts—164, 177.
 Coral Fisheries—382.
 Cornetspruit—4, 329.
 Correction of Addresses—89.
 Correspondence à découvert—53, 59.
 Costa Rica—64, 67, 68.
 Courts—49.
 Courts (Colonial) Jurisdiction Act—272.
 Crimes (committed at sea)—260.
 Crimes (Extraditable)—263, 267, 269, 283, 288, 291, 225, 303, 309, 317.
 Crimes, Swaziland Courts, Jurisdiction over—429.
 Criminal Lunatics—297.
 Crocodile River—24.
 Crown Agents—178, 187.
 Cuango—326, 327, 328.
 Cuila—328.
 Customs Duties—3, 9, 18, 28, 30, 41, 50, 58, 103, 108, 111, 209, 218, 238-54, 340, 399, 413-25.
 Customs Parcel Docket—111.
 Customs Union—35.
 Cypher Telegrams—152.
- Dadusa Spruit—24.
 Damaged Parcels—112.
 Danish Colonies—62, 64, 68.
 David's Graf—21.
 Dead Letter Office—109.

- Deamana—354.
 Debentures—182, 186, 209, 225, 361.
 Deboaganka—25.
 Debts and Obligations—7, 21, 22, 26, 28, 49.
 Defences—179.
 Defensive Alliance—42.
 Definition of Terms—155, 158, 166, 262, 276-7, 282, 367, 369.
 Delagoa Bay—44, 202, 204-5, 224, 236, 348, 387.
 Delagoa Bay Arbitration—337.
 Delegates—23.
 Delimitation—5, 26, 44.
 Denmark—62, 64, 68
 Derby House—24.
 Derde Poort—24.
 Determination—13.
 Diamond Fields—21.
 Dikgagong—24.
 Dilolo Lake—326.
 Diplomatic Representation—32, 51.
 Dolf Erasmus—21.
 Dominican Republic—64, 67, 68.
 Drakensberg—5, 23, 329, 345, 349.
 Dudusi—23, 38
 Durban—197
 Dutch Colonies—62, 65.
 Dwarsberg—25.
- Ebony Mines—403.
 Egypt—64, 68.
 Elandsfontein—202, 206, 208.
 Electric Lighting—164.
 Elephants—362, 381, 382
 Elsburg—202.
 Emadubeni Ridge—38.
 Equador—64, 67, 68.
 Equivalent Value of Coins—56, 73, 143.
 Eshowe—323.
 Evidence, taking of—50, 254-5, 259, 266, 274, 282, 294, 305, 311, 319.
 Exports—10.
 Express Letters—57.
 Expulsion—41.
 Extradition—3, 6, 28, 35, 254-321.
 Extraordinary Services (Postal)—72.
- Fagoti—356-7.
 False Declaration—107.
 Faroe Islands—96.
 Fauresmith—152.
 Federal Union—42.
 Foreign Jurisdiction Act—365.
 Forms for Extradition—263-5, 283-4, 292, 298-301.
 Fourteen Streams—228.
 France—64, 68.
 Franking—103.
 Freedom of Commerce—10, 17, 29, 40, 340, 380.
 Freedom of Intercourse—3, 6, 9, 17, 28, 45, 46.
 Freedom of Religion—9, 27, 29, 45, 342, 361, 385.
 French Colonies—62, 64, 68.
 Friendship—9, 16, 29, 40, 42.
 Fugitive Criminals in British Possessions—260.
- Gaberones—177, 186.
 Gates—176.
 Gansvlei—23.
 Gazane Mount—351.
 German Protectorates—63, 68.
 German South West African Protectorate—334-7, 390-1.
 Germany—29-36, 63, 68, 313-321, 403-5.
 Gert Taaybosch—349.
 Gideon Joubert, farm of—21.
 Gorongoe—351.
 Gotogoto—38.

- Grants of land—7, 12, 14, 15, 27, 28, 172, 174, 175, 179, 184, 220, 377, 379, 393, 409.
 Great Britain—1-4, 4-8, 21-2, 36-40, 42-7, 48-51, 64, 68.
 Greece—64, 68.
 Griqualand West—23, 25, 281.
 Griquas—2.
 Grootfontein—26, 398.
 Guage (Railway)—195, 219.
 Guarantee—226.
 Guatemala—64, 68.
 Gulungwana—24.

 Habeas Corpus—268.
 Haiti—64, 67, 68.
 Halifax—337.
 Harrismith—171, 193, 200, 202.
 Hartebeest Laagte—175.
 Harts River—25, 398.
 Hawaii—64, 68.
 Heath Field—175.
 Heidelberg—202, 206, 208, 215.
 Heilbron Road—236.
 Heligoland—388-394.
 Hlozane River—24.
 Hollandsbird—337.
 Honduras—64, 67, 68.
 Hottentot Bay—404.
 Houtbosch—24.
 Humble—335.
 Hungary—63, 68.
 Hut Tax—49.

 Ibananango Hill—38.
 Ibisi River—346.
 Ibubulundi—24.
 Ichaboe and Penguin Islands—337.
 Idhlebe Hill—38, 401.
 Igaba—24.
 Igogo Hill—38.
 Imfuli River—402.
 Ingeli—334.
 Impalaza Spruit—24, 38, 401.
 Imseli Stream—357.
 Indemnities and Claims—106, 118, 159, 170, 214.
 Independence—2.
 Indhlovane Stream—
 Indian Traders—406.
 Ingadu—356.
 Inkomakazi—24.
 Inkwakweni Hills—23.
 International Bureau—60, 61, 91, 92, 93.
 Inyambraara—351.
 Iaibuza Hill—38.
 I ilotwani Range—24.
 Italy—65, 68.
 Ityelenimbi Hill—38.
 Ityendhlovo Rock—38.

 Jammerberg—5, 329.
 Japan—65, 68.
 Johannesburg—169, 201, 208, 213, 216, 219.
 Joint Stock Mercantile Company, Holland—224.

 Kalahari—330.
 Kamabomba—328.
 Kambula Hill—23, 38.
 Do. Camp—23, 38.
 Kamhlabana Peak—24.
 Kangulungu—328.
 Katima Rapids—44.
 Keate Award—25.
 Kilwa Island—350.
 Kimberley—52, 173, 177, 228-235.
 Kiulu River—326.

- Klein Caledon—328.
 Komati Poort—24.
 Do. River—24.
 Komba—328.
 Koppie Enkel—25.
 Kroonstad—202, 236.
 Kubango—335.
 Kunana—25, 332, 335.
- Ladysmith—171, 196, 202.
 Land Commission, Matabeleland—376.
 Landdrost—50, 285, 289, 429.
 Langberg (Basutoland)—5, 329.
 Language, Rights of—50, 96, 203, 207
 Laraiche—96.
 Law (S.A.R.)—285.
 Lawsuits (Railway)—199
 Le Bombo—343, 356.
 Legunka—25
 Letter Bills—76, 105.
 Letters (of Administration)—3, 9, 17, 20, 30, 34, 341.
 Do. (Patent)—338, 346, 349.
 Do. (Postal)—52, 102.
 Do. &c., Insufficient Prepayment of—54, 75, 102, 103.
 Do. Weight of—105, 107, 109.
- Lichtenstein—96.
 Liberia—65, 68.
 Libombo Range—23, 24, 37, 39, 401.
 Limpopo River—24, 46, 343.
 Little Free State—353.
 Loangwa River—43.
 Lola—327.
 Lorenzo Marques—11, 14, 18.
 Lourensford, Somerset West—230.
 Luapula River—350.
 Lucaia—328.
 Ludaka—24.
 Luenha River—45.
 Lunda—326-7.
 Lunte River—43.
 Luxembourg—65, 68.
 Lyn Spruit—23, 38.
- Mabilele—5.
 Maclase—25.
 Mafeking—173, 175, 177, 189, 232.
 Mafeking Commonage—175.
 Magogogodo—38.
 Magwazidele's Beacon—24.
 Mahamosemika—351.
 Mahamba Hills—24.
 Mails, Carriage of valuable articles by—106, 108.
 Do. Conveyance of—182.
 Do. Exchanged with ships of war—87.
 Do. Make up of—78.
 Do. Verification of—78.
- Makassana Mountains—402,
 Makongwa Hills—24.
 Makosini—39.
 Makwana—24.
 Mamusa—25.
 Manaba—356.
 Mananga—24.
 Mangwingi—351.
 Manica—45, 350.
 Maps—5, 21.
 Mapotsho—356.
 Mapumula Range—24.
 Maputaland—324.
 Maputa River—43-4, 323-4.
 Marique River—24.
 Massi-Kessi—43, 380.

- Mataba**—326.
Matabeleland—336, 368-76.
Matanjeni—24.
Materials (Railway)—221, 240.
Mazoe—43.
Mdhlaleni—324, 355.
Menini—351.
Mequatting—5.
Merchant Shipping Act, 1854—274.
Mercury Island—337.
Mexico—65, 68.
Military, Reduced Rates for—182.
Missionaries—5, 45, 378.
Mjinde—357.
Mkuzana River—402.
Mkuzi River—402.
Modder River—21.
Moero Lake—350.
Molapo—5, 330.
Moletsani—349.
Molopo Native Reserve—175.
Monaco—96.
Money Orders—115-20, 124, 137, 142-151.
 Do. do. **Account**—119, 144, 151.
 Do. do. **Advice**—116.
 Do. do. **Lists**—143.
Montenegro—65, 68.
Mooimeisjesfontein—25.
Moripe—25.
Moroko—349.
Moshesh—349.
Moshweni Range—25.
Mosiega—25.
Most Favoured Nation—12, 19, 30.
Mount aux Sources—329.
Monthe—25.
Mozambique—9, 11, 335, 336, 389.
 Do. **Chartered Company**—238, 377-85.
M'Sinje—43.
Mudspruit—26.
Musana River—24.
Mussapa—351.
Mussuco—326.
Mutassa—43.
- Natal**—22, 23, 101-41, 152-5, 193-217, 236, 278, 333, 345-7, 387, 413-25.
Native Law—373.
N'Dhlovudwalili—24.
N'duko Hill—24.
Nelspruit—221, 227.
Netherlands—68.
 Do. **Colonies**—68.
 Do. **S.A. Railway Co.**—206-17, 219-27, 237.
New Park—175.
New Republic—36, 39, 40, 401-3.
Newspapers—102-5.
N'gami Lake—320.
Ngomane Hills—356.
Ngwanasi's Kraal—323.
Nicaragua—65, 67, 68.
Nkandla Mountain—38.
N'kombo—328.
Nomansland—346.
Nondweni River—38.
Norval's Pont—156, 157, 159, 162, 236.
Norway—65, 68.
Nosop River—330.
Notwane River—25.
Nqabeni Hill—38.
N'Quaba-Kashawana Mts.—23, 38.
N'Qwangwana—24.
N'Sonto River—23, 38.

- Nyassa Lake—43-5, 335-6, 389.
 Nyassaland—348.
 Nyawo's Hill—23.
- Oaklands—175.
 Odzi—351.
 Official Correspondence—56.
 Olifantsbeen—5, 329.
 Olifant's River—24, 343.
 Ordinance (O.F.S.)—288.
 Orange Free State—4-8, 12, 16-22, 40-2, 101-41, 152-65, 171, 193-201, 280, 293-6, 301-7,
 316-21, 331, 348-9, 413-25.
 Orange River—4, 328, 390, 407.
 Orange River Territory—1.
 Orders in Council—278, 297, 301, 307, 313, 329, 348, 365, 368.
 Organic Proclamation—48.
 Oup River—330.
- Pafori River—24.
 Panga Mt.—351.
 Palapye—177.
 Paraguay—65, 68.
 Parcels—107-115.
 Parcel Bills—110.
 Do. Manifest—111.
 Do. Verification Certificate—112.
 Paris—52.
 Pays Bas—65.
 Pelandubu—356.
 Pelican Point—354.
 Penwana River—23, 38.
 Pensions—157.
 Persia—68.
 Peru—65, 68.
 Phokwane—25.
 Pietermaritzburg—197, 325, 347, 355.
 Piet's Beacon—24.
 Pitlemganyane—25.
 Pitsco—29.
 Platberg—21.
 Plenipotentiaries—8, 16, 23, 29, 36, 37, 42, 48, 61, 63, 217, 313.
 Plumpudding and Roastbeef Island—337.
 Point—197.
 Pokiones Kop—24, 343.
 Political Offences—256, 257, 304, 310, 318.
 Polfontein—25.
 Pomona—337.
 Pongola River—24, 37, 39, 44, 322, 323, 324, 356, 402.
 Port Dues—10, 18.
 Port Natal—204, 208.
 Portugal—8, 16-20, 42-7, 65, 68, 217-218, 307-13, 339.
 Portuguese Colonies—62, 65, 68.
 Post Cards—52, 80, 102.
 Do. Office Vans—159, 160.
 Postal Drafts—123-6.
 Do. Matter—156.
 Do. Notes and Orders—120-3.
 Do. Union (Universal)—52-101, 105, 106.
 Do. Union (South African)—101-41.
 Postage, Prepaid—56, 58.
 Do. Precious Articles—58, 60.
 Do. Stamps, Fraudulent—60, 90.
 Do. Supplementary—57.
 Possession Island, 337.
 Potchefstroom—41, 42, 171.
 Power of Attorney—122.
 Preferential Right—44.
 Press Telegrams—152.
 Pretoria—169, 201, 208, 213, 216, 219, 235.
 Printed Papers—52, 81, 102, 104.
 Protectorates—44.
 Putisani—5.

Quitrents—174, 234.

Rabat—96.

Railways—12, 14, 22, 45, 46, 47, 51, 155, 238, 361, 377, 380.

Do. Rolling Stock—194, 200, 211, 213.

Do. do. interchange of—202, 216.

Do. do. terms of hire—192.

Rama—21.

Ramaquaban—359.

Ramatlabana—25, 330, 398.

Ramatlane's Garden—332.

Rates (Railway)—160, 163, 168, 172, 181, 204, 222, 229, 237, 380.

Do. (Postal)—54, 102, 107, 128.

Ratifications—7, 8, 13, 15, 20, 22, 26, 29, 36, 37, 41, 47, 68, 127, 205, 217, 243, 313, 315, 400.

Rebate—242.

Redirected Correspondence—83, 106.

Do. Parcels—108, 113.

Re-export—11, 18.

Registered Letters and Articles—55-6, 67, 77, 78, 79, 105.

Repayment of Money Orders—118, 142, 149.

Resident (Transvaal)—398.

Return of Fugitive Offenders—267.

Revue—351.

Rhodesia—146, 191-2, 348-352.

Riet River—21.

Roads—45, 46, 47.

Rooibank—354.

Roslin—175.

Rovuma River—43, 335, 389.

Roumania—65, 68.

Ruo River—43, 47.

Saffi—96.

St. John's River—329.

St. Lucia Bay—354, 386-8.

Sale of Lands—2.

Salisbury—351.

Salt (Carriage of)—236.

Salt Pans—25.

Salvador—66, 68.

Samples (Postage of)—52, 55, 58, 82, 102, 104.

Sandfontein—23.

Sandu—356.

Sandlwana's Beacon—24.

Sandwich Harbour—403.

Sannah's Poort—1.

Save—43, 46, 351, 377.

Schaapkuil—25.

Scheppmansdorp—354.

Seal Island—337.

Season Tickets (Railway)—163.

Sefunda—23.

Schuba—25.

Sengoma—25.

Serra Canna—335.

Serra Chaura—351.

Serra di Chicundo—24.

Servia—66, 68.

Servitudes—230.

Shanghai—96.

Shashi River—359, 369.

Shire River—43, 45, 46.

Shirwa Lake—43.

Shimezi—351.

Siam—66, 68.

Sibatoul—25.

Sibonda—354, 356-7.

Sidhlagadhla—356, 357.

Sikwane—24.

Sinclair's Island—337.

Slavery—3, 27, 340, 360, 397.

- Smithfield—1.
 Songwe River—389.
 Sordwana Point—354.
 South African Republic—8-16, 19, 22-9, 29-36, 36-40, 40-2, 43, 48-51, 65, 67, 68, 101-41, 152-3, 165-70, 171, 202, 206-211, 217-8, 219-227, 280, 330, 331, 339, 352, 359, 394-400, 406, 426, 429.
 Spain, 64, 68,
 Spanish Colonies, 62, 64, 68, 96.
 Special Trains—103.
 Spirits (Distilled)—241, 244, 424.
 Springfontein—159, 162.
 Stamp Duty—111.
 Statistics—85, 93.
 Stellaland—25.
 Stores (Railway)—161.
 Subventions—14, 15.
 Suluka Hill—24.
 Supplementary Postage—57.
 Swakop River—354.
 Swazie—28, 399.
 Swaziland—43, 48-51, 353, 429.
 Swiss Confederation—61
- Tanganyika Lake—350, 389.
 Tangiers—96.
 Tartantal Kop—21.
 Tati River—359, 377.
 Taungs—25, 172.
 Tees—329.
 Telegraphs—14, 45, 47, 152-3, 154-5, 164, 181, 182, 207, 377, 380.
 Telegraph Money Orders—119, 139, 150.
 Telephones—182.
 Tembuland—324.
 Theft of Cattle—6, 8.
 Tlakayeng—332.
 Tolls, Orange River Bridges, tariff of—412.
 Tonquin—96.
 Transit Dues—10, 17, 30, 40, 41, 45, 46, 53, 59, 85, 88, 103, 107, 173, 204, 340, 381.
 Tugela Mt.—334.
 Do. River—345.
 Tungila, 327.
 Tupeinde—326.
 Turkey—66, 68.
- Udonzagolo Bridge—38.
 Ugaga Hill—38.
 Ugedhla Hill—38.
 Uqndi Drift—38, 401.
 Umaneanca Range—38.
 Umangwazana Hill—38.
 Umbegeza—324, 355.
 Umbovo—343.
 Umcamana—357.
 Unclaimed Letters—105.
 Umdindindi Range—38.
 Umdlenufu Stream—38.
 Umfolozi River—401.
 Umginti—356.
 Umgwavuma—357.
 Umhlatuzi River—38, 401.
 Umjabase Hill—38.
 Umkusana River—38.
 Umkusi River—38, 354, 355.
 Umtamfuna River—338, 346.
 Umtuli River—24.
 Umvuyana River—38.
 Umzimkuliwane—346.
 Umzimkulu River—345, 346.
 Unzimyati River—345.
 Undelivered Correspondence, &c.—57, 84, 89, 115.
 Ungalondi Spur—38.
 Ungwempisi River—24.

- United States of America—63, 68.
 Universal Postal Union—52-101, 105, 106.
 Unpaid Letters—57, 102, 103.
 Uruguay—66, 68.
 Usuto River—24.
 Uzibolane Hill—38.
- Vaal River—21, 23, 25, 219, 231, 235, 349, 398, 426.
 Vallefontein—26, 398.
 Van Laun, concessions to—238.
 Van Keenen's Pass—193.
 Venezuela—66, 68.
 Venga—351.
 Vereeniging—156, 166, 169, 202, 206, 208.
 Vessels—11, 19, 45, 46, 56, 59, 361, 379, 382.
 Victoria, Ambas Bay—386.
 Vienna—66, 67, 68.
 Viljoen's Beacon—24.
 Viljoen's Drift—166, 169, 236, 237.
 Vleifontein—25.
 Volksrust—202, 203, 206, 212.
 Vryburg—172, 173, 177, 189, 191, 228, 232.
 Vryheid—36, 210, 401.
 Vumba—351.
- Walfish Bay—353, 391.
 Wamba—327.
 Warrants—259, 268, 273-4, 280, 285, 289, 290, 294, 304, 305, 311, 318, 320, 321.
 Do. (Inter-colonial backing of)—270-2.
 Water (carriage of)—167.
 Westwood Park—175.
 White Koppies—24.
 White Umvolozzi River—23, 38.
 Wildebeest Kop—24.
 Winburg—1.
- Zaire—326.
 Zambaan—324, 355, 356.
 Zambesi—43, 44, 45, 46, 177, 335, 350, 377, 390.
 Zanzibar—96, 142-5.
 Zulu Chiefs—39.
 Zululand—39, 278, 323, 346, 347, 354-7.
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CAPE OF GOOD HOPE.

South African Treaties, Conventions, Agreements. and State Papers subsisting on the 1st day of September, 1898.

Presented to both Houses of Parliament by Command of His Excellency the Governor.
1898.

SECTION I.—GENERAL TREATIES AND CONVENTIONS.

(A.)—*ARTICLES OF CONVENTION** entered into between Sir GEORGE RUSSEL CLERK, Knight Commander of the Most Honourable Order of the Bath, Her Majesty's Special Commissioner for settling and adjusting the affairs of the Orange River Territory on the one part, and the undermentioned representatives delegated by the inhabitants of the said territory:—

For the District of Bloemfontein.

GEORGE FREDERIK LINDE,
GERHARDUS JOHANNES DU TOIT, Field-cornet,
JACOBUS JOHANNES VENTER,
DIRK JOHANNES KRAMFORT.

For the District of Smithfield.

JOSIAS PHILIP HOFFMAN,
HENDRIK JOHANNES WEBER, Justice of the Peace and Field-
commandant,
PETRUS ARNOLDUS HUMAN,
JACOBUS THEODORUS SNYMAN, Field-cornet,
PETRUS VAN DER WALT, senr. (absent on leave).

For Sannah's Poort.

GERT PETRUS VISSER, Justice of the Peace,
JACOBUS GROENENDAAL,
JOHANNES JOCOBUS RABE, Field-cornet,
ESIAS RYNIER SNYMAN,
CHARL PETRUS DU TOIT,
HENDRIK LODEWICUS DU TOIT.

* Commonly known as "The Bloemfontein Convention of 1854."

For the District of Winburg.

FREDRIK PETER SCHNEHAGE,
 MATHEYS JOHANNES WESSELS,
 CORNELIS JOHANNES FREDRIK DU PLOOY,
 FREDRIK PETRUS SENNEKAL, Field-cornet,
 PETRUS LAFRAS MOOLMAN, Field-cornet,
 JOHAN ISAAK JACOBUS FICK, Justice of the Peace.

For the District of Harrismith.

PAUL MICHIEL BESTER, Justice of the Peace,
 WILLEM ADRIAAN VAN AARDT, Field-cornet,
 WILLEM JURGENS PRETORIUS,
 JOHANNES JURGEN BORNMAN,
 HENDRIK VENTER (absent on leave),
 ADRIAAN HENDRIK STANDER,

On the other part.

Article I.—Her Majesty's Special Commissioner, in entering into a Convention for finally transferring the Government of the Orange River Territory to the representatives delegated by the inhabitants to receive it, guarantees, on the part of Her Majesty's Government, the future independence of that country and its government; and that, after the necessary preliminary arrangements for making over the same between Her Majesty's Special Commissioner and the said representatives shall have been completed, the inhabitants of the country shall then be free. And that this independence shall, without unnecessary delay, be confirmed and ratified by an instrument, promulgated in such form and substance as Her Majesty may approve, finally freeing them from their allegiance to the British Crown, and declaring them, to all intents and purposes, a free and independent people, and their Government to be treated and considered thenceforth a free and independent Government.

II. The British Government has no alliance whatever with any native Chiefs or tribes to the northward of the Orange River, with the exception of the Griqua Chief, Captain Adam Kok;* and Her Majesty's Government has no wish or intention to enter hereafter into any treaties which may be injurious or prejudicial to the interests of the Orange River Government.

III. With regard to the treaty existing between the British Government and the Chief Captain Adam Kok, some modification of it is indispensable. Contrary to the provisions of that treaty the sale of lands in the Inalienable Territory has been of frequent occurrence, and the principal object of the treaty thus disregarded. Her Majesty's Government therefore intends to remove all restrictions preventing Griquas from selling their lands, and measures are in progress for the purpose of affording every facility for such transactions, the Chief, Adam Kok, having, for himself, concurred in and sanctioned the same. And with regard to those further alterations arising out of the proposed revision of relations with Captain Adam Kok, in consequence of the aforesaid sales of lands having from time to time been effected in the Inalienable Territory contrary to the stipulations of the Maitland Treaty, it is the intention of Her Majesty's Special Commissioner, personally, without any unnecessary loss of time, to establish the affairs in Griqualand on a footing suitable to the just expectations of all parties.

IV. After the withdrawal of Her Majesty's Government from the Orange River Territory the new Orange River Government shall not permit any vexatious proceedings towards those of Her Majesty's present subjects

* See Appendix III. The Treaty was signed on the 29th Nov., 1843, and determined by Proclamation (Annexation of Bastards or Griqua Country) of the High Commissioner, on May 5th, 1891. *Brit. Bechuanaland Proclamations*, vol. i. p. 241: No. 106 B.B., 1891: see Section VI *infra*.

remaining within the Orange River Territory who may heretofore have been acting under the authority of Her Majesty's Government, for or on account of any acts lawfully done by them, that is, under the law as it existed during the occupation of the Orange River Territory by the British Government. Such persons shall be considered to be guaranteed in the possession of their estates by the new Orange River Government.

Also, with regard to those of Her Majesty's present subjects who may prefer to return under the dominion and authority of Her Majesty to remaining where they now are, as subjects of the Orange River Government, such persons shall enjoy full right and facility for the transfer of their properties, should they desire to leave the country under the Orange River Government at any subsequent period within three years from the date of this convention.

V. Her Majesty's Government and the Orange River Government shall, within their respective territories, mutually use every exertion for the suppression of crime, and keeping the peace, by apprehending and delivering up all criminals who may have escaped or fled from justice either way across the Orange River,* and the courts, as well the British as those of the Orange River Government, shall be mutually open and available to the inhabitants of both territories for all lawful processes. And all summonses for witnesses directed either way across the Orange River, shall be countersigned by the magistrates of both Governments respectively, to compel the attendance of such witnesses, when and where they may be required, thus affording to the community north of the Orange River every assistance from the British courts, and giving, on the other hand, assurance to such Colonial merchants and traders as have naturally entered into credit transactions in the Orange River Territory during its occupation by the British Government, and to whom, in many cases, debts may be owing, every facility for the recovery of just claims in the courts of the Orange River Government. And Her Majesty's Special Commissioner will recommend the adoption of the like reciprocal privileges by the Government of Natal in its relations with the Orange River Government.

VI. Certificates issued by the proper authorities, as well in the Colonies and Possessions of Her Majesty as in the Orange River Territory, shall be held valid and sufficient to entitle heirs of lawful marriages, and legatees, to receive portions and legacies accruing to them respectively, either within the jurisdiction of the British or Orange River Government.

VII. The Orange River Government shall, as hitherto, permit no slavery, or trade in slaves, in their territory north of the Orange River.

VIII. The Orange River Government shall have freedom to purchase their supplies of ammunition in any British Colony or Possession in South Africa, subject to the laws provided for the regulation of the sale and transit of ammunition in such Colonies and Possessions; and Her Majesty's Special Commissioner will recommend to the Colonial Government, that privileges of a liberal character, in connection of import duties generally, be granted to the Orange River Government, as measures in regard to which it is entitled to be treated with every indulgence, in consideration of its peculiar position and distance from the sea-ports.

IX. In order to promote mutual facilities and liberty to traders and travellers, as well in the British Possessions as in those of the Orange River Government, and it being the earnest wish of Her Majesty's Government that a friendly intercourse between these territories should at all times subsist and be promoted by every possible arrangement, a consul or agent of the British Government, whose especial attention shall be directed to the

* See Treaty of 26th June, 1890, Section V *infra*. Published in *C. of G. H. Govt. Gaz.*, 1891, p. 966. G.N. 456.

promotion of these desirable objects, will be stationed within the Colony near to the frontier, to whom access at all times may readily be had by the inhabitants on both sides of the Orange River, for advice and information, as circumstances may require.

This done and signed at Bloemfontein, on the Twenty-third day of February, One Thousand Eight hundred and Fifty-four.

(Signed) GEO. RUSSEL CLERK,
Her Majesty's Special Commissioner.

(Signed)	(Signed)
JOSIAS PHILIP HOFFMAN, President,	C. P. DU TOIT,
G. J. DU TOIT, Field-cornet,	H. L. DU TOIT,
J. J. VENTER,	F. P. SCHNEHAGE,
D. J. KRAMFORT,	M. J. WESSELS,
H. J. WEBER, Justice of the Peace and Field-commandant,	C. J. F. DU PLOOY,
P. A. HUMAN,	F. P. SENNEKAL, Field-cornet,
J. P. SNYMAN, late Field- commandant,	P. L. MOOLMAN, Field-cornet,
G. P. VISSER, Justice of the Peace,	J. I. J. FICK, Justice of the Peace,
J. GROENENDAAL,	P. M. BESTER, Justice of the Peace,
J. J. RABIE, Field-cornet,	W. A. VAN AARDT, Field- cornet,
E. R. SNYMAN,	W. J. PRETORIUS,
	J. J. BORNMAN,
	A. H. STANDER.

(B.)—CONVENTION of Aliwal North, 1869.

His Excellency SIR PHILIP EDMOND WODEHOUSE, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of the Colony of the Cape of Good Hope, Her Britannic Majesty's High Commissioner for the Affairs of South Africa, &c., &c., &c., acting on behalf, and in the name of, the Government of HER BRITANNIC MAJESTY, on the one part;

And JOHANNES HENDRICUS BRAND, Esq., President of the Orange Free State, HENDRIK ANTONIE LODEWYK HAMELBERG, Esq., CORNELIUS JANSE DE VILLIERS, Esq., JACOBUS JOHANNES VENTER, Esq., and ANDRIES JACOBUS BESTER, Esq., members of the Volksraad of the Orange Free State, appointed as Commissioners by, and acting on behalf, and in the name of, the Government of the Orange Free State, on the other part;

Having met at Aliwal North, in the Colony of the Cape of Good Hope, in South Africa, for the purpose of negotiating about all pending questions with regard to the Basuto affairs, have agreed, as they hereby agree:

Art. I.—The boundary line between Basutoland, forming part of the British Empire by virtue of the proclamation of His Excellency the High Commissioner of Her Britannic Majesty, dated 12th March, 1868,* and the Orange Free State, shall, subject to the provisions contained in the 6th Article hereof, be as follows:—From the junction of the Cornetspruit with the Orange River, along the centre of the former to the point nearest to

* See Hertslet's *State Papers*, vol. lxxix. p. 1178.

Olifantsbeen; from that point to Olifantsbeen; from Olifantsbeen to the southern point of Langberg; along the top of Langberg to its north-western extremity; from thence to the eastern point of Jammerberg; along the top of Jammerberg to its north-western extremity; from thence, by a prolongation of the same, to the Caledon River; along the centre of the Caledon River to where the Putisani falls into it; along the centre of the Putisani to its source in the Drakensberg; from thence along the Drakensberg.*

Art. II.—The boundary line mentioned in Art. 1 shall be marked off, and proper beacons shall be erected along the same without delay as far as may be deemed necessary, by two or more Commissioners, to be appointed respectively by His Excellency the High Commissioner and the President of the Orange Free State, in the presence of two land surveyors, who shall be appointed in the same manner, and who shall frame two similar sketches of the said boundary line or such part of the same as shall be marked off, to be signed by them and by the Commissioners aforesaid, one to be transmitted to His Excellency the High Commissioner, and one to the President of the Orange Free State.

Art. III.—The Government of the Orange Free State hereby acknowledges the Basutos domiciled on the eastern side of the boundary line mentioned in Art. 1 to be British subjects.

Art. IV.—All natives who have been allowed or permitted by the Government of the Orange Free State to establish themselves on the Free State side of the boundary line mentioned in Art. 1 are hereby acknowledged to be subjects of the Orange Free State.

Art. V.—Such Basutos not falling within the terms of Art. 4 or Art. 7, as at present live on the western side of the boundary line mentioned in Art. 1, shall be allowed to remain on the said side until the 31st day of July, 1869, in order to enable them to reap and remove their crops; and after the said day, unless specially permitted by the Government of the Orange Free State to remain, shall be obliged to quit the territory of the said State. Such of them as may fail to comply herewith may be expelled by such means as the Government of the Orange Free State may think fit to adopt for that purpose.

Art. VI.—Upon the written request of the Chief Molapo to the Volksraad of the Orange Free State for himself and his people to be relieved from their subjection to that State, and to become British subjects, the Volksraad shall grant the said request; whereupon the land between the Putisani, the Caledon River, and the Drakensberg shall cease to form part of the territory of the Orange Free State; and the boundary line mentioned in Art. 1, instead of running along the centre of the Caledon River to where the Putisani falls into it, along the centre of the Putisani to its source in the Drakensberg, and from thence along the Drakensberg, shall thereafter be taken to run along the centre of the Caledon River to its source in the Drakensberg.*

Art. VII.—The French missionary establishments, Mequatling and Mabilele, shall be maintained for the reasonable purposes of the mission, and the missionaries and natives residing on them shall be subject to such regulations as shall from time to time be made by the Government of the Orange Free State for the proper management of the same; and 1,500 morgen of land, or such addition of ground as the Volksraad of the said State may consider necessary and practicable, shall be assigned to each of the said establishments. The French Missionary Society, however, or their representatives, shall be entitled at any time to give them up as such, and to dispose of the same should they consider it advisable to do so.†

Art. VIII.—There shall be free intercourse, personal and commercial, between the white inhabitants residing in the Orange Free State on the one

* Altered by Act, C. of G. H., No. 12 of 1871, and Agreement of July, 1876. See Section VI, and p. 21 *infra*.

† For expulsion of French Missionaries in 1860 by O.F.S., see *On the Threshold of Central Africa*, François Coillard, Introd. p. xxii.

side, and Basutoland on the other side, subject to such laws and regulations now in force or to become in force in the two countries respectively.

Art. IX.—No natives residing in Basutoland shall be allowed to enter or pass through the territory of the Orange Free State, and no natives residing in the Orange Free State shall be allowed to enter or pass through Basutoland, otherwise than in conformity with such conditions and regulations as are now in force or may hereafter be enacted by the Volksraad of the Orange Free State, and by or in the name of the British Government respectively.

Art. X.—It is stipulated between the two contracting parties that from both sides criminals shall be delivered, upon the terms which shall be agreed upon hereafter, between the Government of Her Britannic Majesty on the one part, and the Government of the Orange Free State on the other part, and which shall constitute the subject of a special Convention, as soon as the Government of Basutoland shall have been constituted.*

Art. XI.—It is stipulated between the two contracting parties that the manner in which thefts of cattle and other property are to be proved, the manner in which the spoor of stolen cattle is to be traced, the manner in which compensation for thefts is to be claimed and to be obtained, and all other matters connected therewith, shall form the subject of a separate agreement, to be entered into from time to time between the Government of Her Britannic Majesty and the Government of the Orange Free State, or such Commissioners as may be appointed by them for the said purpose.†

Art. XII.—His Excellency the High Commissioner agrees to submit to arbitration the claim of the Orange Free State to compensation for thefts committed and other damage done by the Basutos to the inhabitants of the Orange Free State, and the claim of the Basutos to like compensation since the date of the proclamation of His Excellency the High Commissioner, by which the Basutos have become British subjects, should the Volksraad of the Orange Free State desire such arbitration.

Art. XIII.—In the same manner His Excellency the High Commissioner agrees to arbitration with regard to the claim of the Orange Free State to compensation for the abandonment of the land situate between the boundary line mentioned in Art. 1 of the Treaty of Peace between the Orange Free State and the Chief Moshesh, dated 3rd April, 1866, and that mentioned in Art. 1 of the present Convention, and in the case provided for by Art. 6 for the abandonment of the land situate between the Putisani, the Caledon River, and the Drakensberg.‡

Art. XIV.—Nothing herein contained shall be construed to set aside or invalidate the Convention entered into on the 23rd February, 1854, between Sir George Russel Clerk, Her Britannic Majesty's Special Commissioner, and the representatives delegated by the inhabitants of the Orange River Territory,§ nor any part of the same, nor shall the Proclamation of His Excellency the High Commissioner, dated 12th March, 1868,|| be held to have been a violation of said Convention.

Art. XV.—Nothing in the preceding Articles contained shall be held to prevent the acceptance by the Volksraad of the Orange Free State of the proposals made to the Commissioners of the said State by His Excellency the High Commissioner on the 5th day of February, 1869, as the same are set forth in the schedule hereto annexed. And if such proposals shall be accepted by the said Volksraad, then the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th and 13th of the preceding Articles shall be deemed to have been cancelled, and the several Articles contained in the said proposals shall be taken to be Articles of this Convention.

* Convention signed 7th September, 1887. See Section V *infra*.

† See Regulations, p. 8 *infra*.

‡ See Agreement of July, 1876, p. 21 *infra*.

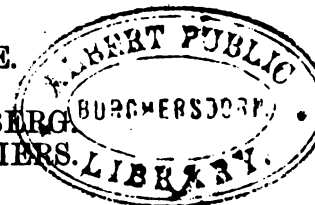
§ See p. 1 *supra*.

|| See Hertalet's *State Papers*, vol. lxix. p. 1178.

Art. XVI.—The present Convention, subject to the confirmation and ratification of the Government of Her Britannic Majesty on the one part, and of the Government of the Orange Free State on the other part, shall be carried immediately into execution, without waiting for the exchange of ratifications which shall take place in Cape Town, in the Colony of the Cape of Good Hope, within six months from this date.

Thus done and signed at Aliwal North, in the Colony of the Cape of Good Hope, this 12th day of February, in the year of our Lord One Thousand Eight Hundred and Sixty-nine.

(Signed) P. E. WODEHOUSE.
J. H. BRAND.
H. A. L. HAMELBERG.
C. J. A. DE VILLIERS.
J. J. VENTER.
A. J. BESTER.



*Schedule.**

1. The border between the Free State and Basutoland shall be that recognised before the war of 1865.

2. All persons to whom the Government of the Free State shall, before the 1st day of April, 1868, have sold or granted farms lying between the line in the preceding article mentioned, and the line described in a letter from the High Commissioner to the President, of the 14th April, 1868, and who shall have complied with the conditions of the sale or grant, shall, subject to the stipulations hereinafter contained, receive titles for the same from the British Government. All instalments remaining under the conditions of sale shall be paid to the Free State.

3. It shall be open to the British Government, in any case in which special circumstances may render it necessary to do so, to withhold the title and resume the possession of any such farm on condition of granting to the purchaser or grantee a farm of equal value or compensation in money.

4. All the said farms that have become forfeited for non-fulfilment of the conditions of sale or grant shall revert to the British Government, and any such forfeited farms shall be available for the purpose of the preceding Article; and such of the said farms as shall not be applied to such purposes shall be sold, and of the proceeds of sale two-thirds shall be paid to the Government of the Free State.

5. The obligation of personal residence on the part of the purchaser or grantee or his substitute shall be abolished, and the quitrent payable for every such farm shall be at the rate of five pounds per annum for each thousand morgen.

6. The British Government shall, in consideration of the above-stated arrangement, pay to the Government of the Free State, over and above all sums accruing under the preceding Articles, the sum of fifty thousand pounds sterling on or before the day of next; and in default of such payment, and until the same shall be made, pay annually the sum of three thousand pounds, commencing from the day on which the first payment of quitrent shall become due under the preceding Article.

(Signed) P. E. WODEHOUSE.

5th February, 1869.

* See Agreement of July, 1876, p. 21 *infra*.

Subject to the regulations to be hereafter made, it is agreed :

1. Whenever the spoor of stolen cattle or horses is traced across the boundary line to Basutoland, the officer of the British Government stationed nearest to the place where the theft was committed, shall, upon receiving report thereof, be bound to aid the owner of the stolen property, or the person acting on his behalf, in tracing the spoor until the stolen cattle or horses are discovered in Basutoland, or until the spoor is lost, and further to give every aid and assistance which may lead to the discovery and punishment of the thief, and the recovery and restitution of the stolen property. Information shall be given by the Agent of the High Commissioner from time to time to the authorities of the Orange Free State of the names and place of residence of the officers on the border.

2. If the spoor of any stolen cattle or horses shall be traced across the boundary line to the Orange Free State, it shall be reported to the nearest field-cornet of the Orange Free State, who shall be bound to afford every assistance in tracing the spoor and discovering and apprehending the thief, in order that he may be dealt with according to law, and that the stolen property may be recovered and restored.

(Signed) P. E. WODEHOUSE.
J. H. BRAND.
H. A. L. HAMELBERG.
C. J. DE VILLIERS.
J. J. VENTER.
A. J. BESTER.

Aliwal North, 12th February, 1869.

(C.) *TREATY of Friendship and Commerce between Portugal and the Transvaal Republic.*—Signed at Lisbon, December 11, 1875.*

[Ratified by the Queen of Great Britain as Suzeraine of the Transvaal State, and by the King of Portugal. Ratifications exchanged at Lisbon, October 7, 1882.]

(Translation.)

His Majesty the King of Portugal and of the Algarves, and the Government of the South African Republic, being animated with the desire of drawing closer, improving, and consolidating the relations of amity and friendship subsisting between their respective States, have determined to conclude a new Treaty for this purpose, and have appointed their Plenipotentiaries, namely :

His Majesty the King of Portugal and of the Algarves, Senhor João de Andrade Corvo, his Councillor, a Peer of the Realm, Minister and Secretary of State for Foreign Affairs, Professor of the Polytechnic School of Lisbon, Lieutenant-Colonel of Engineers, Grand Cross of the ancient, most noble, and illustrious Order of St. James of scientific, literary, and artistic merit, Knight Commander of the Order of Christ, Knight of the Military Order of Aviz, Grand Cross (ordinary) of the Order of the Rose of Brazil, Grand Cross of the Imperial Order of Leopold of Austria, of Saints Mauritius and Lazarus of Italy, of the Royal Order of Charles III of Spain, of the Order of the Polar Star of Sweden, and Officer of Public Instruction in France ; and

* Signed in the Portuguese and Dutch languages.

The Government of the South African Republic, Mr. Thomas Francis Burgers, President of that Republic ;

Who, after having communicated to each other their respective full powers, which were found in due and proper form, have agreed upon and concluded the following Articles :—

ART. I. Between His Majesty the King of Portugal and his subjects on one side, and the Government of the South African Republic and its respective citizens on the other, there shall be perpetual friendship, as well as a full and mutual liberty of commerce between their respective territories.

II. The subjects and citizens of either of the High Contracting Parties in the territory of the other shall be at liberty to enter any rivers, ports, or places wherever foreign trade is already or may hereafter be allowed, to settle or to reside there, to hire, purchase, and build any house or warehouses, to acquire and possess any kind of movable or immovable property, to exercise any trade, to carry on business both by wholesale and by retail, and to effect the conveyance of merchandize and specie ; subject, however, to the laws and regulations in force in either of the respective territories or dominions.

They shall have a free and easy access to the Courts of Justice, in order to claim and defend their rights in all the Courts of the different Instances established by law, for which purpose they shall be at liberty to employ lawyers, solicitors, and agents of any kind, and, in fine, they shall enjoy in regard to this the same rights and advantages which may have been already or may hereafter be accorded to natives.

They shall be at liberty to dispose, according to their wishes, by donation, sale, exchange, will, or in any other manner, of any property they may possess in the respective territories, and withdraw their capital in full from the country. The subjects of either of the two States who may be heirs to property situated within the territory of the other shall likewise be at liberty to inherit the said property without any hindrance, even *ab intestato*, and the said heirs or legatees shall not have to pay any other or higher duties of succession than those paid in similar cases by the natives.

They shall be allowed to exercise their religion freely, to meet together to celebrate publicly their worship according to the proper rites thereof, to establish cemeteries, and to bury their dead with the usual ceremonies ; obeying, however, in every case, the laws and regulations in force in such country.

They shall be exempt from all forced loans and from any extraordinary taxes that are not general and established by law, as well as from military service either at sea or on land.

They shall enjoy the same protection as the natives as far as regards their persons, families, property, and domicile.

III.* The products of the soil and of the industry of the Portuguese possessions at Mozambique shall not be liable to the payment of any import or transit duties in the territory of the South African Republic, and *vice versa*, the products of the soil and of the industry of the Republic shall be exempt from all import and transit duties in the Portuguese possessions of Mozambique.

IV. His Majesty the King of Portugal and of the Algarves being desirous of contributing towards the development and prosperity of the South African Republic, and of facilitating as much as possible the exporta-

* See Protocol signed on the exchange of Ratifications, October 7, 1882, p. 15 *infra*.

tion of its products, consents that the said Republic should be placed on the same footing as the Province of Mozambique, and should enjoy the same advantages and facilities with respect both to importation and exportation through the ports of this province.

V. The transit of the products of the soil and of the industry of the South African Republic through the Portuguese territory of the Province of Mozambique, as well as the transit through the same territory of merchandize of any origin or nationality imported through the Bay of Lorenzo Marques, and bound to the above-named Republic, shall be entirely exempt from any duties whatsoever.

VI. His Majesty the King of Portugal reserves the right of prohibiting the importation of arms and munitions of war, and of subjecting the transit thereof to special regulations, but he binds himself to allow the free importation and transit of arms and military stores intended for the South African Republic, and applied for by the Government of that Republic, upon the guarantees necessary to remove all doubt as to their destination being given.

VII. The products of the soil and of the industry of South Africa exported through the Bay of Lorenzo Marques shall be exempt from all export duty, but they shall be subject, like the products of Portuguese origin, to any quay, lighthouse, or other port dues that may be customary there.

VIII. Merchandize of any origin or nationality imported through the Bay of Lorenzo Marques for the South African Republic, may be subjected to an import duty of 3 per cent. Should the revenue derived from this duty, however, be insufficient to insure the payment of the interest and redemption of the capital that may be required for subsidizing a line of railway from the Bay of Lorenzo Marques to the frontier of the South African Republic, and for effecting other improvements advantageous for the trade of the two countries, His Majesty the King of Portugal shall have the option of raising the duty in question from 3 to 6 per cent.

As soon, however, as the said capital shall have been redeemed, the import duty on merchandize for the South African Republic shall be reduced to 1.5 per cent.

IX. The under-mentioned merchandize shall be exempt from all import duties:—

- Live animals of any kind.
- Hides.
- Flour from wheat, maize, barley, rye, and oats.
- Seeds.
- Fresh fruits.
- Pulse of any kind.
- Mineral coal and coke.
- Ice.
- Guano and other kinds of manure.
- Bitumen.
- Lime.
- Stones for building, comprising slates for roofing.
- Tiles and bricks of any kind.
- Tools, implements, machines, and utensils for tradesmen and for art, agricultural and mining purposes.
- Books, stitched and bound, and printed works in any language.
- Music and musical instruments.
- Printing presses and type.

Geographical charts and maps.
 Articles of any kind for museums.
 Specimens for scientific collections, and also collections of any works of art not intended for trade.
 Foreign gold or silver coins.
 Portuguese silver or copper coins from Portuguese ports.
 Vessels in any state or for any purpose.
 Steam-vessels.

X. It shall be lawful to re-export from the depôts in the Lorenzo Marques Custom-house any merchandize imported thereto. The said merchandize shall be exempt from any re-exportation duty, and shall only be liable to the payment of the warehouse charges and fees and of the port dues.

XI. The *ad valorem* duties shall be reckoned with reference to the value of the merchandize in its original market, and shall be regulated as follows:—

The importer or exporter on entering the goods at the Custom-house that are to be cleared, shall sign a declaration stating the description and value of the same to whatever amount he may deem expedient. This declaration must specify all the data required for the imposition of the duty.

Should the Custom-house think that the value thus stated is insufficient, it shall have the right to retain the goods on paying the importer or exporter within the term of 15 days from the date of the declaration, the said value as stated, with an additional rate of 10 per cent.

Should the Custom-house, however, think it inexpedient to have recourse to pre-emption, a valuation of the merchandize shall be made by experts, one of whom shall be named by the declarer and the other by the Director of the Custom-house; and, in the event of an equality of votes on either side, a third expert shall be named by the Custom-house Director, and he shall have a casting vote, without further appeal on either side.

Should the examination made by the experts prove that the value of the merchandize does not exceed 10 per cent. over and above that declared by the importer or exporter, the duty shall be levied upon the amount stated in the declaration.

Should the value exceed 10 per cent. over and above the declaration, the Custom-house shall have the option of exercising the right of pre-emption, or else of levying the duty upon the value fixed by the experts. This duty shall be increased by 50 per cent. as a fine in case the valuation made by the experts should exceed 15 per cent. over and above the value declared.

The cost of the examination by experts shall be paid by the declarer should the value fixed by their award exceed 10 per cent. over and above the value declared; in the contrary case it shall be paid by the Custom-house.

XII. The products of the soil and of the industry of Portugal and of its transmarine possessions shall be admitted into the South African Republic, and, *vice versá*, the products of the soil and of the industry of the South African Republic shall be admitted into Portugal and its transmarine possessions, under the same conditions as the same products of the most favoured nation.

XIII. Vessels sailing under the flag of the South African Republic shall enjoy the same treatment in every respect as Portuguese vessels, and shall not be subject to any other or higher duties than the latter, both in the ports of the Province of Mozambique and in those of the other Colonies or of the continent of Portugal and the adjacent islands.

It is, however, understood that this stipulation does not apply to the long and short coasting trade while the same is reserved to the national flag.

XIV. Every reduction of duty, every favour, and every privilege granted by either of the Contracting Parties to the commerce, to the products of the soil, or of the industry, or to the flag of any third Power in any part of its dominions, shall be immediately and unconditionally extended to the other. Neither of the Contracting Parties shall impose upon the subjects, the commerce, or the navigation of the other any prohibitions, restrictions, or duties that are not also imposed upon other nations.

The right is, however, reserved in favour of Portugal of granting to Brazil only special advantages which cannot be claimed by the Government of the South African Republic in virtue of its right to the most-favoured-nation treatment.

The same right is reserved in favour of the South African Government with respect to the Free State of Orange.

XV. Should any company or undertaking be formed for the conveyance of merchandize along the ordinary roads between the port of Lorenzo Marques and that Republic, His Majesty the King of Portugal will make unto it a gratuitous concession of the land belonging to the State that it may require for building places of shelter or warehouses, and will direct the authorities of the Province of Mozambique to make use of their lawful authority and influence over the natives, in order to facilitate as far as possible the success of this undertaking.

XVI.* Each of the Contracting Parties shall have the right of appointing Consuls-General, Consuls, Vice-Consuls, and Consular Agents to any ports, cities, and places in the territory of the other, but they respectively reserve the right of excepting any place whenever it may be thought expedient. This reservation shall not, however, be applied to either of the Contracting Parties unless it is equally applied to other nations.

The said functionaries shall be immediately admitted and recognized on presentation of their letters of appointment, in accordance with the rules and formalities prescribed in the respective countries.

The necessary exequatur for the free discharge of their functions shall be accorded to them gratis, and on presentation of the said exequatur the chief authority of their place of residence shall immediately adopt the proper steps in order to enable them to discharge the duties of their office, and to enjoy all the exemptions, prerogatives, immunities, honours, and privileges to which they are entitled.

XVII.* The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of either of the Contracting Parties shall enjoy in the territory of the other the privileges which are generally accorded to their office, such as exemption from giving lodging to the military forces, and from any kind of direct taxes, both personal as well as those levied upon household goods, or sumptuary, ordinary, or extraordinary; excepting those, however, who may be subjects of the country where they reside, or those carrying on business or trade, inasmuch as in this case they shall be subject to the same taxes, charges, or imposts which are paid by private individuals on account of their nationality or of their business or trade.

It is understood that the taxes to which any of the above Agents may be subject on account of the real property which they may own in the territory where they reside, are not included in that exemption.

* See Protocol signed on the exchange of Ratifications, October 7, 1882, p. 15 *infra*.

The respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall, moreover, enjoy personal immunity, except for such acts as the legislation of either country may qualify and punish as crimes, as well as any other immunities and privileges that may be accorded to the Consular functionaries of the most favoured nation.

XVIII.* The Consular archives shall be inviolable, and the local authorities shall not, under any pretext or in any case, examine or seize any documents appertaining thereto.

Such documents must always be kept quite separate from any books or papers relating to the business or trade which may be carried on by the respective Consuls, Vice-Consuls, or Consular Agents.

XIX.* The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the two countries may address themselves to the authorities of the place where they reside, and in the absence of a Diplomatic Agent of their nation, if necessary, they may appeal to the Supreme Government of the State within whose territory they exercise their functions, in order to complain of any infraction that may be committed by the authorities or functionaries of that State of the Treaties or Conventions in force between the two countries, or of any abuse committed against their countrymen, and they shall have the right to make use of any efforts they may deem necessary, in order to obtain a prompt redress.

XX.* Should a subject of either of the High Contracting Parties die within the territory of the other, in case his heirs should be absent, the respective Consular functionaries shall have the right to recover, administer, and liquidate the inheritance and remit the proceeds to the party lawfully entitled to receive them.

XXI. The stipulations of this Treaty shall be substituted for those of the Treaty concluded on the 29th July, 1869,† between Portugal and the South African Republic, except as far as regards the definition of the respective boundaries, which shall continue to be regulated in accordance with the stipulations of the said Treaty of the 29th of July, 1869.

XXII. This Treaty shall be in force during 20 years, reckoning from the date of the exchange of the ratifications thereof. Should either of the Contracting Parties fail to notify 12 months before the expiration of that term its intention of causing the effects of the said Treaty to cease, it shall continue to be binding until the expiration of the term of one year, reckoning from the date when either of the two High Contracting Parties shall have notified its intention of terminating it.

XXIII. The present Treaty shall be ratified in accordance with the formalities adopted in either of the two countries, and after the exchange of ratifications it shall come into force within the period which may be fixed upon by mutual agreement.

In witness whereof the Plenipotentiaries have signed the same and affixed thereto the seals of their arms.

Done in Lisbon, the 11th December, 1875.

(L.S.) JOAO DE ANDRADE CORVO.

(L.S.) THOMAS BURGERS,

*President of the State of the South
African Republic.*

* See Protocol signed on the exchange of Ratifications, October 7, 1882, p. 15 *infra*.

† See Hertalet's *State Papers* Vol. LXIII. Page 600.

PROTOCOL.

The undersigned, inspired by the earnest wish which animates their respective governments of facilitating the commercial relations between the province of Mozambique and the South African Republic, and of promoting the development of the public wealth of the two countries, have thought it expedient to declare, on the occasion of the signature of the treaty of the 11th of this month, what follows :—

The Government of His Majesty the King of Portugal consents to aid the construction of a railway from the Port of Lorenzo Marques, or from a point on the right bank of the river of that name where there may be permanent navigation, and which will be definitely fixed with reference to the proper technical and administrative reports, as far as the frontier of the South African Republic, by according to the undertaking or Company which may be formed for this purpose, and which may offer sufficient guarantee that it is capable of effecting the construction in question—

1. A subvention which may be equal to one-half the cost of the works, in accordance with the estimate to be made in view of the plan, and subject to the technical conditions which may be definitively stipulated, which estimate and plan must be approved of beforehand by His Majesty's Government.

2. The land belonging to the State which may be required for the construction and working of the said railway.

3. Free importation during 15 years of any fixed and circulating materials for the construction and working of the said railways.

4. The right of preference, in an equality of circumstances, for the construction of any branch lines of railway.

5. The exclusive right of working of the said railway and of the electric telegraph pertaining to it during 99 years, at the expiration of which they will revert to the State without any compensation. His Majesty's Government, however, reserves unto itself the right of redemption and the option of using it at such period and in such a manner as may be stipulated in the contract.

The Government of His Majesty the King of Portugal also consents to allow the importation, free of duty, of all the fixed and circulating materials for the construction and working of the continuation of the said line of railway in the territory of the South African Republic.

The Government of the South African Republic on its part declares—

1. That it binds itself to continue the line of railway from the Portuguese frontier as far as a centre of production and consumption which will insure the traffic of the line and the development of international trade.

2. That it will place at the disposal of the undertaking and company which may be formed for the purpose all the surveys and plans that shall have been made on account of the same Government.

3. That in case it should deem it expedient to accord the construction of the respective line of railway to the same undertaking or company to which the construction of the Portuguese part may have been accorded, the Government of the South African Republic will grant the said undertaking or company every facility,* and especially—

* See *Netherlands Railway Concession*, Section III *infra*.

(3) It likewise binds itself to use its best endeavours to induce the natives of the Republic to work in the construction of the said railway, and to adopt every means in their power for the speedy termination of the works.

In fine, the Undersigned declare that, in case the same company should obtain the concession of the two parts of the said line of railway, and whereas the company must be subject to the laws of each of the countries within their respective territory, the Government of His Majesty the King of Portugal and the Government of the South African Republic shall adopt, by mutual agreement, the means which they may deem most expedient and effectual in order that the company may carry out its engagements, and in order to insure, from every point of view, the success of a work from which so many advantages must accrue to both countries.

In witness whereof the undersigned have signed their names herein, and have affixed thereto the seals of their arms.

Done in Lisbon the 11th December, 1875.

(L.S.) JOAO DE ANDRADE CORVO.

(L.S.) THOMAS BURGERS,

President of the State of the South African Republic.

PROTOCOL OF EXCHANGE OF RATIFICATIONS.

The undersigned met together at the Department of Foreign Affairs of Portugal for the purpose of proceeding to the exchange of the ratifications by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, as Suzeraine of the Transvaal State, and by His Majesty the King of Portugal and of the Algarves, of the treaty and protocol concluded and signed between Portugal and the South African Republic, now the Transvaal State, on the 11th December, 1875.

The two Plenipotentiaries, after having shown to each other their respective full powers, authorising them to carry out the act in question, with the declarations contained in the notes dated the 26th and 31st of last May, which they mutually communicated to each other, and which are annexed to this protocol, read over the original instruments of the said ratifications, and having found them correct and in due and proper form, the exchange of the same was effected.

(1) The gratuitous concession of the land requisite for the purpose.

(2) A guarantee of 5 per cent. on the capital employed, or else a subvention analogous to that promised by the Government of His Majesty the King of Portugal.

In witness whereof the undersigned have drawn up this protocol, and have affixed thereto their respective seals.

Done in duplicate at Lisbon on the 7th day of October, 1882.

(L.S.) WALTER BARING.

(L.S.) A. DE SERPA PIMENTEL.*

(D.)—*TREATY of Friendship and Commerce between Portugal and the Orange Free State.—Signed at London, March 10, 1876.*

[Ratifications exchanged October 20, 1877.]

(Translation.)

His Majesty the King of Portugal and of the Algarves, and his Excellency the President of the Orange Free State, being animated with the desire of developing and consolidating the friendly and commercial relations between their respective States, have determined to conclude a Treaty for this purpose, and have appointed their Plenipotentiaries, namely :

His Majesty the King of Portugal and of the Algarves, the Viscount Duprat, Knight Commander of the Orders of Christ and of Our Lady of the Conception of Villa Viçosa, Officer of the Legion of Honour of France, of Saints Maurice and Lazarus of Italy and of Leopold of Belgium, Chargé d'Affaires to the South African Republics, and Consul-General of Portugal in London, &c. ; and

His Excellency the President of the Orange Free State, Mr. Hendrick Antonie Lodewyk Hamelberg, Knight Commander of the Order of Leopold of Belgium, Consul-General of the Orange Free State in Holland, and Diplomatic Agent for the conclusion of this Treaty ;

Who, after having communicated to each other their respective full powers, which were found in due and proper form, have concluded and agreed upon the following Articles :—

ART. I. There shall be perpetual friendship between His Majesty the King of Portugal and his subjects on the one side, and the President of the Orange Free State and his citizens on the other, and a full and mutual freedom of commerce between their respective territories.

* *Senhor Serpa to Sir C. Wyke.*

(Translation.)

YOUR EXCELLENCY,

Lisbon, May 31, 1882.

I am informed by your Excellency that you are authorized to proceed to the exchange of the ratifications of that Treaty under the conditions and with the declarations contained in that despatch, namely :—

1. That inasmuch as Article III of the Treaty provides for the mutual exemption from import duties on the products of the Transvaal and of the Portuguese Possessions in Mozambique, and inasmuch as British products are entitled, in virtue of Article XXV of the Convention of the 3rd August, 1881, to enjoy the treatment accorded to the products of the most favoured nation, they are also entitled to enjoy the exemption stipulated in favour of the products of Mozambique. That, nevertheless, Her Britannic Majesty's Government do not intend to claim the benefit of the stipulation in question, and they consider that it ought to be retained in the Treaty in view of the difficulty of collecting customs duties along the extensive land frontier which separates the Transvaal from the Portuguese Possessions.

2. That Articles XVI to XX of the Treaty of the 11th December, 1875, which relate to Consular Agents, do not contain any provisions that are contradictory to the Convention of the 3rd August, 1881, as far as regards the Portuguese Consular Agents, with the exception of Article XIX, which confers almost diplomatic functions upon the Consuls ; but as Her Britannic Majesty's Consular Agents will represent the Transvaal in foreign countries, the stipulation concerning the appointment of Consuls on the part of the South African Republic is not applicable, and the exequatur to the Portuguese Consular Agents, or to those of any other foreign nation, will of course be accorded by Her Britannic Majesty's Government.

3. That by the Convention of the 3rd August, 1881, the independence of Swaziland was recognised, through which territory the line of railway must run which the Transvaal bound itself to construct from the Portuguese frontier to some centre in the interior, in accordance with the stipulations set forth in the Protocol annexed to the said Treaty ; but that, in the event of steps being taken for carrying into effect the construction of that line of railway, Her Britannic Majesty's Government will use their influence in order to get the Swazis to accede to any agreements which may be rendered necessary for the purpose of the said line of railway crossing the territory of Swaziland.

His Majesty's Government, on their part, have no objection that these declarations should be embodied in the notes exchanged between the two Governments, and to which reference is to be made in the Protocol which will remain annexed to the Treaty of the 11th December, 1875.

Sir C. Wyke.

I avail, &c.,

A. DE SERPA

II. The subjects and citizens of either of the High Contracting Parties in the territory of the other shall be freely allowed to enter any ports, rivers, or places where foreign trade is already or may hereafter be allowed, and to settle and to reside therein; and also to hire, purchase, and build houses and stores, to acquire and to hold any kind of real or movable property, to carry on any trade or profession, to trade by wholesale or by retail, and to effect the conveyance of merchandize or of specie, provided they submit to the laws and regulations that may be in force in either of the respective territories or dominions.

They shall have a free and easy access to the Courts of Justice in order to claim and defend their rights in the several Courts according to the different degrees of jurisdiction provided by law; and they shall be at liberty to employ for that purpose lawyers, solicitors, or agents of any kind, and, in fine, they shall enjoy in this matter the same rights and advantages as may already have been, or may in future be, granted to the natives.

They shall be at liberty to dispose, as to them may seem good, by gift, sale, exchange, will, or any other manner, of any property they may possess within the respective territories, and also withdraw their capital in full from the country.

In the same manner the subjects and citizens of one of the two States who may inherit property situated in the other shall be allowed to succeed, without hindrance, to the said property, even *ab intestato*, and the said heirs or legatees shall not have to pay any other or higher succession or legacy duties than those paid in similar cases by the natives.

They shall be allowed freely to exercise their religion, and to meet for the public celebration of their worship in accordance with their respective rites, to establish cemeteries and to bury their dead with their respective ceremonies, complying, however, in every instance with the laws and regulations in force in each country.

They shall be exempt from forced loans, and from all extraordinary taxes that are not general and established by law, as well as from military service by sea and on land.

Their persons, families, property, and houses shall enjoy the same protection as those of the natives.

III. The products of the soil and industry of the Portuguese possessions in Mozambique shall not be subject to any import or transit dues in the territory of the Orange Free State, and in like manner the products of the soil and industry of that State shall be exempt from any import or transit dues in the Portuguese Possessions of Mozambique.

IV. His Majesty the King of Portugal and of the Algarves, being desirous of contributing toward the development and prosperity of the Orange Free State, and to facilitate as much as possible the exportation of its products, consents that the said State shall be placed on the same footing as the Portuguese Province of Mozambique, and shall enjoy the same advantages and facilities, both as regards exportation as well as importation, through the ports of the said province.

V. The transit of the products of the soil and industry of the Orange Free State through the Portuguese territory of the Province of Mozambique, as well as the transit, through the same territory, of merchandize of any origin or nationality, imported through the Bay of Lorenzo Marques for the said State, shall be entirely free and exempt from any duties whatsoever.

VI. His Majesty the King of Portugal reserves to himself the right of prohibiting the importation of arms and munitions of war, and of subjecting
[G. 81—'98.]

the transit thereof to special regulations, but he nevertheless binds himself to permit the free importation and transit of arms and munitions of war for the Orange Free State, when applied for by the Government of that State, the requisite guarantees being given in order to make sure of their being intended for that State.

VII. The products of the soil and industry of the Orange Free State exported through the Bay of Lorenzo Marques shall be exempt from all export duty, but they shall be liable—like products of Portuguese origin—to all quay and lighthouse dues, or other port dues that may there be established.

VIII. Merchandize of whatsoever origin or nationality imported through the Bay of Lorenzo Marques to the Orange Free State shall be subject to an import duty of 3 per cent. His Majesty the King of Portugal, however, reserves to himself power to increase this duty to 6 per cent.

IX. The undermentioned goods shall be exempt from import duties:—

Live animals, hides, flour of wheat, maize, barley, rye, and oats, seeds, fresh fruits, pulse of all kinds, mineral coal and coke, ice, guano and other kinds of manure, bitumen, lime, stone for building purposes, including slates or stones for roofing, tiles and bricks of all kinds, tools, implements, instruments, machinery, and utensils for trades, arts, agriculture, and mining; books, stitched or bound, printed in any language; music and musical instruments, printing presses and type, charts and maps, articles of any kind for music, specimens for scientific collections and all collections of works of art not destined for trade, foreign gold or silver coin, Portuguese silver or copper coin from Portuguese ports, ships and boats of any kind (old or new), steam-ships.

X. It shall be lawful to re-export from the Custom-house stores at Lorenzo Marques any merchandize in bond that may have been imported therein. Such merchandize shall be exempt from all re-exportation duties, but they shall be subject to the charges and fees for warehousing, as well as to port dues.

XI. The *ad valorem* duties shall be calculated on the value of the merchandize in its market of origin in the following manner:—

The importer or exporter on entering the goods for clearance at the Custom-house shall sign a declaration, giving the description and value thereof, as he may assess the same in his own judgment.

This declaration shall contain the necessary information for the levying of the duty.

Should the Custom-house consider the value thus declared to be insufficient, it may retain the goods on payment to the exporter, within 15 days from the date of the declaration, of the amount of the value declared, with an addition thereto of 10 per cent.

Should the Custom-house, however, consider it inexpedient to proceed to pre-emption, a valuation shall be made by experts, of whom one shall be named by the declarer and the other by the chief of the Custom-house; in the event of an equality of votes, the chief of the Custom-house shall name a third expert, whose casting vote shall be final for either side.

In case the examination by experts should show that the value of the merchandize is not more than 10 per cent. over and above that declared by the importer or exporter, the duty thereon shall be levied upon the amount as declared.

Should the value exceed 10 per cent. over and above the amount declared, the Custom-house shall have the option, either of exercising the

right of pre-emption or of levying the duty upon the amount, as fixed by the experts: 50 per cent. shall be added to the duty, as a fine, if the valuation of the experts be more than 15 per cent. over and above the value declared.

The expenses incurred on account of the examination by experts shall be paid by the declarer whenever the value fixed by them shall exceed by 10 per cent. the value declared; if otherwise, they shall be paid by the Custom-house.

XII. The products of the soil and of the industry of Portugal and of its transmarine possessions shall be admitted into the Orange Free State, and *vice versa* the products of the soil and industry of the Orange Free State shall be admitted into Portugal and into its transmarine possessions, under the same conditions as the similar products of the most favoured nation.

XIII. Ships sailing under the flag of the Orange Free State shall, in every respect, enjoy the same treatment as, and shall not be liable to any other or higher duties than, Portuguese vessels, both in the ports of the province of Mozambique, and in the ports of the other Colonies or of the continent of Portugal, and in the adjacent islands.

It remains, however, understood that this stipulation does not apply to the coasting trade, either of the larger or smaller category, so long as the same is reserved to the national flag.

XIV. Any reductions of duties, favours, or privileges that may be accorded by either of the said Contracting Parties to the subjects, trade, or products of the soil or industry, or to the flag of any third Power in any part of its dominions, shall be immediately and unconditionally extended to the other.

Neither of the High Contracting Parties shall subject either the trade of navigation or the subjects of the other to any prohibitions, restrictions, or duties that are not also applied to all other nations.

Power is, however, reserved to Portugal to grant to Brazil only special advantages which shall not be claimed by the Government of the Orange Free State as a consequence of their general right to most-favoured-nation treatment. The same power is reserved, on behalf of the Government of the Orange Free State, in favour of the South African Republic.

XV. Each of the High Contracting Parties shall have the right to appoint Consuls-General, Consuls, Vice-Consuls, and Consular Agents at any ports, cities, and places in the territory of the other, saving the power of either of them to except any place if it should deem it expedient so to do.

Such reservation shall not, however, be applied to either of the said Contracting Parties unless it is also applied to all other nations.

The said officials shall be reciprocally admitted and recognized on presentation of their commissions in accordance with the rules and formalities in use in the respective countries.

The necessary exequatur for the free exercise of their functions shall be conceded gratis; and upon the exhibition of the said exequatur the chief authority of the place of their residence shall immediately take the necessary steps to enable them to discharge their official duties, and to enjoy all the exemptions, prerogatives, immunities, honours, and privileges to which they are entitled.

XVI. The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of either of the High Contracting Parties shall enjoy in the territory of the other the privileges which are generally accorded to their office, such as, exemption from having soldiers quartered in their houses, from any

direct taxes whatsoever, either on their persons or their goods or their households, ordinary or extraordinary; excepting, however, those who may happen to be subjects or citizens of the country where they reside, or who may carry on any business or trade therein, for in that case they shall be liable to the same imposts, charges, and taxes as are levied on other private individuals on account of their nationality or of their respective business or trade.

It is understood that any taxes to which such Agents may be liable on account of any real property which they may hold in the territory where they reside, are not included in the aforesaid exemptions.

The respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall moreover enjoy personal immunity (such acts excepted as may be qualified by the legislation of either country as crimes or contraventions of the law, and punished as such), as well as all the immunities and privileges that may be accorded to the Consular officials of the most favoured nation.

XVII. The Consular Archives shall be inviolable, and the local authorities shall not, under any pretext or in any case, examine or seize any papers forming part thereof.

These papers shall always be kept apart from the books or papers relating to the trade or profession which may be carried on by the Consuls-General, Consuls, Vice-Consuls, or Consular Agents.

XVIII. The Consuls-General, Consuls, Vice-Consuls, or Consular Agents of the two countries shall be at liberty to address themselves to the local authorities of the place where they reside, and, if necessary, and in the absence of a Diplomatic Agent of their nation, they may appeal to the Supreme Government of the State wherein they exercise their respective functions, in order to complain of any infraction on the part of any by the authorities or officials of that State, of the Treaties or Conventions in force between the two countries, or of any abuse of which their fellow-citizens may have to complain, and they shall have the right to take any steps they may deem necessary in order to obtain a prompt and speedy redress.

XIX. Should any subject or citizen of either of the High Contracting Parties die within the territory of the other—his heirs being absent—the respective Consular officials shall have the right to receive, administer, and liquidate the inheritance, and remit the proceeds to the party entitled to receive the same.

XX. The present Treaty shall be in force during 20 years from the date of the exchange of the ratifications thereof. In case either of the High Contracting Parties shall not notify—12 months previous to the expiration of the period in question—its intention of causing the effects of the said Treaty to cease, it shall continue to be binding until the expiration of one year from the date of the denunciation thereof by either of the two High Contracting Parties.

XXI. The present Treaty shall be ratified according to the laws and formalities in force in each of the two countries, and it shall come into operation within the term of three months after the exchange of the said ratifications.

In witness whereof the said Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done in London on the 10th March, 1876.

(L.S.) H. A. L. HAMELBERG.
(L.S.) VISCOUNT DUPRAT.

London, July 13, 1876.

(E.)—*MEMORANDUM of Agreement between the Right Honourable the EARL OF CARNARVON, Her Majesty's Secretary of State for the Colonies, representing Her Majesty's Government, and His Honour PRESIDENT BRAND, for the Orange Free State, who, having met and fully communicated with each other for the purpose of arriving at an understanding with regard to the Frontier Line between the British and the Orange Free State Territories, and as to the sum to be paid by Her Majesty's Government to the Orange Free State in full settlement of all claims with respect to the Diamond Fields and the question of Sovereignty over the lands hitherto in dispute, hereby agree as follows:—*

I. The frontier shall be known and recognised hereafter (subject to the provisions in paragraph No. 2) by a line drawn from Rama (Fountain), passing through David's Graf (close above the junction of the Riet and Modder rivers) to the beacon standing on Tartantal Kop (and marked by De Villiers on the map referred to hereafter), thence by a straight line at right angles to the line from David's Graf to the summit of Platberg, and from the point where the two lines join, thence to the summit of Platberg, thence in a straight line to the point marked G on the said map, on the River Vaal, including the whole of the places known as the Diamond Fields.

II. The boundary line given shall be drawn so as to leave within the Free State territory the farm belonging to Gideon Joubert, and the four farms occupied by Commandant Dolf Erasmus, according to the boundaries of the said farms as registered in the Registry of Deeds Office at Bloemfontein, on the 27th October, 1871, but verified and certified by examination, and by marking of beacons, to be made on the spot by two experts, approved by the Right Honourable the Earl of Carnarvon and his Honour President Brand.

III. The map now in the hands of the Right Honourable the Earl of Carnarvon, drawn by Mr. Jonas de Villiers, of the Free State, and signed in duplicate by the Right Honourable the Earl of Carnarvon and his Honour President Brand, shows the line of boundary as herein set forth. But it is admitted that this map is to be verified and approved on the spot by the experts herein referred to, who will mark out the line of boundary by beacons, and make out two copies of the chart, and sign the same, which is to be completed within six months, unless prevented by unforeseen circumstances, or sooner if possible.

IV. The amount to be paid by Her Majesty's Government on the due fulfilment and carrying out of the details of this agreement is hereby fixed at the sum of £90,000 sterling, payable as follows:—£20,000 payable at Bloemfontein on the completion of the surveys and settlement of the boundaries by beacons in bills drawn by the Treasurer-General of the Orange Free State upon Her Majesty's Government in London at sixty days after sight, and the remainder (£70,000 sterling) by bills equal to cash in London on the completion of the documents exchanged there.

V. The Right Honourable the Earl of Carnarvon and his Honour President Brand hereby express their cordial satisfaction with the foregoing arrangement as a just and fair settlement in full of the question referred to herein and heretofore in dispute; and all grounds for controversy now being removed, the Right Honourable the Earl of Carnarvon and his Honour President Brand, for themselves and for Her Majesty's Government and for the

Orange Free State, agree to seek, by friendly co-operation hereafter, all that can advance the common interests of their respective countries.

(Signed) CARNARVON.

J. H. BRAND.

In the presence of—

(Signed) DONALD CURRIE.
DONOUGHMORE.

The following Further Memorandum was signed on the same date:—

London, July 13, 1876.

FURTHER MEMORANDUM of Agreement between the Right Honourable the EARL OF CARNARVON, for Her Majesty's Government, and PRESIDENT BRAND, on behalf of the Orange Free State respectively—

The questions at issue between Her Majesty's Government and the Orange Free State having been arranged this day, as set forth in the Memorandum of Agreement to which this is attached,—

The Right Honourable the Earl of Carnarvon has proposed to President Brand, as an additional proof of his good feeling towards the Orange Free State, and of his desire for its material prosperity, that if, within five years from this date,* the Orange Free State shall establish a line of railway to connect with the Natal Railway, or any line of railway which the Cape Colony may make, then and in such case her Majesty's Government will pay to the Orange Free State the sum of £15,000 sterling, without any further condition than that this amount so payable is to be employed in the construction of the line of railway referred to within the territory of the Orange Free State;

And President Brand, fully recognising in this offer the friendly disposition of Her Majesty's Government towards the Orange Free State, but not feeling himself authorised to decide in this matter, seeing that the subject of railways rests entirely with the Volksraad of the Orange Free State, accepts the same in the spirit in which the Right Honourable the Earl of Carnarvon has made it, subject to the approval of the Volksraad, to whom the President will submit the proposal, and obtain their decision, within three months after his arrival at Bloemfontein, and communicate the same to the Right Honourable the Earl of Carnarvon without delay.

(Signed) CARNARVON.

J. H. BRAND.

In the presence of—

(Signed) DONALD CURRIE.
DONOUGHMORE.

(F.)—*CONVENTION between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the South African Republic. Signed at London, February 27th, 1884.†*

Whereas the Government of the Transvaal State, through its Delegates, consisting of Stephanus Johannes Paulus Kruger, President of the said State, Stephanus Jacobus Du Toit, Superintendent of Education, and Nicholas Jacobus Smit, a member of the Volksraad, have represented that the Conven-

* As this condition was not fulfilled, the Agreement lapsed. The first resolution of the Volksraad in favour of the construction of a Railway was passed on 17th January 1889.

† For Convention of Pretoria, 1881, see Section VIII. *infra*. For correspondence and documents relating to these Conventions, see Appendix I.

tion signed at Pretoria on the 3rd day of August, 1881, and ratified by the Volksraad of the said State on the 25th October, 1881, contains certain provisions which are inconvenient, and imposes burdens and obligations from which the said State is desirous to be relieved, and that the south-western boundaries fixed by the said Convention should be amended, with a view to promote the peace and good order of the said State, and of the countries adjacent thereto; and whereas Her Majesty the Queen of the United Kingdom of Great Britain and Ireland has been pleased to take the said representations into consideration: Now, therefore, Her Majesty has been pleased to direct, and it is hereby declared, that the following Articles of a new Convention, signed on behalf of Her Majesty by Her Majesty's High Commissioner in South Africa, the Right Honourable Sir Hercules George Robert Robinson, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor of the Colony of the Cape of Good Hope, and on behalf of the Transvaal State (which shall hereinafter be called the South African Republic) by the above-named Delegates, Stephanus Johannes Paulus Kruger, Stephanus Jacobus Du Toit, and Nicholas Jacobus Smit, shall, when ratified by the Volksraad of the South African Republic, be substituted for the articles embodied in the Convention of 3rd August, 1881; which latter, pending such ratification, shall continue in full force and effect.

ARTICLE I.

The territory of the South African Republic will embrace the land lying between the following boundaries, to wit:

Beginning from the point where the north-eastern boundary line of Griqualand West meets the Vaal River, up the course of the Vaal River to the point of junction with it of the Klip River; thence up the course of the Klip River to the point of junction with it of the stream called Gansvlei; thence up the Gansvlei stream to its source in the Drakensberg; thence to a beacon in the boundary of Natal, situated immediately opposite and close to the source of the Gansvlei stream; thence in a north-easterly direction along the ridge of the Drakensberg, dividing the waters flowing into the Gansvlei stream from the waters flowing into the sources of the Buffalo, to a beacon on a point where this mountain ceases to be a continuous chain; thence to a beacon on a plain to the north-east of the last described beacon; thence to the nearest source of a small stream called "Division Stream;" thence down this division stream, which forms the southern boundary of the farm Sandfontein, the property of Messrs. Meek, to its junction with the Coldstream; thence down the Coldstream to its junction with the Buffalo or Umzinayti River; thence down the course of the Buffalo River to the junction with it of the Blood River; thence up the course of the Blood River to the junction with it of Lyn Spruit or Dudusi; thence up the Dudusi to its source; thence 80 yards to Bea. I., situated on a spur of the N'Qaba-Ka hawana Mountains; thence 80 yards to the N'Sonto River; thence down the N'Sonto River to its junction with the White Umvulozi River; thence up the White Umvulozi River to a white rock where it rises; thence 800 yards to Kambula Hill (Bea. II.); thence to the source of the Pemvana River, where the road from Kambula Camp to Burgers' Lager crosses; thence down the Pemvana River to its junction with the Bivana River; thence down the Bivana River to its junction with the Pongolo River; thence down the Pongolo River to where it passes through the Libombo Range;* thence along the summits of the Libombo Range to the northern point of the N'Yawos Hill in that range (Bea. XVI); thence to the northern peak of the Inkwakweni Hills (Bea. XV); thence to Sefunda, a rocky knoll detached from and to the north-east

* Amended from this point by the Convention of 1888. See p. 37 *infra*. For map showing alteration see Hertelet's *Map of Africa by Treaty*, vol. ii., facing p. 848. See also note on Article II.

end of the White Koppies, and to the south of the Musana River (Bea. XIV); thence to a point on the slope near the crest of Mataujeni, which is the name given to the south-eastern portion of the Mahamba Hills (Bea. XIII); thence to the N'gwangwana, a double-pointed hill (one point is bare, the other wooded, the beacon being on the former), on the left bank of the Assegai River and upstream of Dadusa Spruit (Bea. XII); thence to the southern point of Bendita, a rocky knoll in a plain between the Little Hlozane and Assegai Rivers (Bea. XI); thence to the highest point of Suluka Hill, round the eastern slopes of which flows the Little Hlozane, also called Ludaka or Mudspruit (Bea. X); thence to the beacon known as "Viljoen's," or N'Duko Hill; thence to a point north-east of Derby House, known as Magwazidili's Beacon; thence to the Igaba, a small knoll on the Ungwempisi River, also called "Joubert's Beacon," and known to the natives as "Piet's Beacon" (Bea. IX); thence to the highest point of the N'Dhlovudwalili or Houtbosch, a hill on the northern bank of the Umqwempisi River (Beacon VIII); thence to a beacon on the only flat-topped rock, about 10 feet high and about 30 yards in circumference at its base, situated on the south side of the Lamsamane range of hills, and overlooking the valley of the great Usuto River; this rock being 45 yards north of the road from Camden and Lake Banagher to the forests on the Usuto River (sometimes called Sandhlanas Beacon) (Bea. VII); thence to the Gulungwana or Ibubulundi, four smooth bare hills, the highest in that neighbourhood, situated to the south of the Umtuli River (Bea. VI); thence to a flat-topped rock, 8 feet high, on the crest of the Busuku, a low rocky range south-west of the Impulazi River (Bea. V); thence to a low bare hill on the north-east of and overlooking the Impulazi River, to the south of it being a tributary of the Impulazi, with a considerable waterfall, and the road from the river passing 200 yards to the north-west of the beacon (Bea. IV); thence to the highest point of the Mapumula Range, the watershed of the Little Usuto River on the north, and the Umpulazi River on the south, the hill, the top of which is a bare rock, falling abruptly towards the Little Usuto (Bea. III); thence to the western point of a double-pointed rocky hill, precipitous on all sides, called Makwana, its top being a bare rock (Bea. II); thence to the top of a rugged hill of considerable height falling abruptly to the Komati River, this hill being the northern extremity of the Isilotwani range, and separated from the highest peak of the range Inkomokazi (a sharp cone) by a deep neck (Bea. I). (On a ridge in a straight line between Beacons I and II is an intermediate beacon.) From Beacon I the boundary runs to a hill across the Komati River, and thence along the crest of the range of hills known as the Makongwa, which runs north-east and south-west, to Kamhlabana Peak; thence in a straight line to Mananga, a point in the Libombo range, and thence to the nearest point in the Portuguese frontier on the Libombo range; thence along the summits of the Libombo range to the middle of the poort where the Komati River passes through it, called the lowest Komati Poort; thence in a north by easterly direction to Pokioens Kop, situated on the north side of the Olifant's River, where it passes through the ridges; thence about north north-west to the nearest point of Serra di Chicundo; and thence to the junction of the Pafori River with the Limpopo or Crocodile River; thence up the course of the Limpopo River to the point where the Marique River falls into it. Thence up the course of the Marique River to "Derde Poort," where it passes through a low range of hills, called Sikwane, a beacon (No. 10) being erected on the spur of the said range near to, and westward of, the banks of the river; thence, in a straight line, through this beacon to a beacon (No. 9) erected on the top of the same range, about 1,700 yards distant from Beacon No. 10; thence, in a straight line, to a beacon (No. 8) erected on the highest point of an isolated hill, called Dikgagong, or "Wildebeest Kop," situated south-eastward of, and about $3\frac{1}{3}$ miles distant from

a high hill called Moripe; thence, in a straight line, to a beacon (No. 7) erected on the summit of an isolated hill or "koppie" forming the eastern extremity of the range of hills called Moshweu, situated to the northward of, and about two miles distant from, a large isolated hill called Chukudu-Chochwa; thence, in a straight line, to a beacon (No. 6) erected on the summit of a hill forming part of the same range Moshweu; thence, in a straight line, to a beacon (No. 5) erected on the summit of a pointed hill in the same range; thence, in a straight line, to a beacon (No. 4) erected on the summit of the western extremity of the same range; thence, in a straight line, to a beacon (No. 3) erected on the summit of the northern extremity of a low, bushy hill, or "Koppie," near to and eastward of the Notwane River; thence, in a straight line, to the junction of the stream called Metsi-Mashwane with the Notwane River (No. 2); thence up the course of the Notwane River to Sengoma, being the Poort where the River passes through the Dwarsberg range; thence, as described in the Award given by Lieutenant-Governor Keate, dated October 17, 1871, by Pitlanganyane (narrow place), Deboaganka or Schaapkuil, Sibatoul (bare place), and Maclase, to Ramatlabama, a pool on a spruit north of the Molopo River. From Ramatlabama the boundary shall run to the summit of an isolated hill, called Leganka; thence, in a straight line, passing north-east of a Native Station, near "Buurman's Drift," on the Molopo River, to that point on the road from Mosiega to the old drift where a road turns out through the Native Station to the new drift below; thence to "Buurman's Old Drift;" thence, in a straight line, to a marked and isolated clump of trees near to and north-west of the dwelling-house of C. Austin, a tenant on the farm "Vleifontein," No. 117; thence, in a straight line, to the north-western corner beacon of the farm "Mooimeisjesfontein," No. 30; thence, along the western line of the said farm "Mooimeisjesfontein," and in prolongation thereof, as far as the road leading from "Ludik's Drift," on the Molopo River, past the homestead of "Mooimeisjesfontein," towards the Salt Pans near Harts River; thence, along the said road, crossing the direct road from Polfontein to Sehuba, and until the direct road from Polfontein to Lotlakane or Pietfontein is reached; thence, along the southern edge of the last-named road towards Lotlakane, until the first garden ground of that station is reached; thence, in a south-westerly direction, skirting Lotlakane, so as to leave it and all its garden ground in native territory, until the road from Lotlakane to Kunana is reached; thence, along the east side, and clear of that road towards Kunana, until the garden grounds of that station are reached; thence, skirting Kunana, so as to include it and all its garden ground, but no more, in the Transvaal, until the road from Kunana to Mamusa is reached; thence, along the eastern side and clear of the road towards Mamusa, until a road turns out towards Taungs; thence, along the eastern side and clear of the road towards Taungs, till the line of the district known as "Stellaland" is reached, about 11 miles from Taungs; thence, along the line of the district Stellaland, to the Harts River about 24 miles below Mamusa; thence, across Harts River, to the junction of the roads from Monthe and Phokwane; thence along the western side and clear of the nearest road towards "Koppie Enkel," an isolated hill about 36 miles from Mamusa, and about 18 miles north of Christiana, and to the summit of the said hill; thence, in a straight line, to that point on the north-east boundary of Griqualand West as beaconsed by Mr. Surveyor Ford, where two farms, registered as No. 72 and 75, do meet, about mid-way between the Vaal and Harts Rivers, measured along the said boundary of Griqualand West; thence to the first point where the north-east boundary of Griqualand West meets the Vaal River.

ARTICLE II.*

The Government of the South African Republic will strictly adhere to the boundaries defined in the first Article of this Convention, and will do its

* Amended by the Conventions of 1888, see p. 37 *infra*, Article II., and of 1894, see p. 51 *infra*, Article XIII. For details of boundaries see Section VI.

utmost to prevent any of its inhabitants from making any encroachments upon lands beyond the said boundaries. The Government of the South African Republic will appoint Commissioners upon the eastern and western borders whose duty it will be strictly to guard against irregularities and all trespassing over the boundaries. Her Majesty's Government will, if necessary, appoint Commissioners in the native territories outside the eastern and western borders of the South African Republic to maintain order and prevent encroachments.

Her Majesty's Government and the Government of the South African Republic will each appoint a person to proceed together to beacon off the amended south-west boundary as described in Article 1 of this Convention;* and the President of the Orange Free State shall be requested to appoint a referee to whom the said persons shall refer any questions on which they may disagree respecting the interpretation of the said Article, and the decision of such referee thereon shall be final. The arrangement already made, under the terms of Article 19 of the Convention of Pretoria of the 3rd August, 1881, between the owners of the farms Grootfontein and Valleifontein on the one hand, and the Barolong authorities on the other, by which a fair share of the water supply of the said farms shall be allowed to flow undisturbed to the said Barolongs, shall continue in force.

ARTICLE III.

If a British officer is appointed to reside at Pretoria or elsewhere within the South African Republic to discharge functions analogous to those of a Consular officer he will receive the protection and assistance of the Republic.

ARTICLE IV.†

The South African Republic will conclude no treaty or engagement with any State or nation other than the Orange Free State, nor with any native tribe to the eastward or westward of the Republic, until the same has been approved by Her Majesty the Queen.

Such approval shall be considered to have been granted if Her Majesty's Government shall not, within six months after receiving a copy of such treaty (which shall be delivered to them immediately upon its completion), have notified that the conclusion of such treaty is in conflict with the interests of Great Britain or of any of Her Majesty's possessions in South Africa.

ARTICLE V.

The South African Republic will be liable for any balance which may still remain due of the debts for which it was liable at the date of Annexation, to wit, the Cape Commercial Bank Loan, the Railway Loan, and the Orphan Chamber Debt, which debts will be a first charge upon the revenues of the Republic. The South African Republic will, moreover, be liable to Her Majesty's Government for £250,000, which will be a second charge upon the revenues of the Republic.

ARTICLE VI.

The debt due as aforesaid by the South African Republic to Her Majesty's Government will bear interest at the rate of three and a half per cent. from the date of the ratification of this Convention, and shall be repayable by a payment for interest and Sinking Fund of six pounds and ninepence per £100 per annum, which will extinguish the debt in twenty-five years. The said payment of six pounds and ninepence per £100 shall be payable half-yearly, in British currency, at the close of each half year from the date of such

* The Award was declared on 6th August 1885, and embodied in the Convention of 1888, see p. 38 *infra*, Article II. For text see Hertslet's *State Papers*, vol. LXXVI., p. 991.

† By note dated 3rd March 1884, special sanction was given to the immediate negotiation of Treaties with Portugal and the Netherlands, if in accordance with Article II. of the Convention of 1881.

ratification : Provided always that the South African Republic shall be at liberty at the close of any half year to pay off the whole or any portion of the outstanding debt.

Interest at the rate of three and a half per cent. on the debt as standing under the Convention of Pretoria shall as heretofore be paid to the date of the ratification of this Convention.

ARTICLE VII.

All persons who held property in the Transvaal on the 8th day of August, 1881, and still hold the same, will continue to enjoy the rights of property which they have enjoyed since the 12th April, 1877. No person who has remained loyal to Her Majesty during the late hostilities shall suffer any molestation by reason of his loyalty ; or be liable to any criminal prosecution or civil action for any part taken in connection with such hostilities ; and all such persons will have full liberty to reside in the country, with enjoyment of all civil rights, and protection for their persons and property.

ARTICLE VIII.

The South African Republic renews the declaration made in the Sand River Convention, and in the Convention of Pretoria, that no slavery or apprenticeship partaking of slavery will be tolerated by the Government of the said Republic.*

ARTICLE IX.

There will continue to be complete freedom of religion and protection from molestation for all denominations, provided the same be not inconsistent with morality and good order ; and no disability shall attach to any person in regard to rights of property by reason of the religious opinions which he holds.

ARTICLE X.

The British officer appointed to reside in the South African Republic will receive every assistance from the Government of the said Republic in making due provision for the proper care and preservation of the graves of such of Her Majesty's Forces as have died in the Transvaal ; and, if need be, for the appropriation of land for the purpose.

ARTICLE XI.

All grants or titles issued at any time by the Transvaal Government in respect of land outside the boundary of the South African Republic, as defined in Article I, shall be considered invalid and of no effect, except in so far as any such grant or title relates to land that falls within the boundary of the South African Republic ; and all persons holding any such grant so considered invalid and of no effect will receive from the Government of the South African Republic such compensation, either in land or in money, as the Volksraad shall determine. In all cases in which any Native Chiefs or other authorities outside the said boundaries have received any adequate consideration from the Government of the South African Republic for land excluded from the Transvaal by the first Article of this Convention, or where permanent improve-

* These Articles are as follows :—

Sand River Convention, Article IV.—It is agreed that no slavery is, or shall be, permitted or practised in the country to the north of the Vaal River by the emigrant farmers.

Pretoria Convention, Article XV.—The provisions of the IVth Article of the Sand River Convention are hereby re-affirmed, and no slavery or apprenticeship partaking of slavery will be tolerated by the Government of the said State.

ments have been made on the land, the High Commissioner will recover from the native authorities fair compensation for the loss of the land thus excluded or of the permanent improvements thereon.

ARTICLE XII.

The independence of the Swazis, within the boundary line of Swaziland, as indicated in the first Article of this Convention, will be fully recognised.*

ARTICLE XIII.

Except in pursuance of any treaty or engagement made as provided in Article 4 of this Convention, no other or higher duties shall be imposed on the importation into the South African Republic of any article coming from any part of Her Majesty's dominions than are or may be imposed on the like article coming from any other place or country; nor will any prohibition be maintained or imposed on the importation into the South African Republic of any article coming from any part of Her Majesty's dominions which shall not equally extend to the like article coming from any other place or country. And in like manner the same treatment shall be given to any article coming to Great Britain from the South African Republic as to the like article coming from any other place or country.

These provisions do not preclude the consideration of special arrangements as to import duties and commercial relations between the South African Republic and any of Her Majesty's colonies or possessions.

ARTICLE XIV.

All persons, other than natives, conforming themselves to the laws of the South African Republic (*a*) will have full liberty, with their families, to enter, travel, or reside in any part of the South African Republic; (*b*) they will be entitled to hire or possess houses, manufactories, warehouses, shops, and premises; (*c*) they may carry on their commerce either in person or by any agents whom they may think fit to employ; (*d*) they will not be subject, in respect of their persons or property, or in respect of their commerce or industry, to any taxes, whether general or local, other than those which are or may be imposed upon citizens of the said Republic.

ARTICLE XV.

All persons, other than natives, who established their domicile in the Transvaal between the 12th day of April, 1877, and the 8th August, 1881, and who within 12 months after such last-mentioned date have had their names registered by the British Resident, shall be exempt from all compulsory military service whatever.

ARTICLE XVI.

Provision shall hereafter be made by a separate instrument for the mutual extradition of criminals, and also for the surrender of deserters from Her Majesty's Forces.

ARTICLE XVII.

All debts contracted between the 12th April, 1877, and the 8th August, 1881, will be payable in the same currency in which they may have been contracted.

ARTICLE XVIII.

No grants of land which may have been made, and no transfers or mortgages which may have been passed, between the 12th April, 1877, and

* Amended by Convention of 1894, see p. 48 *infra*.

the 8th August, 1881, will be invalidated by reason merely of their having been made or passed between such dates.

All transfers to the British Secretary for Native Affairs in trust for Natives will remain in force, an officer of the South African Republic taking the place of such Secretary for Native Affairs.

ARTICLE XIX.

The Government of the South African Republic will engage faithfully to fulfil the assurances given, in accordance with the laws of the South African Republic, to the natives at the Pretoria Pitso by the Royal Commission in the presence of the Triumvirate and with their entire assent, (1) as to the freedom of the natives to buy or otherwise acquire lands under certain conditions, (2) as to the appointment of a commission to mark out native locations, (3) as to the access of the natives to the courts of law, and (4) as to their being allowed to move freely within the country, or to leave it for any legal purpose, under a pass system.

ARTICLE XX.

This Convention will be ratified by a Volksraad of the South African Republic within the period of six months after its execution, and in default of such ratification this Convention shall be null and void.*

Signed in duplicate in London this 27th day of February, 1884.†

(Signed)	HERCULES ROBINSON.
”	S. J. P. KRUGER.
”	S. J. DU TOIT.
”	N. J. SMIT.

(G.)—*TREATY of Friendship and Commerce between Germany and the South African Republic.*—Signed at Berlin, January 22, 1885.

[Ratifications exchanged at Berlin, June 24, 1886.]

(Translation.)

His Majesty the German Emperor, King of Prussia, in the name of the German Empire, on the one part, and his Excellency the State-President of the South African Republic, on the other part, being desirous to extend and draw closer the relations between the two countries, have resolved upon concluding a Treaty of Friendship and Commerce, and have named as Plenipotentiaries :

His Majesty the German Emperor, King of Prussia, His Majesty's Ambassador Extraordinary and Minister Plenipotentiary at the Hague, Councillor of Legation and Major on the Staff of the army, Count Herbert von Bismarck-Schönhausen ; and His Majesty's Privy Councillor of Legation, Otto Hellwig ;

His Excellency the State-President of the South African Republic, the Jonkheer Gerart Beelaerts van Blokland ;

Who, after mutually communicating their full powers, found to be in good and due form, have made the following Treaty :—

ART. I. There shall be continual peace and friendship between the German Empire and the South African Republic, and freedom of trade between the citizens of both countries.

* Ratified by Resolution of the Volksraad, August 8th, 1884.

† Signed also in the Dutch language.

The citizens of each of the Contracting States shall enjoy on the territory of the other, in regard to the exercise of their religion and in regard to trade and the exercise of industrial professions, the same rights, privileges, and favours of all kinds which belong to, or shall hereafter belong to, the inhabitants of the country, and shall be subject to no other or higher general or local duties, impositions, limitations, or obligations of any kind than those which the citizens of the most favoured nation are or may be hereafter liable to.

II. The citizens of each of the Contracting Parties shall be entitled on the territory of the other, equally with the inhabitants of the country, to make their residence, to travel, to carry on wholesale and retail trade, to possess any kind of real or personal property, to acquire such property by contract, exchange, gift, last will, or in any other manner, and to dispose of it, and to acquire inheritances by law. They shall not in any of these cases be subject to other or higher duties and impositions than the inhabitants of the country.

III. Germans in the South African Republic and citizens of the South African Republic in Germany shall enjoy full liberty, as the inhabitants of the country, to regulate their affairs either in person or through an agent of their own choice, without being obliged to pay an indemnification or compensation which would not have to be paid by the inhabitants themselves to any privileged private person or corporation.

They shall have free access to the Law Courts, and shall enjoy all exemptions and privileges of the inhabitants of the country in regard to the prosecution and defence of their rights.

IV. Limited Liability Companies and other commercial, industrial, or financial Companies which are established in the territory of one of the Contracting Parties according to the laws existing there shall be authorized to exercise, in the territory of the other Party, rights which are enjoyed by similar Companies of the most favoured nation.

V. The subjects of each of the Contracting Parties shall enjoy on the territory of the other the same rights as the subjects of the most favoured nation as regards military service both in the regular army and in the militia and National Guard; also as regards every official duty of a legal administrative, or municipal kind, and all military requisitions and works, and compulsory loans and other burdens which are imposed for war purposes or in consequence of other exceptional circumstances.

They shall not be forced, in regard to their real and personal property, to other obligations, limitations, taxes, or duties than such to which the inhabitants of the country will be subject.

VI. The Contracting Parties shall fix by agreement or by exchange of declarations the formalities on the fulfilment of which the enjoyment of the rights granted by one or the other to its subjects shall depend as soon as the protection of models, patterns, trade or factory-marks, and the marking or labelling of goods or their packing, are regulated in the South African Republic according to principles universally accepted in this matter.

VII. No prohibition of import, export, or transit may be made by one of the Parties to the Treaty against the other which does not apply at the same time to other nations under like conditions.

With respect to the import and export of goods, their transit, or custom-house storage, the duties to be paid of whatever kind they may be, and the customs formalities of every kind, each of the Contracting Parties binds itself to let the other share without delay in every favour, privilege, or reduction

in the import and export duties, and in every other exemption or concession which it has granted or may grant to a third Power.

Favours which one of the two Contracting Parties has granted or may grant to immediately contiguous States or Colonies for facilitating the frontier traffic cannot be claimed by the other Party so long as these favours are withheld from all other non-contiguous States and Colonies also. Among the latter States is to be reckoned also the non-contiguous protected State of a Colony to which favours of the kind indicated are granted.

VIII. Each of the Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, or Consular Agents in the commercial towns in the territory of the other Party.

Consuls-General, Consuls, and Vice-Consuls may appoint Consular Agents if empowered to do so by the laws of the State by which they themselves have been appointed.

Both Parties reserve the right to refuse the admission of Consular officials for certain places. It is, however, assumed that this right is exercised equally towards all Powers.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may be chosen from among the subjects of both countries or of other States. They may enter on their duties as soon as they have been formally admitted and recognized by the Government of the country in which their post is situated.

The exequatur is to be granted free of cost. Both Parties reserve the right to withdraw the exequatur, assigning their reasons for doing so.

The Government of the State in which they have their seat of office shall be informed of every change in the official districts of the Consuls.

IX. Consuls-General, Consuls, Vice-Consuls, and their clerks or Secretaries, as also the Consular Agents, who are subjects of the State which has appointed them, shall be exempted from being subjected to the billeting of soldiers and military burdens in general, from direct and personal taxes, and from taxes on movable property and articles of luxury, whether levied by the State or by Municipalities, unless they possess land or are engaged in commerce or any trade, in which cases they shall be subject to the same imposts, burdens, and taxes to which the other inhabitants of the country are subject as landowners, merchants, or tradesmen.

They may neither be arrested nor imprisoned, except for actions which the Penal Code of the State in which they have their official seat designates and punishes as crimes.

X. Consuls-General, Consuls, Vice-Consuls, and their clerks or secretaries, as also Consular Agents, are bound to give evidence in Court when the Tribunals of the country judge it necessary. In this case, however, the Tribunal shall request them by official letter to appear before it.

Should the said officials be prevented from attending, the Tribunal shall, if they are subjects of the State which has appointed them, repair to their dwelling to hear their oral evidence, or request them to give evidence in writing. In the latter case the officials shall comply with the demand of the Tribunal without delay, and shall send to the said Tribunal their deposition with their signature and official seal appended.

XI. Consuls-General, Consuls, Vice-Consuls, and Consular Agents may affix the arms of the State which has appointed them to the Consulate building with the inscription "Consulate-General," "Consulate," "Vice-Consulate," or "Consular Agency of . ." and hoist their national flag on the Consulate building.

It is understood that these external signs may never be interpreted as establishing a right of asylum.

XII. The Consular archives are always inviolable, and the authorities of the country can under no pretext and in no case look into or seize the official papers belonging to the archives. The official papers must always be separated from the books and papers relating to the commercial business or trade, if such be carried on by the Consular official. The official rooms and dwellings of the "Consuls de Carrière" who are subjects of the State which has appointed them shall always be inviolable. The authorities of the country shall, except where the prosecution of crime is concerned, perform no official act there without the Consul's consent, and the papers and books deposited there may in no case be examined or seized.

XIII. In cases of inability to act, the absence or death of Consuls-General, Consuls, Vice-Consuls, the clerks and secretaries who have been named as such to the Government of the State in which they have their seat of office shall be legally entitled to exercise the Consular functions for the time, and shall, during that time, enjoy the liberties and privileges which, according to this Treaty, belong thereto.

XIV. Consuls-General, Consuls, and Vice-Consuls, or Consular Agents may, in the exercise of the official functions assigned them, apply to the authorities of their official district in order to protest against any violation of the Treaties or Agreements existing between the two Parties, and against any injury done to the subjects of the State which has appointed them. If their representations are not attended to by these authorities, they may, if the said State has no Diplomatic Representative, apply to the Central Government of the country in which they have their seat of office.

XV. Consuls-General, Consuls, Vice-Consuls, and their clerks, as also Consular Agents, have the right to take in writing, both in their Chancery and in the dwellings of the persons concerned, the declarations which travelers, traders, and all other subjects of the State which has appointed them, have to make. They may also, so far as they are empowered to do so by the laws of the said State, draw up and officially attest all testamentary directions of subjects of the said State.

In like manner, they may draw up and sign and seal all other legal documents in which those subjects, either alone or together with subjects or other inhabitants of the country in which they have their seat of office, are concerned.

These officials, subject to the laws of the State which has appointed them, have the right to draw up and sign and seal legal documents in which subjects of the State in which the Consular officials have their seat of office, or of a third State, are exclusively concerned, when the legal documents relate exclusively to real and personal property which is in the State which has appointed them, or to affairs which are to be settled there. Consular officials may also translate and certify all kinds of acts and documents originating from public offices or officials of the State which has appointed them.

All the above-mentioned documents, as also the copies, extracts, or translations of such documents, when certified in the prescribed form by the said Consular officials, and stamped with the official seal of the Consulate, shall have in both States the same force and validity as if they had been taken before a notary or other competent public or judicial official in either of the two States, with the restriction that they are subject to the stamp, registration, or any other tax or impost existing in the State in which they are to be executed. If doubts are raised as to the accuracy or genuineness of the copies, extracts, or translations, the Consulate shall, on demand, place the original document at the disposal of the competent authority of the country for collation.

XVI. The Consuls-General, Consuls, and Vice-Consuls of the German Empire in the South African Republic have, so far as they are empowered thereto by their Government, the right to perform their valid civil marriages of subjects of the German Empire, in accordance with the laws of that Empire, and to attest the births, marriages, and deaths of such subjects.

XVII. If a German die in the South African Republic, or a citizen of the South African Republic in Germany, at a place where a Consul-General, Consul, Vice-Consul, or Consular Agent of the State to which the deceased belonged has his seat of office, or near such a place, the competent local authority shall at once inform the Consular authority.

In like manner the Consular authority, if it receive notice of the death first, shall inform the local authority.

The Consular authority has the right to put all objects of bequest under sale in virtue of its office or at the instance of the parties concerned, after having given notice of such official act to the competent local authority, which may be present at the same and also affix its seals.

The seals affixed on the part of both may not be broken without the consent of the local authority.

Should the latter, however, fail to appear within 48 hours after receipt of an invitation from the Consular authority to be present at the breaking of the seals affixed by both, the Consular authority may perform the said official act alone.

After breaking the seals the Consular authority shall draw up a list of all objects of bequest, and this in presence of the local authority, if the latter, in consequence of the above-mentioned invitation, shall be present.

The local authority shall sign the Protocols drawn up in its presence, and is not entitled to claim any fees of any kind for its official co-operation in these official acts.

XVIII. The competent authorities of the country shall issue the notices customary in the country, or prescribed by its laws, regarding the opening of the will and the summoning of the heirs or creditors, and shall communicate these notices to the Consular authority without prejudice to the notices which may be issued in like manner by the latter.

XIX. The Consular authority, whilst observing the forms prescribed by the laws and customs of the country in which it has its seat of office, may order to be sold by public auction all personal objects of bequest liable to be spoiled, and all those which being kept would entail considerable expense on the estate.

XX. The Consular authority shall take charge of the objects of bequest, as by the inventory, the amount of the encashed claims and revenues received, and the proceeds of the sale of objects of bequest which may have taken place, till the expiry of a term of six months reckoned from the date of the last notice issued by the local authority concerning the opening of the will, or, if no notice should have been issued by the local authority, till the expiry of a term of eight months reckoned from the date of the death.

The Consular authority shall, however, have the right to draw at once in advance on the proceeds of the estate for the expenses of the last illness and of the funeral of the deceased, for servants' wages, rent, Court and Consulate expenses, and the like, and for such expenditure as may be necessary for the maintenance of the family of the deceased.

XXI. Subject to the provisions of the preceding Article, the Consular authority shall have the right to take all the steps it may deem expedient in the interest of the heirs, in order to preserve the real and personal property bequeathed by the deceased. The Consular official may administer the said property either personally or by representatives chosen by him and acting in his name; and he shall have the right to receive as representative of the heirs all articles of value belonging to the deceased which may be in the custody of public offices for the receipt of deposits, or of private persons.

XXII. If, during the term mentioned in Article XX, disputes should arise regarding claims on the inheritance of subjects of the country or of a third State, the decision on these claims, so far as they do not rest on a claim of inheritance or on bequest, rests exclusively with the Law Courts of the country. If the amount of the assets do not suffice for full payment of the debts, the creditors, if the laws of the country permit, shall have it in their power to propose to the competent local authority to call a meeting of creditors. After this has been done all objects of bequest shall be handed over to the competent local authority or to the administrators of the bankrupt's estate, while the Consular authority remains entrusted with the care of the interests of the subjects of the State which has appointed it, and especially of those who are absent, or minors, or otherwise unable to guard their own interests.

XXIII. On the expiration of the term fixed in Article XX, if there be no claim against the estate, the Consular authority, after all expenses and costs with which the estate is burdened according to the laws of the land have been paid, shall finally enter into possession of the estate, which it shall liquidate and make over to the rightful heirs, without having to render account to any one but its own Government.

XXIV. In all questions to which the opening of wills and the administration and liquidation of estates of subjects of one of the two States may give rise in the other, the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents legally represent the heirs, and are to be officially recognized as their attorneys without being obliged to prove their authorization by a special document. They shall accordingly be permitted to appear before the competent authorities in person or by representatives chosen by them from among the persons authorized thereto by the laws of the land, to guard the interests of the heirs in every affair concerning the estate by asserting their rights or admitting the claims raised against them.

They are, however, bound to bring to the knowledge of the executors, if such exist, or of the heirs present or duly represented, every claim which has been made to them against the estate, in order that the executors or the heirs may state any objections they may have against any such claim.

They shall also be able to appoint guardians or trustees for the subjects of the State which has appointed them for everything relating to the settlement of the estate in accordance with the laws of the said State.

It is, of course, understood that, as Consuls-General, Consuls, Vice-Consuls, and Consular Agents are regarded as attorneys of the heirs, a claim on the estate can never be made good against these officials themselves.

XXV. The right of inheritance and the division of the estate, left by the deceased shall be determined by the laws of his country.

All claims relating to the right of inheritance and division of the estate shall be decided by the Courts or other competent authorities of the same country and in accordance with its laws.

XXVI. If a German die in the South African Republic, or a citizen of the South African Republic in Germany, at a place at or near which there is

no Consular authority of his State, the competent local authority, in accordance with the laws of the country, shall affix the seals and make an inventory of the estate. Certified copies of the records of the transactions on the subject are to be sent, with the certificate of death and the documents showing to what State the deceased belonged, with the least possible delay, to the nearest Consular authority.

The competent local authority shall take all the steps prescribed by the laws of the land for the safeguarding of the estate, and shall transfer the amount of the same as soon as possible after the expiration of the term fixed in Article XX to the said Consular authority.

It is understood that, from the moment when the competent Consular official shall have appeared or sent a representative to the place, the local authority which may have taken steps in the matter will have to be guided by the prescriptions contained in the preceding Articles.

XXVII. If a subject of one of the two States should be interested in a property left in the territory of the other, the local authority shall, even if the testator was a subject of the latter or of a third State, instantly inform the nearest Consular authority of the opening of the will.

XXVIII. The prescriptions of this Treaty shall apply in like manner to the property left by a subject of one of the two States who, having died outside of the territory of the other State, has left real or personal property there.

XXIX. Consuls-General, Consuls, Vice-Consuls, or Consular Agents are exclusively intrusted with drawing up the inventory and the other official acts necessary for the preservation and liquidation of the estate of all travellers who may die in the country in which the seat of office of the said official is situated, and who belonged at his death to the other State.

XXX. Consuls-General, Consuls, Vice-Consuls, and their clerks and secretaries, as also Consular Agents, shall in both States share in all immunities, privileges, and rights which belong to the officials of the same rank of the most favoured nation.

XXXI. A special Agreement shall be made between the Contracting Parties as to the mutual extradition of criminals and settlement of requests in penal cases. Until this Agreement shall come into operation the same rights and favours shall be granted to the German Empire in the South African Republic as have been or shall in future be granted to another State by the said Republic, in so far as, on the part of the German Empire, reciprocity be assured to the South African Republic on request being made in similar cases.

XXXII. The present Treaty, the stipulations of which relating to commerce extend to the countries or territories at present united or in future to be united by customs union with either of the Contracting Parties, shall be ratified, and the ratifications shall be exchanged at Berlin as soon as possible.

The Treaty shall come into force one month after the exchange of ratifications, and shall remain in force for 10 years reckoned from the date of its coming into force.

If, one year before the expiration of this period, neither of the Contracting Parties signify to the other by an official declaration its intention to denounce the Treaty, it shall remain in force for one year more, and so on, until the expiration of a year reckoned from the day on which the one or the other of the Contracting Parties shall have given notice of such intention.

The Contracting Parties reserve the right to introduce into this Treaty, after mutual Agreement, any changes which are not contrary to its spirit and principles, and the usefulness of which shall have been shown by experience.

In witness whereof the Plenipotentiaries of the two Contracting Parties have signed and sealed the present Treaty.

Done at Berlin, on the 22nd January, 1885.

(L.S.) COUNT BISMARCK-SCHONHAUSEN.

(L.S.) HELLWIG.

(L.S.) BEELAERTS VAN BLOKLAND.

At the signature of the Treaty of Friendship and Commerce concluded to-day between the German Empire and the South African Republic, the Plenipotentiaries of the two Contracting Parties, in regard to Article XXXII of the Treaty, have declared that they both understand that, in accordance with Article IV of the Convention signed at London on the 27th February, 1884,* between Great Britain and the South African Republic, the Treaty cannot be ratified till the Government of the South African Republic shall have communicated that its conclusion, in accordance with the prescriptions of Article IV of the said Convention, has met with the approval, expressed or understood, of the British Government.

Done at Berlin, the 22nd January, 1885.

(L.S.) COUNT BISMARCK-SCHONHAUSEN.

(L.S.) HELLWIG.

(L.S.) BEELAERTS VAN BLOKLAND.

(H.)—*CONVENTION between Great Britain and the South African Republic, defining the new Boundary of the South African Republic, and providing for the Renunciation by the South African Republic on behalf of the New Republic of claim to exercise a Protectorate over Zululand, &c.—Signed at Pretoria, June 11, 1888; and at Cape Town, June 20, 1888.†*

WHEREAS, on or about the 14th day of September, 1887,‡ a certain Treaty of Union was signed and executed by his Honour Stephanus Johannes Paulus Kruger, State President of the South African Republic, and the Honourable Willem Eduard Bok, State Secretary of the said Republic, as representatives of the Volksraad and Government of the said Republic, of the one part, and Mr. Lucas Johannes Meyer and Mr. Philippus Rudolph Spies, as representatives of the Volksraad and Government of a certain community therein styled the New Republic, of the other part, which Treaty of Union has not hitherto been completed and ratified by the Volksraads of the South African Republic and of the said community;

And whereas by Article IV of a Convention duly made and entered into on the 27th day of February, 1884, by and between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the South African Republic, commonly called the Convention of London, the South African Republic did covenant and agree not to conclude any Treaty or engagement with any State or nation, other than the Orange Free State, until the same has been approved of by Her Majesty the Queen;

* See p. 26 *supra*.

† Published for general information, by the High Commissioner for South Africa, in the *Cape of Good Hope Government Gazette* of September 21, 1888.

‡ See Hertslet's *State Papers* Vol. LXXVIII. Page 830.

And whereas Her Majesty the Queen has been pleased to accord her approval to the said Treaty of Union, when completed and ratified by the aforesaid Volksraads in manner hereinafter set forth, provided this present Convention shall be duly executed, completed, and ratified by and between Her Majesty the Queen and the Government and Volksraad of the South African Republic ;

And whereas it is expedient and necessary in and by this Convention to add certain clauses to the definition of the boundaries of the South African Republic, as set forth in Article I of the Convention of London, and to provide for a renunciation by the Government of the South African Republic on behalf of the said Republic, and of the said community, the territory whereof will by the said Treaty of Union be incorporated with and into the said Republic, of all claims which heretofore the Government of the said community may have advanced to exercise a Protectorate over the whole or any portion of the territory known as Zululand, and now annexed to and forming portion of Her Majesty's dominions ;

And whereas it is also expedient and necessary to make suitable provision for the proper care and preservation of the graves of certain Zulu Chiefs, which graves are situated within the boundaries hereinafter defined as including portion of the territory of the South African Republic :

Now, therefore, Her Majesty the Queen has been pleased to direct, and it is hereby declared, that the following Articles of a new Convention, signed on behalf of Her Majesty by Her Majesty's High Commissioner in South Africa, the Right Honourable Sir Hercules George Robert Robinson, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor of the Colony of the Cape of Good Hope, and on behalf of the South African Republic by his Honour Stephanus Johannes Paulus Kruger, State President of the said Republic, shall, as and from the date of the taking effect thereof, be deemed and taken to constitute a binding Treaty and engagement between Her Majesty the Queen and the South African Republic, and shall be read and construed in supplement of and together with the Convention of London aforesaid.

ART. I. This Convention shall not take effect or come into force unless and until—

(a) It shall have been duly completed and ratified by the Volksraad of the South African Republic ;* and

(b) The Treaty of Union signed and executed as aforesaid on the 14th day of September, 1887, shall have been completed and ratified by the Volksraad of the South African Republic,† and by the Volksraad of the community styled in the said Treaty of Union “ the New Republic ;”

Unless such completion and ratification of this Convention and of the said Treaty of Union shall have taken place within six months from the date of execution hereof, this Convention shall become null and void to all intents and purposes.

II. The territory of the South African Republic shall, in addition to the territory defined in Article I of the Convention of London, embrace and include all land lying between the following boundaries, to wit :—

Beginning from the point where the Pongolo River passes through the Libombo range below Beacon XXXI,‡ hereinafter described ;

Thence up the Pongolo River to its junction with the Bivana River ;

* Ratified by the Volksraad of the South African Republic, June 28, 1888.

† Ratified by the Volksraad of the South African Republic, July 2, 1888.

‡ See p. 23 *supra*.

- Thence up the Bivana River to its junction with the Penwana River ;
- Thence up the course of the Penwana River to its source where the road from Kambula Camp to Burgers Laager crosses ;
- Thence to a beacon on Kambula Hill ;
- Thence 800 yards to a white rock where the White Umfolosi rises ;
- Thence down the White Umfolosi to its junction with the N'Sonto River ;
- Thence up the N'Sonto River and 80 yards from the river to a beacon situated on a spur of the N'Qaba Kashwana Mountains ;
- Thence 80 yards to the source of the Dudusi River or Lynspruit ;
- Thence down the Dudusi to its junction with the Blood River ;
- Thence down the Blood River to its junction with the Umdhlenefu Stream ;
- Thence up the Umdhlenefu Stream to a beacon (Ityendhlovu Rock) ;
- Thence down the Umvunyana River to its junction with the Nondweni River ;
- Thence up the Nondweni River to a beacon on the Igogo Hill ;
- Thence to a beacon and the source of the Umhlatuzi River in the Ibabanango Hill ;
- Thence down the Umhlatuzi River to a drift, where the waggon-road leading from Nkandhla Mountain crosses (Beacon I).
- Thence along the waggon-road to Beacon II, on Ugaga or Ityelenimbi Hill ;
- Thence about 2,000 yards to Beacon III ;
- Thence to Beacon IV on Amazizi Range ;
- Thence to Beacon V near the source of the Indhlovane Stream ;
- Thence by Beacons VI, VII, VIII, IX, X, XI, XII, XIII, to Beacon XIV, situated at Ulundi Drift of the White Umfolosi ;
- Thence along the White Umfolosi to Beacon XV, being the same as Beacon No. I of the line of "Second Inspection ;"
- Thence to Beacon XVI on the eastern spur of Capela Hill ;
- Thence to Beacon XVII, on a stony hill above Umhlahlane Neck ;
- Thence to Beacon XVIII, on the Umancanca Range ;
- Thence to Beacon XIX, on the south-east ridge of the Idhlebe Hill ;
- Thence to Beacon XX, being the same as Beacon No. 2 of the line of "Second Inspection" on Idhlebe Hill ;
- Thence to Beacon XXI, on Ugedhla or Umdaja Hill ;
- Thence to Beacon XXII, being the same as Beacon No. 3 of the "Second Inspection" on Ceza Hill ;
- Thence to Beacon XXIII, near northern extremity of the Ungalondi Spur ;
- Thence to Beacon XXIV, on Undindindi Range ;
- Thence to Beacon XXV, on the Umjabase Hill ;

Thence to Beacon XXVI, being the same as Beacon No. 4 of the "Second Inspection," on the Isibuja Hill ;

Thence to the source of the Impalaza Spruit called Magodogodo or Gotogoto ;

Thence down the Impalaza Spruit to the junction with the Umkusana River ;

Thence down the Umkusana River to its junction with the Umkusi River ;

Thence down the Umkusi River to Beacon XXVII, at the Umkusi Poort, near the southern extremity of the Udonzagolo Ridge ;

Thence along the watershed of the Libombo to Beacon XXVIII, on Umangwazana Hill ;

Thence to Beacon XXIX, on Emadubeni Ridge ;

Thence to Beacon XXX, on Uzibobalane Hill, on the edge of the krantz overlooking the western side of the mountain ;

Thence to Beacon XXXI, on the top of Nqabeni Hill ;

Thence along the watershed of the Libombo Range to the starting point where the Po.:golo River passes through the Libombo Range.

III. The Government of the South African Republic, on its own behalf and also on behalf of the community styled in the Treaty of Union aforesaid "the New Republic," hereby for ever renounces all claim heretofore advanced by the Government of the said community to exercise a Protectorate over the whole or any portion of territory known as Zululand, and now annexed to and forming portion of Her Majesty's dominions.

IV. The Government of the South African Republic hereby agrees and engages to use every endeavour, and afford every assistance to the British officer appointed to reside in the South African Republic, with a view to making due provision for the proper care and preservation of the graves of certain Zulu Chiefs, which are situated in the territory hereinbefore defined, as hereinafter more specifically described and set forth, and to that end the said Government agrees and engages to endeavour to procure the consent of the several proprietors of the land whereon the said graves are situated to the expropriation of land, and to the inclosure with stone walls of any or all of the said graves with suitable margin of adjacent ground, and further to endeavour to procure the consent of such proprietors to the granting of free rights of way to any or all of the said graves, at all reasonable times, to such person or persons as may be approved of and appointed by Her Majesty's Commissioner for Zululand, to attend to and secure the proper care and preservation of any or all of the said graves ; provided that the cost of such expropriation or inclosure of land, and of caring for and preserving such graves, shall not devolve upon or be borne by the Government of the South African Republic.

The following are the names of the Zulu Chieftains and Kings whose graves are situated in the Makosini district :—

- | | |
|----------------|------------------|
| 1. Umtombela. | 5. Umageba. |
| 2. Uzulu. | 6. Undaba. |
| 3. Nkosinkulu. | 7. Mjama. |
| 4. Mpungu. | 8. Senzangokona. |

V. This Convention, together with the Convention of London aforesaid, shall have full force and effect in respect of the entire territory of the South

African Republic, as defined by this Convention and by the Convention of London.

VI. The obligations which the South African Republic takes over from the New Republic with regard to Her Majesty's Government are limited to the territory of the New Republic, and are subject to the same conditions upon which the engagements rest upon the New Republic.

Signed at Government House, Cape Town, this 20th day of June, 1888.

HERCULES ROBINSON, *High Commissioner.*

GRAHAM BOWER, *Imperial Secretary.*

Geteekend ten Gouvernements Kantoor te Pretoria, dezen Elfden dag van Juni, 1888.

S. J. P. KRUGER, *Staats President.*

W. EDUARD BOK, *Staats Secretaris.*

(J.)—*TREATY of Friendship and Commerce between the South African Republic and the Orange Free State.—Signed at Potchefstroom, March 9, 1889.*

[Ratifications exchanged, August 16, 1890.]

(Translation.)

THE South African Republic and the Orange Free State, being mutually desirous of binding closer and strengthening the bond of mutual amity now fortunately existing between both Republics, and also to encourage by all means in their power the commercial intercourse between their burghers, have mutually agreed to conclude the following Treaty of Commerce and Amity:—

ART. I. An inviolable peace and perfect amity shall exist between the South African Republic and the Orange Free State.

II. The burghers of the South African Republic and of the Orange Free State will be allowed an equal footing and be treated as burghers of the State in which they are.

No greater burdens nor heavier obligations shall be laid on them than on citizens of the State in which they are residing.

The above-mentioned rights shall not, however, be extended to the enjoyment of political rights.

III. Neither of the Contracting Parties shall lay a higher duty on the import, export, or transit of any productions of the ground, industry, or art of the other than that charged on the productions of its own burghers, provided the elements or chief constituent parts of the productions of industry are productions of the other country.

The Governments will mutually agree as to the proof that will have to be given that such productions are actually the productions of the country that exports them.

IV. Applications for permits for the transit of ammunition and guns for the use and benefit of the Government of either of both States shall be made in writing, mentioning the quantity of guns, ammunition, &c., for which

transit is requested, and must be signed by the President of the State which desires such transit; whereupon the President of the State from which such permit is requested shall give the same without any hesitation or payment of any import or stamp duty thereon. This shall not apply to the ammunition and guns of general trade.

V. The free trade mentioned in this Treaty shall not extend to contraband articles, ammunition, and guns, traffic with the natives, or in explosives, or other articles in regard to which a general prohibition of import or a State monopoly exists.

VI. No transit dues will be levied on goods passing through the territory of one of the Contracting Parties to or from the territory of the other.

The Governments will mutually agree on the manner of controlling these transits.

VII. This Treaty shall be in force from the day on which the ratifications are issued until six months after notice has been given by either of the Parties.

VIII. This Treaty will be subject to the approval and ratification of the respective Volksraads in their next Session.

The ratifications will be published as soon as possible.

For fulfilment of which both State Presidents, subject to the above-mentioned ratifications, have signed this Treaty.

Done at Potchefstroom, the 9th March, 1889.

(L.S.) S. J. P. KRUGER, *State President,*
South African Republic.

(L.S.) F. W. REITZ, *State President,*
Orange Free State.

PROTOCOL.

At the occasion of the signing of the above Treaty of Commerce and Amity between the South African Republic and the Orange Free State, the following declaration was made on both sides:—

1. It is understood that each of the Contracting Parties retain the power to remove from its territory the subjects of the other State who do not conduct themselves according to the laws of the country.

2. It is further understood that Article II of this Treaty is subject to local regulations of the respective Parties, regarding jurisdiction and legal procedure.

3. It is fixed that each of the Contracting Parties retains the right to levy import duty on such goods for the manufacturing of which a monopoly or protection right is granted by such Party. The other Party obtains by the levying of such import duties the same right with regard to the same goods.

Potchefstroom, March 9, 1889.

(L.S.) S. J. P. KRUGER, *State President,*
South African Republic.

(L.S.) F. W. REITZ, *State President,*
Orange Free State.

(K.)—*POLITICAL TREATY between the South African Republic and the Orange Free State.—Signed at Potchefstroom, March 9, 1889.*

[Ratifications exchanged, August 16, 1890.]

(Translation.)

HIS Honour the State President, with the Deputation of the South African Republic, and his Honour the State President, with the Commission of the Orange Free State, have agreed to subject the following Contract to the approval of the Volksraad of the two States :—

The South African Republic and the Orange Free State—

Convinced of the many bonds of blood and friendship which bind the people of the South African Republic to the people of the Orange Free State ;

Desirous of making the interests of both countries common, and to bind the two States closer together by a solemn Treaty ;

Wishing, with a view to this, to bring about a federal union between the two States ;

Knowing that such a federal union will come into force after a few years only ;

Filled with the desire to give utterance at once to the same feeling and same longing that gave rise to a wish for a federal union ;

Waiting for such a union to come into force, have desired as follows :—

ART. I. There will be perpetual peace between the South African Republic and the Orange Free State.

II. The South African Republic and the Orange Free State bind themselves mutually and declare themselves prepared to assist each other with all powers and means whenever the independence of either of the States is threatened and attacked from without, unless the State who has to supply the assistance shows the injustice of the cause of the other State.

Done and signed at Potchefstroom, the 9th March, 1889.

(L.S.) S. J. P. KRUGER, *State President,*
South African Republic.

(L.S.) F. W. REITZ, *State President,*
Orange Free State.

(L.)—*TREATY between Great Britain and Portugal, defining the Spheres of Influence of the two countries in Africa.—Signed at Lisbon, June 11, 1891.*

[Ratifications exchanged at London, July 3, 1891.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, &c., and His Most Faithful Majesty the King of Portugal and Algarves, &c., with a view to settle definitely the boundaries of their respective spheres of influence in Africa, and being animated with the desire to confirm the friendly relations between the two Powers, have determined to conclude a Treaty to this effect, and have named as their respective Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Sir George Glynn Petre, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Companion of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of His Most Faithful Majesty, &c.; and

His Most Faithful Majesty the King of Portugal and Algarves, Joaquim Thomaz Lobo d'Avila, Count of Valbom, Councillor of His Majesty and of State, Peer of the Realm, Grand Cross of the Military Order of Our Lord Jesus Christ, Knight of the Military Order of St. Bento d'Aviz, and Grand Cross of various foreign Orders, &c., His Majesty's Minister and Secretary of State for Foreign Affairs, &c.;

Who, having communicated to each other their respective full powers, found in good and due order, have agreed upon and concluded the following Articles:

ART. I. Great Britain agrees to recognise as within the dominion of Portugal in East Africa the territories bounded—

1. To the north by a line which follows the course of the River Rovuma from its mouth up to the confluence of the River M'Sinje, and thence westerly along the parallel of latitude of the confluence of these rivers to the shore of Lake Nyasa.

2. To the west by a line which, starting from the above-mentioned frontier on Lake Nyasa, follows the eastern shore of the lake southwards as far as the parallel of latitude $13^{\circ} 30'$ south; thence it runs in a south-easterly direction to the eastern shore of Lake Chiuta, which it follows. Thence it runs in a direct line to the eastern shore of Lake Chilwa or Shirwa, which it follows to its south-easternmost point; thence in a direct line to the easternmost affluent of the River Ruo, and thence follows that affluent, and, subsequently, the centre of the channel of the Ruo to its confluence with the River Shiré.

From the confluence of the Ruo and Shiré the boundary will follow the centre of the channel of the latter river to a point just below Chiwanga. Thence it runs due westward until it reaches the watershed between the Zambezi and the Shire, and follows the watershed between those rivers and afterwards between the former river and Lake Nyasa until it reaches parallel 14° of south latitude.

From thence it runs in a south-westerly direction to the point where south latitude 15° meets the River Aroangwa or Loangwa, and follows the mid-channel of that river to its junction with the Zambezi.

II. To the south of the Zambezi, the territories within the Portuguese sphere of influence are bounded by a line which, starting from a point opposite the mouth of the River Aroangwa or Loangwa, runs directly southwards as far as the 16th parallel of south latitude, follows that parallel to its intersection with the 31st degree of longitude east of Greenwich, thence running eastward direct to the point where the River Mazoe is intersected by the 33rd degree of longitude east of Greenwich; it follows that degree southward to its intersection by the $18^{\circ} 30'$ parallel of south latitude; thence* it follows the upper part of the eastern slope of the Manica plateau southwards to the centre of the main channel of the Sabi, follows that channel to its confluence with the Lunte, whence it strikes direct to the north-eastern point of the frontier of the South African Republic, and follows the eastern frontier of the Republic, and the frontier of Swaziland, to the River Maputo.

* The interpretation of this Article from this word to the words "River Maputo" was the subject of subsequent negotiations. See Hertlet's *Map of Africa by Treaty*, vol. iii., p. 1037, and for boundary awarded by Arbitration, see Section VI. *infra*.

It is understood that in tracing the frontier along the slope of the plateau, no territory west of longitude 32° 30' east of Greenwich shall be comprised in the Portuguese sphere, and no territory east of longitude 33° east of Greenwich shall be comprised in the British sphere. The line shall, however, if necessary, be deflected so as to leave Mutassa in the British sphere, and Massi-Kessi in the Portuguese sphere.

III. Great Britain engages not to make any objection to the extension of the sphere of influence of Portugal, south of Delagoa Bay, as far as a line following the parallel of the confluence of the River Pongolo with the River Maputo to the sea coast.

IV. It is agreed that the western line of division separating the British from the Portuguese sphere of influence in Central Africa shall follow the centre of the channel of the Upper Zambezi, starting from the Katima Rapids up to the point where it reaches the territory of the Barotse Kingdom.

That territory shall remain within the British sphere; its limits to the westward, which will constitute the boundary between the British and Portuguese spheres of influence, being decided by a Joint Anglo-Portuguese Commission, which shall have power, in case of difference of opinion, to appoint an Umpire.

It is understood on both sides that nothing in this Article shall affect the existing rights of any other State. Subject to this reservation, Great Britain will not oppose the extension of Portuguese administration outside of the limits of the Barotse country.

V. Portugal agrees to recognize, as within the sphere of influence of Great Britain on the north of the Zambezi, the territories extending from the line to be settled by the Joint Commission mentioned in the preceding Article to Lake Nyasa, including the islands in that lake south of parallel 11° 30' south latitude, and to the territories reserved to Portugal by the line described in Article I.

VI. Portugal agrees to recognize, as within the sphere of influence of Great Britain to the south of the Zambezi, the territories bounded on the east and north-east by the line described in Article II.

VII. All the lines of demarcation traced in Articles I to VI shall be subject to rectification by agreement between the two Powers, in accordance with local requirements.

The two Powers agree that in the event of one of them proposing to part with any of the territories to the south of the Zambezi assigned by these Articles to their respective spheres of influence, the other shall be recognized as possessing a preferential right to the territories in question, or any portion of them, upon terms similar to those proposed.

VIII. The two Powers engage that neither will interfere with any sphere of influence assigned to the other by Articles I to VI. One Power will not, in the sphere of the other, make acquisitions, conclude Treaties, or accept sovereign rights or Protectorates. It is understood that no Companies nor individuals subject to one power can exercise sovereign rights in a sphere assigned to the other, except with the assent of the latter.

IX. Commercial or mineral Concessions and rights to real property possessed by Companies or individuals belonging to either Power shall, if their validity is duly proved, be recognized in the sphere of the other Power. For deciding on the validity of mineral Concessions given by the legitimate authority within 30 miles of either side of the frontier south of the Zambezi, a Tribunal of Arbitration is to be named by common agreement.

It is understood that such Concessions must be worked according to local regulations and laws.

X. In all territories in East and Central Africa belonging to or under the influence of either Power, missionaries of both countries shall have full protection. Religious toleration and freedom for all forms of divine worship and religious teaching are guaranteed.

XI. The transit of goods across Portuguese territories situated between the East Coast and the British sphere shall not, for a period of twenty-five years from the ratification of this Convention, be subjected to duties in excess of 3 per cent. for imports or for exports. These dues shall in no case have a differential character, and shall not exceed the customs dues levied on the same goods in the above-mentioned territories.

Her Majesty's Government shall have the option, within five years from the date of the signature of this Agreement, to claim freedom of transit for the remainder of the period of 25 years on payment of a sum capitalizing the annual duties for that period at the rate of £30,000 a-year.

Coin and precious metals of all descriptions shall be imported and exported to and from the British sphere free of transit duty.

It is understood that there shall be freedom for the passage of subjects and goods of both Powers across the Zambezi, and through the districts adjoining the left bank of the river situated above the confluence of the Shiré, and those adjoining the right bank of the Zambezi situated above the confluence of the River Luenha (Ruenga), without hindrance of any description and without payment of transit dues.

It is further understood that in the above-named districts each Power shall have the right, so far as may be reasonably required for the purpose of communication between territories under the influence of the same Power, to construct roads, railways, bridges, and telegraph lines across the district reserved to the other. The two Powers shall have the right of acquiring in these districts on reasonable conditions the land necessary for such objects, and shall receive all other requisite facilities. Portugal shall have the same rights in the British territory on the banks of the Shiré and in the British territory comprised between the Portuguese territory and the banks of Lake Nyasa. Any railway so constructed by one Power on the territory of the other shall be subject to local regulations and laws agreed upon between the two Governments, and, in case of differences of opinion, subject to arbitration as hereinafter mentioned.

The two Powers shall also be allowed facilities for constructing on the rivers within the above districts piers and landing-places for the purpose of trade and navigation.

Differences of opinion between the two Governments as to the execution of their respective obligations, incurred in accordance with the provisions of the preceding paragraph, shall be referred to the arbitration of two experts, one of whom shall be chosen on behalf of each Power. These experts shall select an Umpire, whose decision, in case of difference between the Arbitrators, shall be final. If the two experts cannot agree upon the choice of an Umpire, this Umpire shall be selected by a neutral Power to be named by the two Governments.

All materials for the construction of roads, railways, bridges, and telegraph lines shall be admitted free of charge.

XII. The navigation of the Zambezi and Shiré, without excepting any of their branches and outlets, shall be entirely free for the ships of all nations.

The Portuguese Government engages to permit and to facilitate transit for all persons and goods of every description over the waterways of the Zambezi, the Shiré, the Pungwe, the Busi, the Limpopo, the Sabi, and their tributaries, and also over the landways which supply means of communication where these rivers are not navigable.

XIII. Merchant-ships of the two Powers shall in the Zambezi, its branches and outlets, have equal freedom of navigation, whether with cargo or ballast, for the transportation of goods and passengers. In the exercise of this navigation the subjects and flags of both Powers shall be treated, in all circumstances, on a footing of perfect equality, not only for the direct navigation from the open sea to the inland ports of the Zambezi, and *vice versa*, but for the great and small coasting trade, and for boat trade on the course of the river. Consequently, on all the course and mouths of the Zambezi there will be no differential treatment of the subjects of the two Powers; and no exclusive privilege of navigation will be conceded by either to Companies, Corporations, or private persons.

The navigation of the Zambezi shall not be subject to any restriction or obligation based merely on the fact of navigation. It shall not be exposed to any obligation in regard to landing-station or depôt, or for breaking bulk, or for compulsory entry into port. In all the extent of the Zambezi the ships and goods in process of transit on the river shall be submitted to no transit dues, whatever their starting-place or destination. No maritime or river toll shall be levied based on the sole fact of navigation, nor any tax on goods on board of ships. There shall only be collected taxes or duties which shall be an equivalent for services rendered to navigation itself. The Tariff of these taxes or duties shall not warrant any differential treatment.

The affluents of the Zambezi shall be in all respects subject to the same rules as the river of which they are tributaries.

The roads, paths, railways, or lateral canals which may be constructed with the special object of correcting the imperfections of the river route on certain sections of the course of the Zambezi, its affluents, branches, and outlets, shall be considered, in their quality of means of communication, as dependencies of this river, and as equally open to the traffic of both Powers. And, as on the river itself, so there shall be collected on these roads, railways, and canals only tolls calculated on the cost of construction, maintenance, and management, and on the profits due to the promoters. As regards the tariff of these tolls, strangers and the natives of the respective territories shall be treated on a footing of perfect equality.

Portugal undertakes to apply the principles of freedom of navigation enunciated in this Article on so much of the waters of the Zambezi, its affluents, branches, and outlets, as are or may be under her sovereignty, protection, or influence. The rules which she may establish for the safety and control of navigation shall be drawn up in a way to facilitate, as far as possible, the circulation of merchant ships.

Great Britain accepts, under the same reservations, and in identical terms, the obligations undertaken in the preceding Articles in respect of so much of the waters of the Zambezi, its affluents, branches, and outlets, as are or may be under her sovereignty, protection, or influence.

Any questions arising out of the provisions of this Article shall be referred to a Joint Commission, and in case of disagreement, to arbitration.

Another system for the administration and control of the Zambezi may be substituted for the above arrangements by common consent of the Riverain Powers.

XIV. In the interest of both Powers, Portugal agrees to grant absolute freedom of passage between the British sphere of influence and Pungwe Bay for all merchandize of every description, and to give the necessary facilities for the improvement of the means of communication.

The Portuguese Government agrees to construct a railway between Pungwe and the British sphere. The survey of this line shall be completed within six months, and the two Governments shall agree as to the time within which the railway shall be commenced and completed. If an agreement is not arrived at, the Portuguese Government will give the construction of the railway to a Company which shall be designated by a neutral Power, to be selected by the two Governments, as being in its judgment competent to undertake the work immediately. The said Company shall have all requisite facilities for the acquisition of land, cutting timber, and free importation and supply of materials and labour.

The Portuguese Government shall either itself construct or shall procure the construction of a road from the highest navigable point of the Pungwe, or other river which may be agreed upon as more suitable for traffic, to the British sphere, and shall construct or procure the construction in Pungwe Bay and on the river of the necessary landing-places.

It is understood that no dues shall be levied on goods in transit by the river, the road, or the railway exceeding the maximum of 3 per cent. under the conditions stipulated in Article XI.

XV. Great Britain and Portugal engage to facilitate telegraphic communication in their respective spheres.

The stipulations contained in Article XIV, as regards the construction of a railway from Pungwe Bay to the interior, shall be applicable in all respects to the construction of a telegraph-line for communication between the coast and the British sphere south of the Zambezi. Questions as to the points of departure and termination of the line, and as to other details, if not arranged by common consent, shall be submitted to the arbitration of experts under the conditions prescribed in Article XI.

Portugal engages to maintain telegraphic service between the coast and the River Ruo, which service shall be open to the use of the subjects of the two Powers without any differential treatment.

Great Britain and Portugal engage to give every facility for the connection of telegraphic lines constructed in their respective spheres.

Details in respect to such connection, and in respect to questions relating to the settlement of through-tariffs and other charges, shall, if not settled by common consent, be referred to the arbitration of experts under the conditions prescribed in Article XI.

XVI. The present Convention shall be ratified, and the ratifications shall be exchanged at Lisbon or London as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seal of their arms.

Done in duplicate at Lisbon, the 11th day of June, in the year of Our Lord 1891.

(L.S.) GEORGE G. PETRE.

(L.S.) CONDE DE VALBOM.

(M.)—*CONVENTION between Great Britain and the South African Republic for the Settlement of the Affairs of Swaziland.—Signed near Charlestown and Volksrust, December 10, 1894.**

WHEREAS Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Honour the State President of the South African Republic, as representing the Government of the said Republic, have agreed that it is expedient that they should enter into a Convention relative to the settlement of the affairs of Swaziland, and with regard to other matters of importance connected with the affairs of South Africa;

Now, therefore, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Honour the State President of the South African Republic as representing the Government of the said Republic, do hereby consent and agree that the following Articles, accepted finally by and between Her Majesty and His Honour shall, when duly signed, sealed, and executed by Her Majesty's High Commissioner for South Africa on behalf of Her Majesty, and by His Honour the State President of the South African Republic on behalf of the Government of the said Republic, and when duly ratified by the Volksraad of the South African Republic, shall constitute and be a Convention by and between Her Majesty the Queen of Great Britain and Ireland and the South African Republic:—

Article I. The provisions of the Convention of 1890 shall be continued in full force and affect from and after the date of the signing of this Convention by His Excellency Sir Henry Brougham Loch, Her Majesty's High Commissioner, on behalf of Her Majesty, and His Honour Stephanus Johannes Paulus Kruger, State President of the South African Republic, on behalf of the Government of the South African Republic, until the date of the ratification of this Convention by the Volksraad of the South African Republic; provided that should this Convention not be ratified before or during the next ordinary session of the said Volksraad, the provisions of the Convention of 1890, saving the provisions of Articles 10 and 24 thereof, which shall remain in full force and effect, may at any time thereafter be terminated by one month's notice, given either by Her Majesty's Government or the Government of the South African Republic, and thereupon at the expiration of the said month, in accordance with the Convention of 1884, all the provisions relative thereto in the said Convention shall be of full force and effect; and provided further that if at any time before the ratification in manner aforesaid, the assent of the Swazie Queen-Regent and Council to the draft Organic Proclamation† already agreed to by Her Majesty's Government and the Government of the South African Republic be duly signified, the Convention of November, 1893, shall upon the signification of such assent, be and remain of full force and effect, subject to the terms of the said Organic Proclamation, and this Convention shall not thereafter be ratified but shall be of no force and effect, and the provisions of the Convention of 1890 shall no longer be of any force or effect, saving the provisions of Articles 10 and 24 thereof, which shall remain in full force and effect.

Article II. Without the incorporation of Swaziland into the South African Republic, the Government of the South African Republic shall have and be secured in all rights and powers of protection, legislation, jurisdiction, and administration over Swaziland and the inhabitants thereof, subject to the following conditions and provisions, namely:—

- (1.) That the young King Ungwane *alias* Uhili *alias* Uunu after he has become of age, according to native law, shall be and remain the

* Signed also in the Dutch language. Ratified by the Volksraad 13th February, 1895. See Blue-books C. 7212 of 1893, and C. 7611 of 1895, *Further Correspondence respecting the Affairs of Swaziland*.

† The Organic Proclamation was not assented to by the Queen Regent and Council of Swaziland. For text and correspondence see C. 7611 of 1895.

Paramount Chief of the Swazies in Swazieland, with the usual powers of such Paramount Chief in so far as the same are not inconsistent with civilized laws and customs.

- (2.) That the payments by the Government of the South African Republic of monies derived from the collection of the private revenue of the King shall be regularly made in terms of concession or power of attorney, granted in that behalf by Umbandine, and confirmed by the judgment of the chief court.
- (3.) That the management of the internal affairs of the natives shall be in accordance with their own laws and customs, including the laws and customs of inheritance and succession, and that the native laws and customs shall be administered by the native chiefs entitled to administer the same in such manner as they are in accordance with the native law and custom at present administering, in so far as the said laws and customs are not inconsistent with civilized laws and customs, or with any law in force in Swazieland made pursuant to this Convention, and the natives are guaranteed in their continued use and occupation of land now in their possession, and of all grazing or agricultural rights to which they are at present entitled; provided that no law made hereafter in Swazieland shall be in conflict with the guarantees given to the Swazies in this Convention.
- (4.) That in the administration and government of the country by the Government of the South African Republic, no hut tax or other tax shall be imposed upon the natives higher than the corresponding tax to which such of the Swazie people as are living within the borders of the Republic may be subject. In no case, however, shall such taxes be able to be imposed until after the expiration of three years from the date of the ratification of this Convention.

Article III. The Government of the South African Republic agrees to appoint an officer who shall administer Swazieland in terms of this Convention.

Article IV. The Government of the South African Republic agrees that the chief court heretofore established shall continue to exercise and possess all the powers and jurisdiction hitherto exercised or possessed by it; the said court shall also have such powers and jurisdiction as may be conferred upon it, in accordance with Article II. of this Convention, subject to the conditions of the said Article, with full power to decree against all persons, execution of every order, judgment, decree, or sentence made by it in the exercise of its jurisdiction.

Article V. The laws, ordinances, proclamations, and regulations at present in force in Swazieland shall continue to be of full force and effect therein until altered, amended, or repealed in accordance with the terms of this Convention; and the power and jurisdiction heretofore exercised or possessed by Landdrost Courts and justices of the peace shall continue to be exercised and possessed by such courts and such justices of the peace respectively, unless and until other provision be made in accordance with the terms of this Convention.

Article VI. All Government officers appointed under and by virtue of the Convention of 1890, shall continue to hold and administer the offices to which they have been appointed, and shall be secured in the emoluments and fees of office at present enjoyed by them, until the date of the ratification of this Convention, or until other provision be made in that behalf by Her Majesty's Government or the Government of the South African Republic, and thereupon all such appointments shall cease and determine; provided that on or after the date of ratification aforesaid the said officials or any of them may be

re-appointed to the said offices or any of them, in accordance with the terms of this Convention.

Article VII. All British subjects residing in Swazieland, or having in Swazieland any property, grant, privilege, or concession, or any right, title to, or interest in, any property, grant, privilege, or concession, shall be secured in the future enjoyment of all their rights and privileges of whatsoever nature or kind in like manner as burghers of the South African Republic, but shall obey the Government and conform to the laws established for Swazieland.

Article VIII. Every white male who shall have been a *bonâ fide* resident in Swazieland (even if temporarily absent from Swazieland) on the 20th April, 1893, shall become and be entitled to all the political privileges of a full burgher of the South African Republic as though he had been born in that Republic: provided, however—

- (a) That every white male shall make application in writing to an officer to be appointed at Bremersdorp, in Swazieland, by the Government of the said Republic, to have his name enrolled upon a list of persons so entitled, and upon satisfactory proof by a true and solemn declaration of his *bonâ fide* residence in Swazieland on the aforesaid day, such declaration to be made within six months from the date of public notification of the appointment of such officer as aforesaid, such officer shall be bound to enrol his name on such list, and such list shall be the list of burghers of the South African Republic so admitted under this head of this article to the privileges aforesaid.
- (b) That every white son of any person admitted to the privileges of a burgher under the preceding paragraph of this article, which son shall have been a minor on the aforesaid date, shall be entitled to the like political privileges which he would have had if his father had been a natural-born burgher of that Republic and he himself had been born therein, provided that the right under this section shall be claimed by such minor from the Government of the South African Republic by notice in writing within twelve months from his attaining his majority.
- (c) That every person admitted as a burgher shall, while resident in Swazieland, be entitled to register his vote at any election when and where a burgher resident in some convenient district of the South African Republic adjoining Swazieland would be entitled to vote, such district to be determined by the Government of the South African Republic, and if thereafter he shall come to reside in any district of the South African Republic such person shall there be entitled to register his vote.

Article IX. The equal rights of the Dutch and English languages in all courts of Swazieland shall be maintained. This provision shall be in force so long as the administration of Swazieland by the Government of the South African Republic continues under the provisions of this Convention.

Article X. The Customs duties shall not be higher in respect of any article imported into Swazieland than the duty thereon according to the tariff at present in force in the South African Republic, or the tariff at present in force in the South African Customs Union, whichever is now the higher. This provision shall be in force so long as the administration of Swazieland by the Government of the South African Republic continues under the provision of this Convention. Every exclusive right or privilege of or belonging to any individual or individuals, corporation or company,

with regard to imposition of or exemption from customs duties on goods shall be liable to expropriation by the administering authority; provided that no such individual or individuals, corporation or company, shall be deprived of or interfered with in the enjoyment of any such exclusive rights or privileges as have been confirmed by the Chief Court prior to the 8th November, 1893, without due compensation being awarded. The amount of such compensation shall be assessed by means of arbitration in case of difference. Each party interested shall appoint an arbitrator and the said arbitrators shall, before proceeding with the arbitration, appoint an umpire; should the said arbitrators be unable to agree upon an umpire such umpire shall, upon application of either party, after notice to the other, be appointed by the Chief Court; the decision of the majority of the persons so appointed shall, in case of difference, be final.

Article XI. The Government of the South African Republic agrees to prohibit the sale or supply of intoxicating liquor to Swazie natives in Swazieland.

Article XII. No railway beyond the eastern boundary of Swazieland shall be constructed by the Government of the South African Republic save under the provisions of a further contemplated Convention between Her Majesty the Queen and the South African Republic, or with the consent of Her Majesty's Government.

Article XIII. Articles 10 and 24 of the Convention of 1890* are here again set forth for convenience of reference:—

“Article 10. The Government of the South African Republic withdraws all claims to extend the territory of the Republic, or to enter into treaties with any natives or native tribes to the north or north-west of the existing boundary of the Republic, and undertakes to aid and support by its favouring influence the establishment of order and government in those territories by the British South Africa Company within the limits of power and territory set forth in the Charter granted by Her Majesty to the said Company.”†

“Article 24. Her Majesty's Government consent to an alteration of the boundary of the South African Republic on the east so as to include the territory known as the Little Free State within the territory of the South African Republic.”

Article XIV. Her Majesty's Government reserves the power of exercising diplomatic representation in favour of Swazie natives or British subjects in case any provision of this Convention shall not be fairly and faithfully observed.

Article XV. Her Majesty's Government reserves the right to appoint a British Consular Officer to reside in Swazieland.

Signed and Sealed on the Border of Natal and the South African Republic, near Charlestown and Volksrust, this 10th day of December, 1894.

HENRY B. LOCH,
High Commissioner.

Signed and Sealed on the Border of Natal and the South African Republic, near Charlestown and Volksrust, this 10th day of December, 1894.

S. J. P. KRUGER,
State President of the South African Republic.

Dr. W. J. LEYDS,
Staats Secretaris, Z.A.R.

* For complete text see *Further Correspondence Respecting the Affairs of Swazieland*, Bluebook C. 7611, 1895, p. 74.

† See Section VII., *infra*.

SECTION II.—POSTAL.

(A.)—*Universal Postal Convention concluded between Germany and the German Protectorates, United States of America, Argentine Republic, Austria-Hungary, Belgium, Bolivia, Brazil, Bulgaria, Chili, Republic of Colombia, Congo Free State, Republic of Costa Rica, Denmark and Danish Colonies, Dominican Republic, Egypt, Ecuador, Spain and Spanish Colonies, France and French Colonies, Great Britain and various British Colonies, British Colonies of Australasia, Canada, British India, Greece, Guatemala, Republic of Hayti, Kingdom of Hawaii, Republic of Honduras, Italy, Japan, Republic of Liberia, Luxemburg, Mexico, Montenegro, Nicaragua, Norway, Paraguay, Netherlands and Dutch Colonies, Peru, Persia, Portugal and Portuguese Colonies, Roumania, Russia, Salvador, Servia, Kingdom of Siam, South African Republic, Sweden, Switzerland, Regency of Tunis, Turkey, Uruguay and United States of Venezuela.**

The undersigned, plenipotentiaries of the Governments of the above-named countries, being assembled in Congress at Vienna, by virtue of Article XIX of the Universal Postal Convention concluded at Paris on the 1st of June, 1878, have, by common consent and subject to ratification, revised the said Convention, as well as the additional Act relative thereto concluded at Lisbon on the 21st of March, 1885, in conformity with the following stipulations :

ARTICLE I.

The countries between which the present Convention is concluded, as well as those which may adhere to it hereafter, form, under the title of *Universal Postal Union*, a single postal territory for the reciprocal exchange of correspondence between their Post Offices.

ARTICLE II.

The stipulations of this Convention extend to letters, post cards, both single and with reply paid, printed papers of every kind, commercial papers and samples of merchandise, originating in one of the countries of the Union and intended for another of those countries. They also apply to the exchange by post of the articles above mentioned between the countries of the Union and countries foreign to the Union, whenever the services of two of the contracting parties at least are used for that exchange.

ARTICLE III.

1. The Postal Administrations of neighbouring countries or countries able to correspond directly with each other, without availing themselves of the services of a third Administration, determine, by common consent, the conditions of the conveyance of the mails which they exchange, across the frontier, or from one frontier to the other.

2. In the absence of any contrary arrangement, the direct sea conveyance between two countries by means of Packets or vessels depending upon one of them shall be considered as a third service; and this conveyance, as well as any performed between two Offices of the same country, by the medium of sea or territorial services maintained by another country, is regulated by the stipulations of the following Article.

* For detailed information as to Regulations and rates, see *The Post Office Guide*, published Quarterly by Authority of the Postmaster General. W. A. Richards and Sons. For list of countries at present comprised in the Postal Union see Appendix II. The Orange Free State has joined the Union since the signature of the Convention, and it therefore includes now all South Africa South of the Equator except British Central Africa, Rhodesia and the Bechuanaland Protectorate.

ARTICLE IV.

1. The right of transit is guaranteed throughout the entire territory of the Union.

2. Consequently, the several Postal Administrations of the Union may send reciprocally through the medium of one or of several of them, either closed mails or correspondence *à découvert*, according to the needs of the traffic and the requirements of the postal service.

3. Correspondence exchanged, whether *à découvert* or in closed mails, between two Administrations of the Union, by means of the services of one or of several other Administrations of the Union, is subject to the following transit charges, to be paid to each of the countries traversed, or whose services participate in the conveyance; viz.:—

1° For territorial transits, 2 francs per kilogramme of letters or post cards, and 25 centimes per kilogramme of other articles;

2° For sea transits, 15 francs per kilogramme of letters or post cards, and 1 franc per kilogramme of other articles.

4. It is, however, understood,—

1° That in all cases where the transit is already gratuitous at present, or subject to more advantageous conditions, such state of things is maintained, except in the case provided for in paragraph 3° following;

2° That in all cases where the sea transit charges are fixed at present at 5 francs per kilogramme of letters or post cards, and at 50 centimes per kilogramme of other articles, those rates are maintained;

3° That every sea transit not exceeding 300 nautical miles is gratuitous if the Administration concerned is already entitled on account of mails or correspondence benefiting by this transit, to the remuneration applicable to territorial transit; in the contrary case, payment is made at the rate of 2 francs per kilogramme of letters and 25 centimes per kilogramme of other articles;

4° That, in the case of sea conveyance effected by two or more Administrations, the charges payable for the entire transit cannot exceed 15 francs per kilogramme of letters or post cards, and 1 franc per kilogramme of other articles; the charges in question are, in such case, shared between those Administrations in proportion to the distances traversed, without prejudice to other arrangements between the parties interested;

5° That the rates specified in the present Article do not apply either to conveyance by means of services depending upon Administrations foreign to the Union, or to conveyance within the Union by means of extraordinary services specially established or maintained by one Administration in the interest or at the request of one or several other Administrations. The conditions of these two categories of conveyance are regulated by mutual consent between the Administrations concerned.

5. The expenses of transit are borne by the Administration of the country of origin.

6. The general accounting for those charges takes place on the basis of statements prepared every three years, during a period of 28 days, to be

determined on in the Detailed Regulations referred to in Article XX hereafter.

7. Correspondence between Postal Administrations, the reply halves of double post cards returned to the country of origin, articles redirected or missent, undelivered articles, acknowledgments of delivery, post-office money orders, and all other documents relative to the postal service, are exempt from all charges for territorial or sea transit.

ARTICLE V.

1. The rates of postage for the conveyance of postal articles throughout the entire extent of the Union, including their delivery at the residence of the addressees in the countries of the Union where a delivery is or shall be organised, are fixed as follows :—

- 1° For letters, 25 centimes in case of prepayment, and double that amount in the contrary case, for each letter and for every weight of 15 grammes or fraction of 15 grammes ;
- 2° For post cards, 10 centimes for single cards or for each of the two halves of cards with reply paid.

Unpaid post cards are charged as unpaid letters.

- 3° For printed papers of every kind, commercial papers, and samples of merchandise, 5 centimes for each article or packet bearing a particular address and for every weight of 50 grammes or fraction of 50 grammes, provided that such article or packet does not contain any letter or manuscript note having the character of actual and personal correspondence, and that it be made up in such a manner as to admit of its being easily examined.

The charge on commercial papers cannot be less than 25 centimes per packet, and the charge on patterns or samples cannot be less than 10 centimes per packet.

2. In addition to the rates fixed by the preceding paragraph, there may be levied,

- 1° For every article subject to the sea transit charges of 15 francs per kilogramme of letters or post cards, and 1 franc per kilogramme of other articles and in all the relations to which these transit charges are applicable, a uniform surcharge which may not exceed 25 centimes per single rate for letters, 5 centimes per post card, and 5 centimes per 50 grammes or fraction of 50 grammes for other articles ;
- 2° For every article conveyed by means of services maintained by Administrations foreign to the Union, or of extraordinary services in the Union, giving rise to special expenses, a surcharge in proportion to those expenses.

3. In the case of insufficient prepayment, correspondence of every kind is liable to a charge equal to double the amount of the deficiency, to be paid by the addressees* ; but that charge may not exceed that which is levied in the country of destination on unpaid correspondence of the same nature, weight, and origin.

* The Lisbon Congress decided to regard this Article as meaning that in all cases of non-prepayment, as of insufficient prepayment, the whole deficit should be doubled, whether such deficit be in the fundamental rate or in the surcharge. The Vienna Congress did not rescind that decision, although the case contemplated by the words after "insuffisance" (which were added at Vienna) can only arise by ignoring the Lisbon decision.

4. Articles other than letters and post cards must be prepaid at least partly.

5. Packets of samples of merchandise may not contain any article having a saleable value; they must not exceed 250 grammes in weight, or measure more than 30 centimetres in length, 20 centimetres in breadth, and 10 centimetres in depth, or, if they are in the form of a roll, 30 centimetres in length and 15 centimetres in diameter. Nevertheless, the Administrations of the countries concerned are authorized to adopt by common consent, for their reciprocal exchanges, limits of weight or size greater than those fixed above.

6. Packets of commercial papers and printed papers may not exceed 2 kilogrammes in weight, or measure more in any direction than 45 centimetres. Packets in the form of a roll may, however, be allowed to pass through the post provided they do not exceed 10 centimetres in diameter and 75 centimetres in length.

ARTICLE VI.

1. The articles specified in Article V may be registered.

2. Every registered article is liable, at the charge of the sender,—

1° To the ordinary prepaid rate of postage on the article, according to its nature;

2° To a fixed registration fee of 25 centimes at most, including a receipt given to the sender.

3. The sender of a registered article may obtain an acknowledgment of the delivery of such article, by paying in advance a fixed fee of 25 centimes at most.

ARTICLE VII.

1. Registered correspondence may be sent marked with trade charges up to 500 francs to be collected on delivery between countries of which the Administrations agree to introduce this service. These articles are subject to the same regulations and rates as registered articles.

2. The amount collected from the addressee is to be transmitted to the sender by means of a money order, after deducting the rate chargeable for ordinary money orders, and a commission of 10 centimes for the service of collection.

ARTICLE VIII.

1. In case of the loss of a registered article, and except in cases beyond control, the sender, or, at the request of the sender, the addressee, is entitled to an indemnity of 50 francs.

2. The obligation of paying the indemnity rests with the Administration to which the despatching Office is subordinate. To that Administration is reserved a remedy against the Administration responsible, that is to say, against the Administration on the territory or in the service of which the loss took place.

3. Until the contrary be proved, the responsibility rests with the Administration which, having received the article without making any observation, cannot establish the delivery to the addressee or the regular transfer to the following Administration, as the case may be. For articles addressed "Poste Restante," the responsibility ceases on delivery to a person who has proved, according to the rules in force in the country of destination, that his name and description correspond to those indicated in the address.

4. The payment of the indemnity by the despatching Office ought to take place as soon as possible, and at the latest within a year of the date of the application. The responsible Office is bound to refund to the despatching Office, without delay, the amount of the indemnity paid by the latter. In a case where the responsible Office has given notice to the despatching Office not to effect payment, the former must repay to the latter Office any costs which the non-payment may entail.

5. It is understood that the application for an indemnity is only entertained if made within a year of the posting of the registered article: after this term the applicant has no right to any indemnity.

6. If the loss has occurred in course of conveyance without its being possible to ascertain on the territory of what country the loss took place, the Administrations concerned bear the loss in equal shares.

7. The Administrations cease to be responsible for registered articles for which the owners have given a receipt on delivery.

ARTICLE IX.

1. The sender of a letter or other article can have it withdrawn from the post or have its address altered, so long as such article has not been delivered to the addressee.

2. The request for such withdrawal is sent by post or by telegraph at the expense of the sender, who must pay as follows:

- 1° For every request by post, the amount payable for a registered single letter:
- 2° For every request by telegraph, the charge for a telegram according to the ordinary tariff.

3. The stipulations of this Article are not obligatory for countries of which the legislation does not permit the sender to dispose of an article in its course through the post.

ARTICLE X.

Those countries of the Union which have not the franc for their monetary unit fix their charges at the equivalents, in their respective currencies, of the rates determined by the foregoing Articles V and VI. Such countries have the option of rounding fractions in conformity with the Table inserted in the Detailed Regulations mentioned in Article XX of the present Convention.

ARTICLE XI.

1. Prepayment of postage on every description of article can be effected only by means of postage stamps valid in the country of origin for the correspondence of private individuals. Nevertheless, reply postcards bearing postage stamps of the country in which these cards were issued are likewise considered as duly prepaid.

2. Official correspondence relative to the Postal Service, and exchanged between Postal Administrations, is alone exempted from this obligation, and from all liability to charge.

3. Correspondence posted on the high seas in the letter box on board a Packet or placed in the hands of the commanders of ships may be prepaid by means of the postage stamps, and according to the tariff, of the country to which the said Packet belongs or by which it is maintained. If the posting on board takes place during the stay at one of the two extreme points of the

voyage or at any intermediate port of call, prepayment can only be effected by means of the postage stamps, and according to the tariff, of the country in the waters of which the Packet happens to be.

ARTICLE XII.

1. Each Administration keeps the whole of the sums which it collects by virtue of the foregoing Articles V, VI, VII, X and XI, except the credit due for the money orders referred to in paragraph 2 of Article VII.

2. Consequently, there is no necessity under this head for any accounts between the several Administrations of the Union, excepting always the credit referred to in paragraph 1 of the present Article.

3. Neither the senders nor the addressees of letters and other postal packets can be called upon to pay, either in the country of origin or in that of destination, any tax or postal duty other than those contemplated by the Articles above mentioned.

ARTICLE XIII.

1. At the request of the senders, all classes of correspondence are sent to the addresses by a special messenger immediately on arrival, in those countries of the Union which consent to undertake this service in their reciprocal relations.

2. Such correspondence which is called "express" is subject to a special charge for delivery: this charge is fixed at 30 centimes, and must be fully paid in advance by the sender, in addition to the ordinary postage. It belongs to the Administration of the country of origin.

3. When an article is destined for a place where there is no Post Office, the Postal Administration of the country of destination can levy an additional charge, up to the amount of the price fixed for delivery by express in its inland service, less the fixed charge paid by the sender, or its equivalent in the money of the country which levies this additional charge.

4. "Express" letters, &c., upon which the total amount of the charges payable in advance has not been prepaid are delivered by the ordinary means.

ARTICLE XIV.

1. No supplementary postage is charged for the redirection of postal packets within the Union.

2. Undelivered correspondence does not, when returned, give rise to the repayment of the transit charges due to intermediate Administrations for the previous conveyance of such correspondence.

3. Unpaid letters and postcards and insufficiently paid articles of every description, which are returned to the country of origin as redirected or as undeliverable, are liable, at the expense of the addressees or senders, to the same rates as similar articles addressed directly from the country of the first destination to the country of origin.

ARTICLE XV.

1. Closed mails may be exchanged between the Post Offices of any one of the contracting countries and the commanding officers of naval divisions or ships of war of the same country stationed abroad, through the medium of the sea or land services maintained by other countries.

2. Correspondence of every description enclosed in these mails must consist exclusively of such as is addressed to or sent by the officers and crews of the ships to or from which the mails are forwarded; the rates and conditions of despatch applicable to them are determined, according to its internal regulations, by the Postal Administration of the country to which the ships belong.

3. In the absence of any arrangement to the contrary between the Offices concerned, the Post Office which despatches or receives the mails in question is accountable to the intermediate Offices for transit charges calculated in accordance with the stipulations of Article IV.

ARTICLE XVI.

1. There shall not be forwarded—

- (a) Commercial papers, samples and printed papers which are not prepaid at least partly, or which are not made up in such a manner as to admit of an easy examination of the contents;
- (b) Articles of the same categories which exceed the limits of weight and size prescribed by Article V;
- (c) Samples of merchandise having a saleable value.

2. If occasion arise, the articles mentioned in the preceding paragraph should be sent back to the Post Office of origin and returned, if possible, to the sender.

3. It is forbidden:

1° To send by post—

- (a) Samples and other articles which, from their nature, may expose the postal officials to danger, or soil or damage the correspondence;
- (b) Explosive, inflammable, or dangerous substances; animals or insects, living or dead, except in the cases contemplated in the Detailed Regulations.

2° To insert in ordinary or registered correspondence consigned to the post—

- (a) Current coin;
- (b) Articles liable to customs duty;
- (c) Gold or silver bullion, precious stones, jewellery and other precious articles, but only in case their insertion or transmission is forbidden by the legislation of the countries concerned.

4. Packets falling under the prohibitions of the foregoing paragraph 3, which have been erroneously admitted to transmission, should be returned to the Post Office of origin, except in cases where the Administration of the country of destination is authorized by its laws or by its internal regulations to dispose of them otherwise.

5. The right is, moreover, reserved to the Government of every country of the Union to refuse to convey over its territory, or to deliver, articles passing at reduced rates in regard to which the laws, ordinances, or decrees which regulate the conditions of their publication or circulation in that

country have not been complied with, or correspondence of any kind bearing obviously inscriptions, designs, &c., forbidden by the legal enactments or regulations in force in the same country.

ARTICLE XVII.

1. Offices of the Union which have relations with countries situate outside the Union admit all the other Offices of the Union to take advantage of these relations for the exchange of correspondence with the said countries.

2. Correspondence exchanged *à découvert* between a country of the Union and a country foreign to the Union, through the medium of another country of the Union, is treated, as regards the conveyance beyond the limits of the Union, in conformity with the conventions, agreements, or special provisions governing the postal relations between the latter country and the country foreign to the Union.

3. With regard to the charges for transit within the limits of the Union, correspondence originating in or addressed to a country foreign to the Union is assimilated to that from or for the country of the Union which maintains the relations with the aforesaid country.

4. With regard to the charges for transit outside the limits of the Union, correspondence addressed to a country foreign to the Union is subject to the undermentioned transit charges, which are credited to the Union country maintaining the relations with the country foreign to it:—

- (a) For sea transits outside the Union, 20 francs per kilogramme of letters or postcards, and 1 franc per kilogramme of other articles;
- (b) For territorial transits outside the Union, if any, the charges per kilogramme notified by the country of the Union which maintains the relations with the intermediate country foreign to the Union.

5. In the case of sea conveyance effected by two or more Administrations, the charges for the total sea transit, within and without the Union, may not exceed 20 francs per kilogramme of letters or postcards and 1 franc per kilogramme of other articles; these charges are divided between such Administrations in proportion to the distances traversed, without prejudice to other arrangements between the parties concerned.

6. The above-mentioned charges for transit outside the Union are payable by the Administration of the country of origin. They apply to all correspondence despatched whether *à découvert* or in closed mails. But in the case of closed mails sent from a country of the Union to a country foreign thereto, or from a country outside the Union to a country within it, an arrangement concerning the mode of payment of the transit charges must be concluded beforehand between the Administrations concerned.

7. The general accounting for the transit charges on correspondence exchanged between a country of the Union and a country foreign to it, through the medium of another country of the Union, takes place on the basis of statements which are prepared at the same time as the statements drawn up, by virtue of the foregoing Article IV, for determining the charges for transit within the Union.

8. The rates to be levied in a country of the Union on correspondence addressed to or coming from a country foreign to the Union, and using the services of another country of the Union, can never be lower than the normal Union tariff. These rates belong entirely to the country which levies them.

ARTICLE XVIII.

The high contracting parties undertake to adopt, or to propose to their respective legislatures, the necessary measures for punishing the fraudulent use of counterfeit postage stamps, or stamps already used, for the prepayment of correspondence. They also undertake to adopt, or to propose to their respective legislatures, the necessary measures for prohibiting and repressing the fraudulent manufacture, sale, hawking or distribution of embossed and adhesive stamps in use in the postal service, forged or imitated in such a manner as to be mistakeable for the embossed and adhesive stamps issued by the Administration of any one of the contracting countries.

ARTICLE XIX.

The services concerning letters and boxes of declared value, postal money orders, postal parcels, collection of bills and drafts, certificates of identity, subscriptions to newspapers, &c., form the subject of special arrangements between the various countries or groups of countries composing the Union.

ARTICLE XX.

1. The Postal Administrations of the various countries composing the Union are competent to draw up, by common consent, in the form of Detailed Regulations, all the measures of order and detail which are judged necessary.

2. The several Administrations may, moreover, make amongst themselves the necessary arrangements on the subject of questions which do not concern the Union generally, provided that those arrangements do not derogate from the present Convention.

3. The Administrations concerned are, however, permitted to come to mutual arrangements for the adoption of lower rates of postage within a radius of 30 kilometres.

ARTICLE XXI.

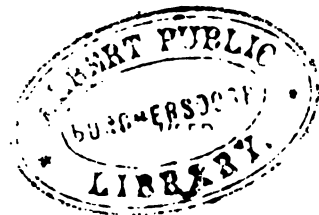
1. The present Convention does not involve alteration in the legislation of any country as regards anything which is not provided for by the stipulations contained in this Convention.

2. It does not restrict the right of the contracting parties to maintain and to conclude treaties, as well as to maintain and establish more restricted Unions, with a view to the improvement of postal relations.

ARTICLE XXII.

1. Under the name of the *International Bureau of the Universal Postal Union*, is maintained a central Office, which is conducted under the supervision of the Swiss Postal Administration, and the expenses of which are borne by all the Administrations of the Union.

2. This Office is charged with the duty of collecting, collating, publishing and distributing information of every kind which concerns the international postal service; of giving at the request of the parties concerned, an opinion upon questions in dispute; of making known proposals for modifying the acts of the Congress; of notifying alterations adopted; and, in general, of taking up such studies and labours as may be confided to it in the interest of the Postal Union.



ARTICLE XXIII.

1. In case of disagreement between two or more members of the Union as to the interpretation of the present Convention, or as to the responsibility of an Administration in case of the loss of a registered article, the question in dispute is decided by arbitration. To that end, each of the Administrations concerned chooses another member of the Union not directly interested in the matter.

2. The decision of the arbitrators is given by an absolute majority of votes.

3. In case of an equality of votes the arbitrators choose, with the view of settling the difference, another Administration equally uninterested in the question in dispute.

4. The stipulations of the present Article apply equally to all the Agreements concluded by virtue of the foregoing Article XIX.

ARTICLE XXIV.

1. Countries which have not taken part in the present Convention are admitted to adhere to it upon their demand.

2. This adhesion is notified diplomatically to the Government of the Swiss Confederation, and by that Government to all the countries of the Union.

3. It implies, as a matter of course, accession to all the clauses and admission to all the advantages stipulated by the present Convention.

4. It devolves upon the Government of the Swiss Confederation to determine, by common consent with the Government of the country concerned, the share to be contributed by the Administration of this latter country towards the expenses of the International Bureau, and, if necessary, the rates to be levied by that Administration in conformity with the foregoing Article X.

ARTICLE XXV.

1. Congresses of plenipotentiaries of the contracting countries, or simple administrative Conferences, according to the importance of the questions to be solved, are held, when a demand for them is made or approved by two-thirds, at least, of the Governments or Administrations, as the case may be.

2. A Congress shall, however, be held at least once in five years.

3. Each country may be represented either by one or by several delegates, or by the delegation of another country. But it is understood that the delegate or delegates of one country can be charged with the representation of two countries only, including the country they represent.

4. In the deliberations each country has one vote only.

5. Each Congress settles the place of meeting of the next Congress.

6. For Conferences, the Administrations settle the places of meeting on the proposal of the International Bureau.

ARTICLE XXVI.

1. In the interval which elapses between the meetings, any Postal Administration of a country of the Union has the right to address to the other Administrations belonging to it, through the medium of the International Bureau, proposals concerning the régime of the Union.

2. Every proposal is subject to the following procedure:—

A period of five months is allowed to the Administrations of the Union to examine the proposals and to furnish to the International Bureau their

observations, amendments, or counter-proposals, as the case may be. The answers are tabulated by the International Bureau and communicated to the Administrations with an invitation to declare themselves for or against. Those who have not furnished their vote within a period of six months, counting from the date of the second circular of the International Bureau notifying to them the observations which have been received, are considered as abstaining.

3. In order to become binding, the proposals must obtain—

- 1° Unanimity of votes if they involve the addition of new articles or any modification of the stipulations of the present Article or Articles II, III, IV, V, VI, VII, VIII, IX, XII, XIII, XV, and XVIII ;
- 2° Two-thirds of the votes if they involve a modification of the stipulations of the Convention other than those of Articles II, III, IV, V, VI, VII, VIII, IX, XII, XIII, XV, XVIII, and XXVI ;
- 3° Simply an absolute majority, if they affect the interpretation of the stipulations of the Convention, except in the case of dispute contemplated by the foregoing Article XXIII.

4. Resolutions duly adopted are sanctioned, in the first two cases, by a diplomatic declaration, which the Government of the Swiss Confederation is charged with the duty of preparing and transmitting to all the Governments of the contracting countries, and in the third case by a simple notification from the International Bureau to all the Administrations of the Union.

5. No modification or resolution adopted is binding until at least two months after its notification.

ARTICLE XXVII.

For the application of the foregoing Articles XXII, XXV, and XXVI, the following are considered as forming one single country or Administration, as the case may be :—

- 1° The Empire of British India.
- 2° The Dominion of Canada.
- 3° The whole of the British Colonies of Australasia.
- 4° The whole of the Danish Colonies.
- 5° The whole of the Spanish Colonies.
- 6° The whole of the French Colonies.
- 7° The whole of the Dutch Colonies.
- 8° The whole of the Portuguese Colonies.

ARTICLE XXVIII.

The present Convention shall come into operation on the 1st of July, 1892, and shall remain in force for an indefinite period ; but each contracting party has the right of withdrawing from the Union by means of a notice given one year in advance by its Government to the Government of the Swiss Confederation.

ARTICLE XXIX.

1. From the date on which the present Convention comes into effect, all the stipulations of the Treaties, Conventions, Agreements, or other Acts previously concluded between the various countries or Administrations, in so far as those stipulations are not in accordance with the terms of the present Convention are abrogated, without prejudice to the rights reserved by the foregoing Article XXI.

2. The present Convention shall be ratified as soon as possible. The acts of ratification shall be exchanged at Vienna.

3. In faith of which the plenipotentiaries of the above-named countries have signed the present Convention at Vienna, on the fourth of July, one thousand eight hundred and ninety-one.

For Germany and the German Protectorates :

DR. V. STEPHAN.
SACHSE.
FRITSCH.

For the United States of America :

N. M. BROOKS.
WILLIAM POTTER.

For the Argentine Republic :

CARLOS CALVO.

For Austria :

OBENTRAUT.
DR. HOFMANN.
DR. LILIENAU.
HABBERGER.

For Hungary :

P. HEIM.
S. SCHRIMPF.

For Belgium :

LICHTERVELDE.

For Bolivia :

For Brasil :

LUIZ BETIM PAES LEME.

For Bulgaria :

P. M. MATTHEEFF.

For Chili :

For the Republic of Colombia :

G. MICHELSEN.

For the Congo Free State :

STASSIN.
LICHTERVELDE.
GARANT.
DE CRAENE.

For the Republic of Costa-Rica :

For Denmark and the Danish Colonies :

LUND.

For the Dominican Republic :

For Egypt :

Y. SABA.

For Equador :

For Spain and the Spanish Colonies :

FEDERICO BAS.

For France :

MONTMARIN.
J. DE SELVES.
ANSAULT.

For the French Colonies :

G. GABRIÉ.

For Great Britain and various British Colonies :

S. A. BLACKWOOD.
H. BUXTON FORMAN.

For the British Colonies of Australasia :

For Canada :

For British India :

H. M. KISCH.

For Greece :

J. GEORGANTAS.

For Guatemala :

DR. GOTTHELF MEYER.

For the Republic of Haïti :

For the Republic of Hawäi :

EUGENE BOREL.

For the Republic of Honduras :

For Italy :

EMIDIO CHIARADIA.
FELICE SALIVETTO.

For Japan :

INDO.
FUJITA.

For the Republic of Liberia :

BN. DE STEIN.
W. KOENTZER.
C. GOEDELTE.

For Luxemburg :

MONGENAST.

For Mexico :

L. BRETON Y VEDRA.

For Montenegro :

OBENTRAUT.
DR. HOFMANN.
DR. LILIENAU.
HABBERGER.

*For Nicaragua :**For Norway :*

THB. HEYERDAHL.

*For Paraguay :**For Pays-Bas :*

HOFSTEDE.
BARON VAN DER FELTZ.

For the Dutch Colonies :

JOHS. J. PERK.

For Peru :

D. C. URREA.

For Persia :

GENL. N. SEMINO.

For Portugal and the Portuguese Colonies :

GUELHERMINO AUGUSTO DE BARROS.

For Roumania :

COLONEL A. GORJEAN.
S. DIMITRESCU.

For Russia :

GENERAL DE BESACK.
A. SKALKOVSKY.

For Salvador :

LOUIS KEHLMANN.

For Servia :

SVETOZAR J. GVOZDITCH.
ET. W. POPOVITCH.

For the Kingdom of Siam :

LUANG SURIYA NUVATR.
H. KEUCHENIUS.

*For the South African Republic :**For Sweden :*

E. VON KRUSENSTJERNA.

For Switzerland :

ED. HÖHN.
C. DELESSERT.

For the Regency of Tunis :

MONTMARIN.

For Turkey :

E. PETACCI.
A. FARRI.

For Uruguay :

FEDERICO SUSVIELA GUARCH.
JOSE G. BUSTO.

For the United States of Venezuela :

CARLOS MATZENAÜER.

The Imperial and Royal Ministry of Foreign Affairs certifies that this copy is in conformity with the original one deposited in the archives.

Vienna, 7th July, 1891.

The Director of the Chancery of the I. and R. Ministry of Foreign Affairs.

(Signed) MITTAG.

FINAL PROTOCOL.

At the moment of proceeding to sign the Conventions, settled by the Universal Postal Congress of Vienna, the undersigned plenipotentiaries have agreed as follows :—

I.

In modification of the stipulation of Article VI of the Convention, which fixes a maximum registration fee of 25 centimes, it is agreed that the States outside Europe are authorized to maintain this maximum at 50 centimes, including a receipt given to the sender.

II.

In modification of the stipulations of Article VIII of the Convention, it is agreed that, as a temporary measure, the Administrations of countries outside Europe, whose legislation is at present opposed to the principle of responsibility, retain the option of postponing the application of that principle until they shall have been able to obtain from the legislature authority to introduce it. Up to that time the other Administrations of the Union are not bound to pay an indemnity for the loss in their respective services of registered articles addressed to or originating in the said countries.

III.

Bolivia, Chili, Costa Rica, the Dominican Republic, Ecuador, Hayti, Honduras, and Nicaragua, which form part of the Postal Union, not having been represented at the Congress, the protocol remains open to them in order that they may adhere to the Conventions which have been concluded at it or only to one or other of them.

The protocol also remains open to the British Colonies of Australasia whose delegates to the Congress have declared the intention of those countries to enter the Universal Postal Union on the 1st of October, 1891.

It also remains open to the South African Republic, whose delegate to the Congress has declared the intention of that country to adhere to the Universal Postal Union, reserving the fixture hereafter of a date for its entry into that Union.

Finally, with the view of facilitating the entry into the Universal Postal Union of other countries which are still outside it, the protocol remains equally open to them.

IV.

The protocol remains open to those countries whose representatives have signed to-day the principal Convention only, or only a certain number of the Conventions settled by the Congress, in order to admit of their adherence to the other Conventions signed this day, or to one or other of them.

V.

The adhesions contemplated in the foregoing Article III must be notified to the Imperial and Royal Government of Austria-Hungary by the respective Governments in diplomatic form. The term accorded to them for that notification will expire on the 1st of June, 1892.

VI.

In case one or more of the contracting parties to the Postal Conventions signed to-day at Vienna shall not ratify one or other of those Conventions, that Convention shall be none the less valid for the States which shall have ratified it.

In faith of which the under-mentioned plenipotentiaries have drawn up the present final protocol, which shall have the same force and value as if its

provisions were inserted in the text itself of the Conventions to which it relates, and they have signed it on a single copy which shall remain in the archives of the Austrian Government, and of which a copy shall be handed to each party.

Done at Vienna the 4th of July, 1891.

For Germany and the German Protectorates :

DR. V. STEPHAN.
SACHSE.
FRITSCH.

For the United States of America :

N. M. BROOKS.
WILLIAM POTTER.

For the Argentine Republic :

CARLOS CALVO.

For Austria :

OBENTRAUT.
DR. HOFMANN.
DR. LILIENAU.
HABBERGER.

For Hungary :

P. HEIM.
S. SCHRIMPF.

For Belgium :

LICHTERVELDE.

For Bolivia :

For Brazil :

LUIZ BETIM PAES LEME.

For Bulgaria :

P. M. MATTHEEFF.

For Chili :

For the Republic of Colombia :

G. MICHELSEN.

For the Congo Free State :

STASSIN.
LICHTERVELDE.
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For the Republic of Costa-Rica :

For Denmark and the Danish Colonies :

LUND.

For the Dominican Republic :

For Egypt :

Y. SABA.

For Equador :

For Spain and the Spanish Colonies :

FEDERICO BAS.

For France :

MONTMARIN.
J. DE SELVES.
ANSAULT.

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G. GABRIÉ.

For Great Britian and various British Colonies .

S. A. BLACKWOOD.
H. BUXTON FORMAN.

For the British Colonies of Australasia :

For Canada :

For British India :

H. M. KISCH.

For Greece :

J. GEORGANTAS.

For Guatemala :

DR. GOTTHELF MEYER.

For the Republic of Haïti :

For the Republic of Hawaii :

EUGÈNE BOREL.

For the Republic of Honduras :

For Italy :

EMIDIO CHIARADIA.
FELICE SALIVETTO.

For Japan :

INDO.
FUJITA.

For the Republic of Liberia :

BN. DE STEIN.
W. KOENTZER.
C. GOEDELTE.

For Luxemburg :

MONGENAST.

For Mexico :

L. BRETON Y VEDRA.

For Montenegro :

OBENTRAUT.
DR. HOFMANN.
DR. LILIENAU.
HABBERGER.

*For Nicaragua :**For Norway :*

THB. HEYERDAHL.

*For Paraguay :**For the Netherlands :*

HOFSTEDE.
BARON VAN DE FELTZ.

For the Netherlands Colonies :

JOHS. J. PERK.

For Peru :

D. C. URREA.

For Persia :

GENL. N. SEMINO.

For Portugal and the Portuguese Colonies :

GUELHERMINO AUGUSTO DE BARROS.

For Roumania :

COLONEL A. GORJEAN.
S. DIMITRESCU.

For Russia :

GENERAL DE BESACK.
A. SKALKOVSKY.

For Salvador :

LOUIS KEHLMANN.

For Servia :

SVETOZAR J. GVOZDITCH.
ET. W. POPOVITCH.

For the Kingdom of Siam :

LUANG SURIYA NUVATR.
H. KEUCHENIUS.

*For the South African Republic :**For Sweden :*

E. VON KRUSENSTJERNA.

For Switzerland :

ED. HÖHN.
C. DELESSERT.

For the Regency of Tunis :

MONTMABIN.

For Turkey :

E. PETACCI.
A. FAHRI.

For Uruguay :

FEDERICO SUSVIELA GUARCH.
JOSE G. BUSTO.

For the United States of Venezuela :

CARLOS MATZENAUER.

The Imperial and Royal Ministry of Foreign Affairs certifies that this copy is in conformity with the original one deposited in the archives.

Vienna, 7th July, 1891.

The Director of the Chancery of the I. and R. Ministry of Foreign Affairs.

(Signed) MITTAG.



Detailed regulations for the execution of the Convention concluded between Germany and German Protectorates, United States of America, Argentine Republic, Austria-Hungary, Belgium, Bolivia, Brazil, Bulgaria, Chili, Republic of Colombia, Congo Free State, Republic of Costa Rica, Denmark and Danish Colonies, Dominican Republic, Egypt, Ecuador, Spain and Spanish Colonies, France and French Colonies, Great Britain and various British Colonies, British Colonies of Australasia, Canada, British India, Greece, Guatemala, Republic of Hayti, Kingdom of Hawaii, Republic of Honduras, Italy, Japan, Republic of Liberia, Luxemburg, Mexico, Montenegro, Nicaragua, Norway, Paraguay, Netherlands and Dutch Colonies, Peru, Persia, Portugal and Portuguese Colonies, Roumania, Russia, Salvador, Servia, Kingdom of Siam, South African Republic, Sweden, Switzerland, Regency of Tunis, Turkey, Uruguay and United States of Venezuela.

The undersigned, having regard to Article XX of the Universal Postal Convention concluded at Vienna on the 4th of July, 1891, have, in the name of their respective Administrations, settled by common consent the following measures, for ensuring the execution of the said Convention :—

I.

Route of the Correspondence.

1. Each Administration is bound to forward, by the most rapid routes at its disposal for its own mails, the closed mails and the correspondence *à découvert* which are delivered to it by another Administration.

2. Administrations which avail themselves of the option to levy supplementary charges, as representing the extraordinary expenses pertaining to certain routes, are free not to forward by those routes, when other means of communication exist, any insufficiently paid correspondence for which the employment of the said routes has not been expressly prescribed by the senders.

II.

Exchange in Closed Mails.

1. The exchange of correspondence in closed mails between the Administrations of the Union is regulated by common consent between the Administrations concerned, and according to the necessities of the service.

2. If an exchange of correspondence is to take place through the medium of one or more countries, due notice must be given to the Administrations of those countries.

3. It is, moreover, obligatory, in this latter case, to make up closed mails whenever the amount of correspondence is such as to hinder the work of an intermediate Administration, according to the declaration of that Administration.

4. In case of alteration in a service of closed mails established between two Administrations through the medium of one or several other countries, the Administration which has originated the alteration gives notice thereof to the Administrations of the countries through the medium of which this exchange is maintained.

III.

Extraordinary Services.

The extraordinary services of the Union giving rise to special charges, the fixing of which is reserved by Article IV of the Convention for arrangement between the Administrations concerned, are exclusively :—

- 1° Those which are maintained for the accelerated conveyance by land of the Indian Mail ;
- 2° That which the Postal Administration of the United States of America maintains upon its territory for the conveyance of closed mails between the Atlantic Ocean and the Pacific Ocean ;
- 3° That which is established for the conveyance of mails by railway between Colon and Panama.

IV.

Fixing the Rates of Postage.

1. In execution of Article X of the Convention, the Administrations of the countries of the Union which have not the franc for their monetary unit levy their rates of postage according to the following equivalents :

Countries of the Union.	25 centimes.	10 centimes.	5 centimes.
Germany	20 pfennig.	10 pfennig.	5 pfennig.
German Protectorates :			
Territory of Cameroons, German New Guinea, Territory of Togo, German Territory in South-West Africa, German Territory in East Africa, Marshall Islands	} 20 pfennig.	10 pfennig.	5 pfennig.
Argentine Republic	8 centavos.	4 centavos.	2 centavos.
Austria-Hungary	10 kreuzer.	5 kreuzer.	3 kreuzer.
Bolivia	5 centavos.	2 centavos.	1 centavo.
Brazil	100 reis.	50 reis.	25 reis.
Canada	5 cents.	2 cents.	1 cent.
Chili	5 centavos.	2 centavos.	1 centavo.
Colombia	5 centavos.	2 centavos.	1 centavo.
Costa Rica	5 centavos.	2 centavos.	1 centavo.
Denmark	20 öre.	10 öre.	5 öre.
Danish Colonies :			
Greenland	20 öre.	10 öre.	5 öre.
Danish West Indies	5 cents.	2 cents.	1 cent.
Dominican Republic	5 centavos.	2 centavos.	1 centavo.
Egypt	1 piastre.	5 thousandths of a pound.	2 thousandths of a pound.
Ecuador	5 centavos.	2 centavos.	1 centavo.
Spanish Colonies :			
Cuba, Porto Rico, Philippine Islands, and Dependencies, and Establishments on the Gulf of Guinea	} 5 centavos.	2 centavos.	1 centavo.
United States of America	5 cents.	2 cents.	1 cent.
Great Britain	2½ pence.	1 penny.	½ penny.
British Colonies :			
Antigua, Bahama Islands, Barbados, Bermuda, Gold Coast, Dominica, Falkland Islands, Gambia, Grenada, Jamaica, Lagos, Malta, Montserrat, Nevis, St. Christopher, St. Lucia, St. Vincent, Sierra Leone, Tobago, Trinidad, Turks Islands, and Virgin Islands	} 2½ pence.	1 penny.	½ penny.
British Guiana, Hong Kong, Labuan, Straits Settlements and Newfoundland	} 5 cents.	2 cents.	1 cent.
British North Borneo	6 cents of a dollar.	3 cents of a dollar.	1 cent of a dollar.
British Honduras	6 cents.	3 cents.	1 cent.

Fixing the Rates of Postage—Contd.

Countries of the Union.	25 centimes.	10 centimes.	5 centimes.
Mauritius and its dependencies ..	10 cents of a rupee.	4 cents of a rupee.	2 cents of a rupee.
Cyprus	2 piastres or 80 paras.	1 piastre or 40 paras.	$\frac{1}{2}$ piastre or 20 paras.
Ceylon	14 cents of a rupee.	5 cents of a rupee.	$2\frac{1}{2}$ cents of a rupee.
Australasia	$2\frac{1}{2}$ pence.	1 penny.	$\frac{1}{2}$ penny.
Guatemala	5 centavos.	2 centavos.	1 centavo.
Hayti	5 centavos of a piastre.	2 centavos of a piastre.	1 centavo of a piastre.
Hawaii	5 cents.	2 cents.	1 cent.
Republic of Honduras	5 centavos.	2 centavos.	1 centavo.
British India	2 annas.	$\frac{3}{4}$ anna.	$\frac{1}{2}$ anna.
Japan	5 sen.	2 sen.	1 sen.
Liberia	5 cents.	2 cents.	1 cent.
Mexico	5 centavos.	2 centavos.	1 centavo.
Montenegro	10 soldi.	5 soldi.	3 soldi.
Nicaragua	5 centavos.	2 centavos.	1 centavo.
Norway	20 öre.	10 öre.	5 öre.
Paraguay	5 centavos de peso.	2 centavos de peso.	1 centavo de peso.
Netherlands and Dutch Colonies ..	$12\frac{1}{2}$ cents.	5 cents.	$2\frac{1}{2}$ cents.
Peru	5 centavos.	2 centavos.	1 centavo.
Persia	7 shahis.	3 shahis.	1 shahi.
Portugal and Portuguese Colonies, except Portuguese India	50 reis.	20 reis.	10 reis.
Portuguese India	2 tangas.	10 reis.	5 reis.
Russia	10 kopeks.	4 kopeks.	2 kopeks.
Salvador	5 centavos de peso.	2 centavos de peso.	1 centavo de peso.
Siam	$7\frac{1}{2}$ atts.	3 atts.	$1\frac{1}{2}$ att.
Sweden	20 öre.	10 öre.	5 öre.
Turkey	40 paras.	20 paras.	10 paras.
Uruguay	5 centavos of a piastre.	2 centavos of a piastre.	1 centavo of a piastre.

2. In case of alteration in the monetary system of any one of the countries above mentioned, the Administration of that country must come to an understanding with the Swiss Postal Administration in order to modify the above equivalents; it devolves upon this latter Administration to notify the change to all the other Offices of the Union through the medium of the International Bureau.

3. Any Administration, if it deems it necessary, may have recourse to the understanding contemplated by the preceding paragraph in case of an important modification in the value of its money.

4. The monetary fractions resulting either from the complement of the charge applicable to insufficiently paid correspondence, or from the fixing of the charges for correspondence exchanged with countries foreign to the Union, or from the combination of the Union charges with the surcharges contemplated by Article V of the Convention, may be rounded by the Administrations which levy the payments. But the sum to be added on this account must, in no case, exceed the value of one twentieth of a franc (five centimes).

V.

Correspondence with Countries foreign to the Union.

Offices of the Union which have relations with countries foreign to the Union furnish to the other Offices of the Union a list of those countries, indicating the conditions of transmission to which the correspondence is subject in the relations in question.

VI.

Application of the Stamps.

1. Correspondence despatched from countries of the Union is impressed with a stamp indicating the place of origin and the date of posting.

2. On arrival, the Office of destination applies its date stamp on the back of letters and on the front of postcards.

3. The application of stamps on correspondence deposited on board Packets in the movable boxes or in the hands of the commanders devolves, in the cases contemplated by paragraph 3 of Article XI of the Convention, upon the postal agent on board, or, if there be none, on the Post Office to which the correspondence is delivered.

4. Correspondence originating in countries foreign to the Union is marked, by the Office of the Union which first receives it, with a stamp indicating the place and date of entry into the service of that Office.

5. Unpaid or insufficiently paid correspondence is, in addition, impressed with the stamp "T" (tax to be paid), the application of which devolves upon the Office of the country of origin in the case of correspondence originating in the Union, and upon the Office of the country of entry in the case of correspondence originating in countries foreign to the Union.

6. Articles to be sent by express are impressed with the stamp bearing in large letters the word "Express." The Administrations are, however, authorized to replace that stamp by a printed label or by a written inscription underlined with a coloured pencil.

7. Every article of correspondence which does not bear the stamp "T" is considered as paid and treated accordingly, unless there be an obvious error.

VII.

Indication of the Number of Rates.

1. When a letter or other article of correspondence is liable, by reason of its weight, to more than a single rate of postage, the Office of origin, or of entry into the Union, as the case may be, indicates in the upper left-hand corner of the address, in ordinary figures, the number of rates levied, or to be levied.

2. This procedure is not essential in the case of correspondence fully prepaid.

VIII.

Insufficient Prepayment.

1. When an article is insufficiently prepaid by means of postage stamps, the despatching Office indicates, in black figures, placed by the side of the postage stamps, the amount of the deficiency, expressing it in francs and centimes.

2. According to this indication, the Office of exchange of the country of destination taxes the article with double the deficiency noted.

3. In case postage stamps not available for prepayment have been employed, no account is taken of them. This circumstance is indicated by the figure naught (0) placed by the side of the postage stamps.

IX.

Acknowledgments of Delivery.

1. Articles for which the sender requires an acknowledgment of delivery must be marked very clearly with the inscription "Avis de réception," or be stamped with the letters A. R.

2. Acknowledgments of delivery must be prepared by the Offices of destination on a form in accordance with or analogous to the pattern A annexed, and sent by those Offices to the Offices of origin, whose duty it is to deliver the acknowledgments to the senders of the articles to which they relate. Acknowledgments of delivery must be drawn up in French or must bear a sublineary translation in that language.

X.

Letter Bills.

1. The letter bills which accompany the mails exchanged between two Administrations of the Union are in conformity with the pattern B appended to the present Regulations. They are placed in coloured envelopes marked distinctly "Feuille d'avis" ["Letter Bill."].

In cases of exchanges by sea which, although periodical and regular, are not daily or on fixed days, the despatching Offices must number their letter bills in an annual series for each Office of origin and for each Office of destination, mentioning, as far as possible, in the letter bill the name of the Packet or vessel which carries the mail.

2. The registered articles are entered in Table No. I of the letter bill with the following details: the name of the Office of origin and the number given to the article at that Office; or the name of the Office of origin, the name of the addressee, and the place of destination.

In the column headed "Observations" the word "Remb." is added against the entry of registered articles marked with trade charges.

Articles to be sent by express are entered numerically in Table No. I of the letter bill.

Acknowledgments of delivery are entered in the above-named Table, either individually or collectively, according as they are more or less numerous.

The part of the letter bill headed "Recommandations d'office" ["Official Registrations"] is intended for the entry of verification certificates, of open letters on service addressed by one Office of exchange to another, and of communications from the despatching Office.

3. When the number of registered articles usually sent from one Office of exchange to another requires it, a special and separate list may be used to take the place of Table No. I of the letter bill.

The number of registered articles inscribed on that list, and the number of packets or bags containing those articles must be entered on the letter bill.

4. In Table No. II are to be entered, with such details as the Table requires, the closed mails contained by the direct mail to which the letter bill relates.

5. The number of separate packets or bags composing each despatch for a single destination is indicated in the right-hand top corner of the letter bill.

6. When it is deemed necessary for certain exchanges to make new tables or headings in the letter bill, the necessary steps may be taken after an understanding between the Administrations concerned.

7. When an Office of exchange has no correspondence to forward to a corresponding Office, it must, nevertheless, make up in the usual form a mail consisting simply of the letter bill.

8. When closed mails are sent by one Administration to another, to be conveyed by means of private ships, the number of letters or other articles is indicated in the letter bill or on the address of the mails.

XI.

Transmission of Registered Articles.

1. Registered articles, acknowledgments of delivery, express letters, and, if there be one, the special list contemplated in paragraph 3 of Article X, are made up in a separate packet, which is to be suitably enclosed and sealed so as to preserve the contents.

2. To the outside of this packet the special envelope containing the letter bill is attached with string tied across and across. The packet is then placed in the centre of the mail.

3. The presence in the mail of a packet of registered articles, of which the description is given upon the special list mentioned in paragraph 1 above, is to be announced by the application at the head of the letter bill, either of a special entry, or of the registration label or stamp in use in the country of origin.

4. It is understood that the mode of packing and forwarding registered articles, prescribed by paragraphs 1 and 2 above, applies only to ordinary exchanges. For important exchanges it is for the Offices concerned to prescribe by common consent special arrangements, subject in the one case as in the other to exceptional measures to be taken by the heads of the Offices of exchange, when they have to ensure the transmission of registered articles which, from their nature, form, or size, would not be capable of being enclosed in the principal mail.

In such case, however, the despatching Offices indicate at the head of the letter bill the number of registered articles sent in the principal mail outside the special packet or bag, among the ordinary correspondence, and insert in the "Observations" column of the lists the inscription "en dehors" ["outside"] against the entry of each of those articles.

The above-mentioned articles are made up as far as possible in packets tied with string and having labels affixed to them bearing in plain characters the words "Recommandés en dehors" ["Registered—outside"] preceded by figures indicating the number of articles which each packet contains.

5. Acknowledgments of delivery are placed in an envelope by the Office delivering the registered articles to which those acknowledgments relate. These envelopes, bearing the inscription "Avis de réception; Bureau de poste de (Pays)" ["Acknowledgment of

delivery: Post Office of (Country) "] are submitted to the formalities of registration and despatched to their destination as ordinary registered articles.

XII.

Indemnity for the loss of a Registered Article.

When the indemnity due for the loss of a registered article has been paid by one Administration, on behalf of another Administration, which is responsible for the loss, the latter is bound to repay the amount within three months after receiving notice of the payment. This re-payment is effected either by means of a postal money order or a draft, or in specie current in the country to which payment is due. When the repayment of the indemnity involves expenses, they are always borne by the indebted Office.

XIII.

Making up the Mails.

1. As a general rule, the articles of which the mails consist must be classified and tied up according to the nature of the correspondence, the prepaid correspondence being separated from the unpaid and insufficiently prepaid.

2. Every mail, after having been tied with string, is enclosed in strong paper sufficient in quantity to prevent damage to the contents, then tied again with string on the outside, and sealed with wax, or fastened by means of a gummed paper label bearing an impression of the seal of the Office. The mail is furnished with a printed address bearing, in small characters, the name of the despatching Office, and in larger characters the name of the Office of destination: "from for"

3. If the size of the mail requires it, it is placed in a bag properly closed, sealed with wax or with lead, and labelled.

4. The packets or bags containing articles to be sent by express must bear on the outside an inscription calling the attention of the postal officials to those articles.

5. When paper labels are used, they must be pasted on blocks.

6. No bag must exceed 40 kilogrammes in weight.

7. The bags must be returned empty to the despatching Office by the next mail, in the absence of other arrangements between the corresponding Offices.

XIV.

Verification of the Mails.

1. The Office of exchange which receives a mail ascertains whether the entries in the letter bill and in the registered letter list, if there be one, are correct.

The mails must be delivered in good condition. Nevertheless, the receipt of a mail cannot be refused on account of its bad condition. In the case of a mail for an Office other than that which has received it, it must be packed up afresh, but the original packing should be preserved as far as possible. The repacking is preceded by a verification of the contents, if there is reason to suppose that they are not intact.

2. When the Office of exchange detects errors or omissions, it immediately makes the necessary corrections on the letter bills or lists, taking care to strike out the erroneous entries with a pen in such a manner as to leave the original entries legible.

3. These corrections are made by two officers. Except in the case of an obvious error, they are accepted in preference to the original statement.

4. A verification certificate, in conformity with the pattern C annexed to the present Regulations, is prepared by the receiving Office, and sent without delay, officially registered, to the despatching Office. At the same time a duplicate of the verification certificate is sent by the receiving Office to the Administration to which the despatching Office is subordinate.

In the case contemplated in paragraph 1 of the present Article, a copy of the verification certificate is inserted in the repacked mail.

5. The Despatching Office, after examination, returns the verification certificate with any observations to which it may give rise.

6. In case of the failure of a mail, of a registered article, of the letter bill, or of the special list, the fact is immediately reported, in such form as may be desired, by two officers of the receiving Office, and notified to the despatching Office by means of a verification certificate. If needful, the latter Office may also be advised thereof by telegram, at the expense of the Office which sends the telegram.

7. In case of the loss of a closed mail, intermediate Offices become responsible for the registered articles contained in the mail, within the limits of Article VIII of the Convention, provided that the non-receipt of such mail shall have been notified to them as soon as possible.

8. In case the receiving Office shall not have forwarded by the first mail to the despatching Office a verification certificate reporting errors or irregularities of any kind, the absence of that document is to be regarded as evidence of the due receipt of the mail and its contents, until the contrary be proved.

XV.

Stipulations respecting Registered Articles.

1. Correspondence addressed to initials or in pencil is not admitted to registration.

2. No special conditions as to form or fastening are prescribed for registered articles. Each Office has the right to apply to such articles the regulations in force in its inland service.

3. Registered articles should bear labels in conformity with or analogous to the pattern D annexed to the present Regulations, indicating the name of the Office of origin and the number under which the article is entered in the records of that Office.

Nevertheless, Administrations whose inland regulations do not at present admit the use of labels may postpone the introduction of this arrangement, and continue to use stamps for the indication of registered articles.

4. Registered articles marked with trade charges must bear a manuscript inscription, or the impression of a stamp or a label bearing the word "Remboursement." ["Recovery of trade charges."]

5. Unpaid or insufficiently paid registered articles are forwarded to the addressees without charge, but the Office which receives an article in these

conditions is bound to report the case to its Administration, in order that it may inform the Administration to which the Office of origin is subordinate. That Administration proceeds in accordance with the rules followed in its inland service.

XVI.

Post Cards.

1. Post cards must be sent unenclosed. The face is reserved for the postage stamps, for indications relating to the postal service (registered, acknowledgement of delivery, &c.) and for the address, which may be written in manuscript or be shown upon a gummed label not exceeding two centimetres by five.

Moreover, the sender has the option of indicating his name and address on the face or on the back, either in writing, or by means of a stamp, autograph-stamp or any other typographical process.

Engravings or advertisements may be printed on the back.

Except stamps for prepayment and the labels mentioned in paragraph 1 and paragraph 6 of the present Article, it is forbidden to join or attach to post cards any article whatsoever.

2. Post cards may not exceed the following dimensions: length, 14 centimetres; width, 9 centimetres.

3. As far as possible, post cards issued for circulation in the Postal Union must bear on the face, in the French language or with a sublineary translation in that language, the following superscription:—

POST CARD.

UNIVERSAL POSTAL UNION.

(Side reserved for the address.)

4. The postage stamp representing prepayment appears in one of the top corners of the face; as should also any supplementary stamp which may be added.

5. As a general rule, post cards with reply paid must bear on the face the printed superscription, on the first half "Post card with reply paid"; on the second half "Reply post card." Each of the two halves must, moreover, fulfil the other conditions laid down for single postcards; one half is doubled over the other, and they must not be closed up in any manner whatsoever.

6. The sender of a post card with reply paid may indicate his name and address on the face of the "Reply" half, either in writing or by sticking a label on to it.

7. The prepayment of the "Reply" half by means of the postage stamp of the country which has issued the card is valid only if it is despatched to the address of that country. In the contrary case, it is charged as an unpaid letter.

8. Post cards, both single and with reply paid, emanating from private industry, are admitted to international circulation, if agreeable to the laws of the country of origin, and if they be in conformity with the post cards issued by the Post Office of that country, at all events in regard to size and the substance of the paper.

9. Post cards not fulfilling, so far as regards dimensions, external form, &c., the conditions laid down by the present Article for this class of correspondence, are treated as letters.

XVII.

Commercial Papers.

1. The following are considered as commercial papers, and allowed to pass as such at the reduced postage specified in Article V of the Convention : All papers and all documents, whether writings or drawings, produced wholly or partly by hand, not having the character of an actual and personal correspondence, such as papers of legal procedure, deeds of all kinds drawn up by public functionaries, way-bills or bills of lading, invoices, the various documents of insurance companies, copies of or extracts from Acts under private signature, written on stamped or unstamped paper, musical scores or sheets of music in manuscript, the manuscripts of works or of newspapers forwarded separately, &c.

2. Commercial papers are subject, so far as regards form and conditions of transmission, to the regulations prescribed for printed papers (Article XVIII following).

XVIII.

Printed Papers of every kind.

1. The following are considered as printed papers and allowed to pass as such at the reduced postage sanctioned by Article V of the Convention :— newspapers and periodical works, books, stitched or bound, pamphlets, sheets of music, visiting cards, address cards, proofs of printing, with or without the manuscripts relating thereto, papers impressed with points in relief for the use of the blind, engravings, photographs, pictures, drawings, plans, maps, catalogues, prospectuses, announcements, and notices of various kinds, printed, engraved, lithographed or autographed, and in general, all impressions or copies obtained upon paper, parchment or cardboard, by means of printing, engraving, lithography, autography, or any other mechanical process easy to recognize, except the copying press and the type writer.

The mechanical processes called chromography, polygraphy, hectography, papyrography, velocigraphy, &c., are considered as easy to recognize ; but, in order to pass at the reduced postage, reproductions obtained by means of these processes must be brought to the Post Office counter and must number at least 20 copies, precisely identical.

2. Stamps for prepayment, whether obliterated or not, and all printed articles constituting the sign of a monetary value, are excluded from transmission at the reduced postage.

3. Printed papers of which the text has been modified after printing, either by hand, or by means of a mechanical process, or bears any marks whatever of such a kind as to constitute a conventional language, cannot be sent at the reduced rate.

4. The following exceptions to the rule laid down by the preceding paragraph 3 are allowed :

- (a) To indicate on the outside of the missive the name, commercial standing, and address of the sender ;
- (b) To add in manuscript, on printed visiting cards, the address of the sender, his title, as well as conventional initials (p. f. &c.) ;

[G. 81—'98.]

- (c) To indicate or to alter in a printed paper, in manuscript or by a mechanical process, the date of despatch, the signature and the commercial standing or profession, as well as the address of the sender ;
- (d) To make manuscript additions to corrected proofs and to make in those proofs alterations and additions which relate to correction, form, and printing. In case of want of space these additions may be made on separate sheets ;
- (e) To correct also errors in printing in printed documents other than proofs ;
- (f) To erase certain parts of a printed text in order to render them illegible ;
- (g) To make prominent by means of marks passages of the text to which it is desired to draw attention ;
- (h) To insert or correct in manuscript, or by a mechanical process, figures, as well as the name of a traveller and the date of his visit, in prices current, tenders for advertisements, stock and share lists and trade circulars ;
- (i) To indicate in manuscript, in advices of the departures of ships, the dates of those departures ;
- (k) To indicate in cards of invitation and notices of meetings the name of the person invited, the date, the object, and the place of the gathering ;
- (l) To add a dedication on books, sheets of music, newspapers, photographs and engravings, as well as to enclose the invoice relating to any such work ;
- (m) In requisitions sent to libraries (printed and open, and intended as orders for books, newspapers, engravings, pieces of music), to indicate on the back, in manuscript, the works required or offered, and to erase or underline on the front the whole or part of the printed communications ;
- (n) To paint fashion plates, maps, &c.

5. Additions made in manuscript, or by means of a mechanical process, which would deprive a printed paper of its general character and give it that of individual correspondence, are forbidden.

6. Printed papers must be either placed in wrappers, upon rollers, between boards, in covers open at both sides or at both ends, or in unclosed envelopes, or simply folded in such a manner as not to conceal the nature of the packet, or lastly tied with a string easy to unfasten.

7. Address cards, and all printed matter of the form and substance of an unfolded card, may be forwarded without wrapper, envelope, fastening, or fold.

8. Cards bearing the inscription " Post Card " are not allowed to go at the rate for printed matter.

XIX.

Samples.

1. Samples of merchandise are only allowed to pass at the reduced postage which is allotted to them by Article V of the Convention, under the following conditions :—

2. They must be placed in bags, boxes, or removable envelopes, in such a manner as to admit of easy inspection.

3. They must possess no saleable value, nor bear any writing, except the name of the sender or that of his firm, the address of the addressee, a manufacturer's or trade mark, numbers, prices, and indications relative to weight or size, or to the quantity to be disposed of, or such as are necessary to determine the origin and the nature of the goods.

4. By common consent between the Administrations concerned, that is to say, between the Administrations of the country of origin and of the country of destination, and of the country or countries, if any, performing the transit *à découvert* or in closed mails, packets of liquids, oils, fatty substances, dry powders, whether dyes or not, as well as packets of live bees, may be admitted to transmission of samples of merchandise, provided that they be packed in the following manner:—

- 1° Liquids, oils, and fatty substances easily liquified must be enclosed in glass bottles hermetically sealed. Each bottle must be placed in a wooden box adequately furnished with saw-dust, cotton, or spongy material in sufficient quantity to absorb the liquid in case the bottle be broken. Finally, the box itself must be enclosed in a case of metal, of wood with a screw top, or of strong and thick leather.
- 2° Fatty substances, which are not easily liquified, such as ointments, soft-soap, resin, &c., the transmission of which offers less inconvenience, must be enclosed in an inner cover (box, linen bag, parchment, &c.), which itself must be placed in a second box of wood, metal, or strong and thick leather;
- 3° Dry powders, whether dyes or not, must be placed in cardboard boxes, which themselves are enclosed in a bag of linen or parchment.
- 4° Live bees must be enclosed in boxes so constructed as to avoid all danger and to allow the contents to be ascertained.

XX.

Articles grouped together.

It is permitted to enclose in one and the same packet samples of merchandise, printed matter, and commercial papers, but subject to the following conditions:

- 1° That each article taken singly does not exceed the limits which are applicable to it as regards weight and size;
- 2° That the total weight does not exceed 2 kilogrammes per packet;
- 3° That the minimum charge be 25 centimes if the packet contains commercial papers, and 10 centimes if it consists of printed matter and samples.

XXI.

Re-directed Correspondence.

1. In execution of Article XIV of the Convention, and subject to the exceptions specified in paragraph 2 following, correspondence of every kind circulating in the Union, addressed to persons who have changed their residence, is treated by the delivering Office, as if it had been addressed directly from the place of origin to the place of the new destination.

2. With regard to inland letters or packets of one country of the Union, which enter, in consequence of re-direction, into the service of another country of the Union, the following rules are observed:

1° Articles unpaid or insufficiently paid for their first transmission are treated as international correspondence and subjected by the delivering Office to the charge applicable to articles of the same nature addressed directly from the country of origin to the country in which the addressee may be ;

2° Articles regularly prepaid for their first transmission, and on which the complementary postage pertaining to the further transmission has not been paid before their second despatch, are subjected, according to their nature, by the delivering Office, to a charge equal to the difference between the amount of postage already prepaid and that which would have been chargeable if the articles had been originally despatched to the new destination. The amount of this difference must be expressed in francs and centimes by the side of the stamps by the re-directing Office.

In both cases the charges above referred to are leviable from the addressees, even if, owing to successive re-directions, the articles should return to the country of origin.

3. When correspondence originally addressed from one part to another of a country of the Union, and prepaid in money, is re-directed to another country, the re-directing Office must indicate on each article the amount of the postage levied in money.

4. Mis-sent correspondence of all kinds is re-forwarded without delay, by the quickest route, to its destination.

5. Correspondence of all kinds, ordinary or registered, which, being wrongly or insufficiently addressed, is returned to the senders in order that they may rectify or complete the address, is not, when reposted with the direction rectified or completed, regarded as re-directed correspondence, but as being really fresh correspondence ; and it is consequently liable to a fresh postage.

XXII.

Undelivered Correspondence.

1. Correspondence of all kinds which is not delivered, from whatever cause, must be returned, as soon as possible after the period for keeping it required by the regulations of the country of destination, and at the latest at the expiration of six months in relations with countries beyond sea, and at the expiration of two months in other relations, through the medium of the respective Offices of exchange, and in a special bundle labelled "*Rebuts*" and bearing indication of the country where the correspondence originated. The periods of two months and six months count from the end of the month in which the correspondence has reached the Office of destination.

2. Nevertheless, undelivered registered correspondence is returned to the Office of exchange of the country of origin, as if it were registered correspondence addressed to that country, except that opposite the nominal entry in Table No. 1 of the letter bill, or in the separate list, the word "*Rebuts*" is entered in the column of observations by the returning Office.

3. As an exception, two corresponding Offices may, by mutual consent, adopt a different mode of returning undelivered correspondence, and may also dispense with the reciprocal return of certain printed papers considered as destitute of value.

4. Before returning to the Office of origin correspondence which for any reason has not been delivered, the Office of destination must indicate in a clear and concise manner in the French language, on the back of such

articles, the cause of the non-delivery in the following form: "not known," "refused," "gone away," "not claimed," "deceased," &c. This indication is furnished by the application of a stamp or by affixing a label. Each Office has the option of adding a translation, in its own language, of the cause of non-delivery, and any other useful particulars.

XXIII.

Statistics of Transit Charges.

1. The statistics to be taken once every three years, in execution of Articles IV and XVII of the Convention, for the settlement of transit charges within the Union and outside the limits of the Union, are prepared according to the stipulations of the following Articles, during the first 28 days of the month of May or of November, alternately, of the second year in each triennial period, to take effect retrospectively from the first year.

2. The statistics of November, 1893, will apply to the years 1892, 1893, and 1894; the statistics of May, 1896, will apply to the years 1895, 1896, and 1897, and so on.

3. If during the period to which the statistics apply a country having important relations should enter the Union, the countries of the Union whose situation, with regard to the payment of transit dues, might be modified in consequence of this circumstance, have the option of demanding special statistics relating exclusively to the country which has lately entered.

4. The charges falling upon the despatching Office under the head of territorial transit and sea conveyance, are fixed invariably in accordance with the statistics for the whole period which they embrace, except in the case contemplated in the preceding paragraph.

But when an important modification takes place in the flow of correspondence, and provided that that modification affects a period of six months at least, the intermediate Offices come to an understanding for settling among themselves the division of those charges, in proportion to the part taken by the said Offices in the conveyance of the correspondence to which the charges relate.

XXIV.

Correspondence à découvert.

1. The Office serving as the medium for the transmission of correspondence exchanged *à découvert*, either between two countries of the Union, or between a country of the Union and a country foreign to it, prepares beforehand for each of its correspondents of the Union, a Table according to the pattern E annexed to the present Regulations, in which it indicates, distinguishing, if needful, the different routes of transmission, the rates of payment by weight due to it for the conveyance within the Union of the two categories of correspondence by means of the services at its disposal, as well as the rates of payment by weight to be allowed by the Office itself to any other Offices of the Union for the further conveyance of the said correspondence within the Union. If necessary, it communicates in due time with the Offices of the countries to be traversed, as to the route which the correspondence should take, and as to the rates to be paid upon it.

2. When several routes, each involving different transit charges applicable to the routes which the intermediate Office uses, are available for the transmission of correspondence to one and the same country, the despatching Office pays the intermediate Office according to a single rate based upon the average of the several transit rates.

3. A copy of the Table E is forwarded by the said Office to the corresponding Office interested, and serves as the basis of a special account to be established between them with reference to the intermediate conveyance of the correspondence in question. This account is prepared by the Office which receives the correspondence, and is submitted to the examination of the despatching Office.

4. The despatching Office prepares, according to the particulars given in the form E furnished by its correspondent, Tables in conformity with the pattern F hereto annexed, intended to show, for each mail, the charges for intermediate conveyance of the correspondence, without distinction of origin, sent in the mail for transmission by the medium of the said corresponding Office. With this view the despatching Office of exchange enters, in a Table F, which it sends with its despatch, the total weight, according to its nature, of the correspondence of this class, which it delivers *à découvert* to the corresponding Office of exchange; and the latter, after verification, accepts such correspondence, and sends it to its destination, mixed with its own correspondence in respect of which the charges, if any, for further conveyance, are the same.

If required by the Offices concerned, it is necessary to distinguish on the Table F the origin of the correspondence subject to the sea transit charges of 15 francs a kilogramme for letters and post cards and 1 franc a kilogramme for other articles, to be shared among several Administrations.

5. Any error in the statement of the Office of exchange which has despatched the Table F is immediately communicated to that Office by means of a verification certificate, notwithstanding the correction made in the Table itself.

6. If there be no correspondence liable to a charge for intermediate or foreign conveyance, a Table F is not prepared, and the despatching Office enters at the head of the letter bill the words "No Table F." In case of the erroneous omission of this Table, the irregularity is equally reported, by means of a verification certificate, to the Office in fault, and must be immediately rectified by that Office.

XXV.

Closed Mails.

1. Correspondence exchanged in closed mails between two Offices of the Union, or between an Office of the Union and an Office foreign to the Union, across the territory or by means of the services of one or more Offices, forms the subject of a Statement in conformity with specimen G annexed to the present Regulations, which is prepared according to the following stipulations.

2. As regards mails from one country of the Union for another country of the Union, the despatching Office of exchange enters in the letter bill for the receiving Office of exchange the net weight of letters and post cards, and that of other articles, without distinguishing the origin or destination of the correspondence. These entries are verified by the receiving Office, which prepares, at the end of the statistical period, the Statement above mentioned, in as many copies as there are Offices interested, including that of the place of despatch.

3. In the four days which follow the close of the statistical operations, the Statements G are transmitted by the Offices of exchange which have prepared them to the Offices of exchange of the Administration indebted, for acceptance by them. The latter Offices, after accepting these Statements, send them to the central Administration to which they are subordinate, and on which falls the duty of distributing them amongst the Offices concerned.

4. As regards closed mails exchanged between a country of the Union and a country foreign to the Union, by the medium of one or more Offices of the Union, the Offices of exchange of the Union country prepare, for each mail despatched or received, a Statement G, which they send to the Office of departure or entry: this latter prepares at the end of the statistical period a general Statement, in as many copies as there are Offices interested, including itself and the Office of the Union which has to pay. One copy of this Statement is sent to the indebted Office and one to each of the Offices which have participated in the conveyance of the mails.

If required by the Offices concerned, the Offices of exchange must distinguish on the letter bill the origin and destination of such correspondence as is subject to the sea transit charges of 15 francs and 1 franc, to be shared among several Administrations.

5. After each statistical period, those Administrations which have despatched transit mails send a list of such mails to the several Administrations whose services they have used.

6. The mere warehousing, at a port, of closed mails brought by one Packet and intended to go on by another does not involve payment of territorial transit charges to the Post Office of the place where the mails are warehoused.

XXVI.

Mails exchanged with Ships of War.

1. The establishment of an exchange of closed mails between a Post Office of the Union and naval divisions or ships of war of the same nationality must be notified, as far as possible in advance, to the intermediate Offices.

2. The address of such mails should be in the following form:

From the Post Office of
 For { the (nationality) naval division of (name of the division) at
 { the (nationality) ship (name of the ship) at
 or
 From the (nationality) naval division of (name of the division) at .
 From the (nationality) ship (name of the ship) at
 For the Post Office of (Country)

3. Mails addressed to or sent from naval divisions or ships of war are forwarded, unless specially addressed as to route, by the most rapid routes, and in the same conditions as mails exchanged between Post Offices.

4. If the ships are not at the place of destination when mails addressed to them arrive there, those mails are kept at the Post Office until fetched away by the addressee or redirected to another place. Redirection may be demanded, either by the Post Office of origin, or by the commanding officer of the naval division or the ship addressed, or, lastly, by a Consul of the same nationality.

5. Such of the mails in question as bear the inscription "To the care of the Consul at" are delivered at the Consulate of the country of origin. At the request of the Consul they may afterwards be received back in the postal service and redirected to the place of origin or to another address.

6. Mails addressed to a ship of war are regarded as being in transit up to the time of their delivery to the commanding officer of that ship of war, even when they shall have been originally addressed to the care of a Post

Office or to a Consul entrusted with the duty of acting as forwarding agent ; they are not, therefore, regarded as having arrived at their address, so long as they shall not have been delivered to the ship of war concerned.

7. It is incumbent on the Administration of the country to which the ships of war belong to prepare Tables G for the mails exchanged. During a statistical period, these mails must bear on labels the undermentioned particulars :

- (a) Net weight of letters and post cards ;
- (b) Net weight of other articles, and
- (c) Route followed or to be followed.

In a case where a mail-addressed to a ship of war is redirected during a statistical period, the redirecting Office informs the Office of the country to which the ship belongs.

XXVII.

Account of Transit Charges.

1. The Tables F and G are incorporated in a special account in which is shown, in francs and centimes, the annual amount of transit payment accruing to each Office, by multiplying the totals by 13. In case the multiplier does not correspond with the periodicity of the service, or when a question arises as to exceptional despatches made during the statistical period, the Administrations concerned arrange for the adoption of another multiplier. The duty of preparing this account devolves upon the Office to which payment is due, which transmits it to the indebted Office. The multiplier agreed upon holds good on each occasion for the three years of one and the same statistical period.

2. The payment which results from balancing the reciprocal accounts between two Offices is made in hard cash (francs) by the indebted Office to the Office to which payment is due, by means of bills drawn upon a place in the creditor country at the option of the indebted Office. The costs of payment, including the discount charges, when there happen to be any, are borne by the indebted Office.

3. The preparation, transmission, and payment of the accounts of the transit charges pertaining to a particular year must be effected with as little delay as possible, and at the latest before the expiration of the first six months of the following year. In any case, if the Office which has sent the account has not received in that interval any notes of correction, that account is regarded as duly accepted. This stipulation applies equally to uncontested observations made by one Office on the accounts furnished by another. When this term of six months has passed, the amounts due from one Office to another Office are subject to interest at the rate of five per cent. per annum, dating from the day of the expiration of the said term.

The payment of transit charges for the first year in each triennial period, and at need for the second year, are made provisionally at the end of such year, on the basis of the previous statistics, subject to an eventual adjustment of the accounts in accordance with the results of the new statistics.

4. Nevertheless, the option is reserved to the Offices concerned, to make by common consent other arrangements than those which are set forth in the present Article.

XXVIII.

Exceptions in the matter of Weight.

As an exceptional measure, it is agreed that States which, by reason of their internal regulations, are unable to adopt the decimal metrical system of weight, have the option of substituting for it the ounce *avoirdupois* (28·3465 grammes), assimilating a half ounce to 15 grammes, and two ounces to 50 grammes, and of raising, if needful, the limit of the single rate of postage of newspapers to four ounces; but under the express condition that, in the latter case, the postage on newspapers be not less than 10 centimes, and that an entire rate of postage be charged for each copy of the newspaper, even though several newspapers be included in the same packet.

XXIX.

Applications for ordinary Articles which have failed to reach their destination.

1. Every application respecting an ordinary article of correspondence which has failed to reach its destination gives rise to the following procedure:—

- 1° A form in conformity with the pattern II annexed hereto is handed to the applicant, who is requested to fill up as exactly as possible the portion which concerns him.
- 2° The Office at which the application originates transmits the form direct to the corresponding Office. It is transmitted officially without any written communication.
- 3° The corresponding Office causes the form to be handed the addressee or sender, as the case may be, with the request that particulars on the subject may be furnished.
- 4° With these particulars added, the form is sent back officially to the Office which prepared it.
- 5° When the application proves to be well founded, it is transmitted to the central Administration in order to serve as a basis for further investigations.
- 6° In the absence of any understanding to the contrary, the form is drawn up in French or bears a French translation.

2. Any Administration can demand, by notification addressed to the International Bureau, that the exchange of applications, as far as such Administration is concerned, shall be effected through the medium of the central Administrations, or of an Office specially designated.

XXX.

Withdrawal of Correspondence and Correction of Addresses.

1. For requests, to have correspondence returned or re-directed, as well as for requests to have addresses corrected, the sender must use a form in accordance with the specimen I annexed to the present Regulations. In handing this application to the Post Office, the sender must establish his identity and produce the certificate of posting, if there be one. The Administration of the country of origin assumes the responsibility in regard to identity; and, after its establishment, the course is as follows:

[G, 81—'98]

N

- 1° If the request is meant to be sent by post, the form, together with a perfect fac-simile of the envelope or address of the missive, is despatched in a registered letter direct to the Office of destination ;
- 2° If the request is to be made by telegraph, the form is handed over to the telegraph service, which is entrusted with the transmission of its terms to the Office of destination.

2. On receipt of the Form I, or of the telegram taking its place, the Office of destination searches for the correspondence in question, and takes such steps as may be necessary.

If, however, the case be one of an alteration of address requested by telegraph, the Office of destination only retains the letter, and awaits the arrival of the necessary fac-simile before complying with the request.

If the search is fruitless, or if the article has already been delivered to the addressee, or if the request by telegraph is not so explicit that the article indicated can be recognized with certainty, the fact is at once communicated to the Office of origin, which informs the applicant accordingly.

3. In the absence of any understanding to the contrary, Form I is drawn up in French, or bears a sublineary translation in that language ; and, in case the telegraph is used, the telegram is sent in French.

4. A simple correction of address (without modification of the name or description of the addressee) can also be claimed directly from the delivering Office, that is to say, without fulfilling the formalities prescribed for the alteration of address properly so called.

5. Any Administration can require, by notification addressed to the International Bureau, that the exchange of applications so far as such Administration is concerned, shall be effected through the medium of the central Administrations, or of an Office specially designated.

In cases where the exchange of applications is effected through the medium of the central Administrations, requests sent directly by the Offices of origin to the Offices of destination must be taken into account to the extent that the correspondence concerned shall be withheld from delivery until the arrival of the application from the Central Administration.

The Administrations which avail themselves of the option accorded by the first paragraph of the present clause bear the charges involved by the transmission, in their inland service, by post or by telegraph, of the communications to be exchanged with the delivering Office.

XXXI.

Use of Postage Stamps presumed to be fraudulent for the prepayment of Postage.

1. Subject to the regulations laid down by the laws of each country, even in cases where this reservation is not expressly stipulated in the provisions of the present Article, the under-mentioned procedure is followed for detecting the use of fraudulent postage stamps for the prepayment of postage :

- (a) When the presence of a fraudulent postage stamp (counterfeit or already used), on any article whatever, is detected at the time of despatch by the Post Office of a country whose law does not require the immediate seizure of the article, the stamp is not altered in any way, and the article, enclosed in an envelope addressed to the delivering Office, is forwarded officially registered.

- (b) This formality is notified without delay to the Administrations of the countries of origin and destination, by means of an advice in conformity with specimen K annexed to the present Regulations. A copy of that advice is, moreover, transmitted to the delivering Office in the envelope which encloses the article bearing the supposed fraudulent postage stamp.
- (c) In order to establish the contravention, recourse is had to the addressee.

The delivery of the article takes place only in case the addressee or his representative consents to make known the name and address of the sender, and to place at the disposal of the Post Office, after having taken cognizance of the contents, the entire article if it is inseparable from the offence itself, or else the part of the article (envelope, wrapper, portion of letter, &c.) which contains the address and the stamp stated to be fraudulent.

- (d) The result of the representations made is set forth in a formal report in conformity with the specimen L annexed to the present Regulations, in which report are recorded the incidents that have happened, such as failure to appear, refusal to receive the article or to open it, or to make known the sender, &c. This document is signed by the postal official and by the addressee of the article or his representative; if the latter refuses to sign, the refusal is recorded in place of the signature.

The formal report is transmitted, with the relative vouchers, through the medium of the Administration of the country of destination, to the Postal Administration of the country of origin, which, with the aid of those documents, takes proceedings, if necessary, to repress the infringement, according to its internal laws.

XXXII.

Division of the Expenses of the International Bureau.

1. The ordinary expenses of the International Bureau must not exceed the sum of 125,000 francs annually, irrespective of the special expenses to which the meeting of a Congress or of a Conference gives rise.
2. The Swiss Postal Administration supervises the expenses of the International Bureau, makes the necessary advances, and prepares the annual account, which is communicated to all the other Administrations.
3. For the apportionment of the expenses, the countries of the Union are divided into seven classes, each contributing in the proportion of a certain number of units, viz.:

1st class	...	...	...	...	25 units.
2nd	„	...	...	...	20 „
3rd	„	...	...	...	15 „
4th	„	...	...	...	10 „
5th	„	...	...	...	5 „
6th	„	...	...	...	3 „
7th	„	...	...	...	1 unit.

4. These co-efficients are multiplied by the number of countries of each class, and the total of the products thus obtained furnishes the number of units by which the whole expense is to be divided. The quotient gives the amount of the unit of expense.

5. The countries of the Union are classified as follows, in view of the division of expenses :—

1st class : Germany, Austria-Hungary, United States of America, France, Great Britain, British India, British Colonies of Australasia, the whole of the other British Colonies and Protectorates (except Canada), Italy, Russia, Turkey.

2nd class : Spain.

3rd class : Belgium, Brazil, Canada, Egypt, Japan, Netherlands, Roumania, Sweden, Spanish Colonies or Provinces beyond sea, French Colonies, Dutch East Indies.

4th class : Denmark, Norway, Portugal, Switzerland, Portuguese Colonies.

5th class : Argentine Republic, Bulgaria, Chili, Colombia, Greece, Mexico, Peru, Servia, Tunis.

6th class : Bolivia, Costa Rica, Dominican Republic, Ecuador, German Protectorates, Guatemala, Hayti, Republic of Honduras, Luxemburg, Nicaragua, Paraguay, Persia, Salvador, Kingdom of Siam, Uruguay, Venezuela, Danish Colonies, Colony of Curaçao (or Dutch West Indies), Colony of Surinam (or Dutch Guiana).

7th class : Congo Free State, Hawaii, Liberia, Montenegro.

XXXIII.

Communications to be addressed to the International Bureau.

1. The International Bureau serves as the medium for regular notifications of a general kind concerning international relations.

2. The Administrations belonging to the Union must communicate to each other specially through the medium of the International Bureau :—

1° The particulars of the surcharges which, by virtue of Article V of the Convention, they levy in addition to the Union rate, whether for sea postage, or for expenses of extraordinary conveyance, as well as a list of the countries in relation to which these surcharges are levied, and, if needful, the designation of the routes giving rise to the surcharges ;

2° Five complete sets of their postage stamps ;

3° Notice whether they mean to use the option left to Administrations to apply or not to apply certain general stipulations of the Convention and the present Regulations.

3. Every modification adopted hereafter, in regard to one or other of the three points abovementioned, must be notified without delay in the same manner.

4. The International Bureau receives besides from all the Administrations of the Union two copies of all the documents which they publish, whether relating to the inland service or to the international service.

5. Correspondence addressed by the Administrations of the Union to the International Bureau, and *vice versa*, is assimilated as regards freedom from postage, to correspondence exchanged between Administrations.

XXXIV.*General Statistics.*

1. Every Administration sends to the International Bureau, at the end of the month of July in each year, as complete a series as possible of statistical returns relating to the preceding year, arranged in Tables in conformity with or analogous to the patterns M and N annexed.

2. Those services in which each transaction is recorded are dealt with in periodical statements based upon the entries made.

3. All other transactions are counted during one week at least for daily exchanges, and during four weeks for exchanges other than daily, each Administration having the option of counting separately the correspondence belonging to each category.

4. To each Administration is reserved the right of counting the correspondence at those periods in which the postal business approaches most nearly to the average.

5. To the International Bureau is entrusted the duty of printing and distributing the statistical forms to be filled up by each Administration, and of furnishing to any Administration on application all necessary information as to the rules to be followed, in order to ensure, as far as possible, uniformity of practice in taking the statistics.

XXXV.*Duties of the International Bureau.*

1. The International Bureau prepares general statistics for each year.

2. It publishes, by the aid of the documents which are put at its disposal, a special journal in the German, English, and French languages.

3. All the documents published by the International Bureau are distributed to the Administrations of the Union, in the proportion of the number of contributing units assigned to each by the foregoing Article **XXXII**.

4. Any additional copies and documents which may be applied for by these Administrations are paid for separately at prime cost.

5. The International Bureau must, moreover, hold itself always at the disposal of the members of the Union for the purpose of furnishing them with any special information they may require upon questions relating to the international postal service.

6. The International Bureau makes known demands for the modification or interpretation of the stipulations which regulate the Union. It notifies the results of each application, and no modification or resolution adopted is binding until two months at least after its notification.

7. The International Bureau effects the balance and liquidation of accounts of every description between the Administrations of the Union which declare their wish to use that Bureau as a medium under the conditions laid down by Article **XXXVI** following.

8. The International Bureau prepares the business to be submitted to Congresses or Conferences. It undertakes the necessary copying and printing, the editing and distribution of amendments, minutes of proceedings, and other information.

9. The Director of the International Bureau attends the sittings of the Congresses or Conferences, and takes part in the discussions, but without the power of voting.

10. On the subject of his proceedings he makes an annual report which is communicated to all the Administrations of the Union.

11. The official language of the International Bureau is the French language.

12. It is the duty of the International Bureau to publish an alphabetical dictionary of all the Post Offices of the world, with special indication of such of those Offices as undertake services which have not yet become general. That dictionary is kept up to date by means of supplements or in any other manner which the International Bureau shall consider suitable.

The dictionary mentioned in the present paragraph is delivered at prime cost to the Administrations which apply for it.

XXXVI.

Central Office of Accounting and Liquidation of Accounts between the Administrations of the Union.

1. It is the duty of the International Bureau of the Universal Postal Union to effect the balance and liquidation of accounts of every description relative to the international postal service between Administrations of countries of the Union which have the franc for their monetary unit, or which are agreed on the rate of conversion of their money into francs and centimes (specie).

The Administrations which intend to claim, for this service of liquidation the assistance of the International Bureau, arrange accordingly with each other and with the Bureau.

Notwithstanding its adhesion, each Administration retains the right of preparing at will special accounts for different branches of the service, and of effecting the settlement of them at its own convenience with the corresponding Administrations, without employing the medium of the International Bureau, to which, according to the tenour of the preceding paragraph, it merely indicates for what branches of the service and in respect of what countries it applies for the help of the Bureau.

At the request of the Administrations concerned, telegraph accounts can also be notified to the International Bureau to be included in the setting-off of balances.

Administrations which shall have used the medium of the International Bureau for the balancing and liquidation of accounts may cease to use that medium three months after giving notice to the said Bureau to that effect.

2. After having checked and accepted their accounts, the Administrations furnish to each other reciprocally acknowledgments of their Debit, made out in francs and centimes, stating therein the nature, the period, and the result of the account.

3. Each Administration addresses monthly to the International Bureau a table showing the total Credit due to it on the individual accounts, as well as the total of the sums which are due to it from each of the contracting Administrations; each credit appearing in this table must be substantiated by an acknowledgment from the indebted Office.

This table should reach the International Bureau not later than the 19th of each month; otherwise its liquidation is liable to be deferred until the following month.

4. The International Bureau ascertains, by comparing the acknowledgments, if the tables are correct. Every correction that is necessary is notified to the Offices concerned.

The Debit of each Administration to another is carried forward into a summary; and in order to arrive at the total amount owing by each Administration, it suffices to add up the different columns of this summary.

5. The International Bureau combines the tables and the summaries in one general balance sheet showing:

- (a) The total of the Debit and of the Credit of each Administration;
- (b) The balance against or in favour of each Administration, representing the difference between the total of the Debit and the total of the Credit;
- (c) The sums to be paid by some of the members of the Union to a single Administration, or, reciprocally, the sums to be paid by the latter to the former.

The totals of the two categories of balances under *a* and *b* must of necessity be equal.

It shall be arranged, as far as possible, that each Administration, in order to liquidate its debts, shall have to make only one or two distinct payments.

Nevertheless, an Administration which habitually finds a sum exceeding 50,000 francs due to it from another Administration has the right to claim remittances on account.

These remittances on account are entered, both by the creditor Administration and by the debtor Administration, at the foot of the tables to be forwarded to the International Bureau (see § 3).

6. The acknowledgments (see § 3) transmitted to the International Bureau with the tables are classified according to the different Administrations.

They serve as the basis for settling the accounts of each of the Administrations concerned. In this settlement there should appear:

- (a) The sums relating to the special accounts concerning the different exchanges;
- (b) The total of the sums resulting from all the special accounts with respect to each of the Administrations concerned;
- (c) The totals of the sums due to all the creditor Administrations on account of each branch of the service, as well as their general total.

This total should be equal to the total of the Debit which appears in the summary.

At the foot of the liquidation account, the balance is prepared between the total of the Debit and the total of the Credit resulting from the tables forwarded by the Administrations to the International Bureau (see § 3). The net amount of the Debit or of the Credit should be equal to the debit balance or to the credit balance carried into the general balance sheet. Moreover, the liquidation account determines the manner of settlement, that is to say, it indicates the Administrations to which payment must be made by the Administration indebted.

The liquidation accounts must be transmitted to the Administrations interested by the International Bureau not later than the 22nd of each month.

7. Debit or credit balances not exceeding 500 francs can be carried forward to the settlement of the following month, provided, however, that the Administrations concerned are in monthly communication with the International Bureau. The amount brought forward is entered in the summaries and in the liquidation accounts in respect of the creditor and debtor Administrations. The debtor Administration furnishes, in such case, to the creditor Administration an acknowledgment of the sum due, to be carried into the next table.

XXXVII.

Language.

1. The letter bills, tables, statements and other forms used by the Administrations of the Union in their reciprocal relations must, as a general rule, be drawn up in the French language, unless the Administrations concerned arrange otherwise by direct agreement.

2. As regards official correspondence, the present state of things is maintained, unless any other arrangement should subsequently be agreed upon by common consent between the Administrations concerned.

XXXVIII.

Scope of the Union.

The following are considered as belonging to the Universal Postal Union :

- 1° The German Post Offices established at Apia (Samoa Islands) and Shanghai (China) as subordinate to the Postal Administration of Germany.
- 2° The principality of Lichtenstein, as subordinate to the Postal Administration of Austria.
- 3° Iceland and the Farøe Islands, as forming part of Denmark.
- 4° The Spanish possessions on the North Coast of Africa, as forming part of Spain; the Republic of Andorra, and the postal establishments of Spain upon the West Coast of Morocco, as subordinate to the Postal Administration of Spain.
- 5° Algeria, as forming part of France; the Principality of Monaco and the French Post Offices established at Tangiers (Morocco), at Shanghai (China), and at Zanzibar, as subordinate to the Postal Administration of France; Cambodia, Annam, and Tonquin as assimilated, so far as regards the Postal service, to the French Colony of Cochin China.
- 6° The postal agencies which the Postal Administration of Gibraltar maintains at Tangiers, Larache, Rabat, Casablanca, Saffi, Mazagan, and Mogador (Morocco)
- 7° The Post Offices which the Administration of the English Colony of Hong Kong maintains at Hoihow (Kiung-Schow), Canton, Swatow, Amoy, Foo-Chow, Ningpo, Shanghai, and Hankow (China).
- 8° The Indian postal establishments of Aden, Zanzibar, Muscat, the Persian Gulf, and Gaudur, as subordinate to the Postal Administration of British India.

- 9° The Republic of St. Marino and the Italian Post Offices at Tunis and Tripoli in Barbary, as subordinate to the Postal Administration of Italy.
- 10° The Post Offices which the Japanese Administration has established at Shanghai (China), Fusanpo, Genzanshin, and Jinsen (Corea).
- 11° The Grand Duchy of Finland, as forming an integral part of the Empire of Russia.

XXXIX.

Proposals made in the intervals between Meetings.

1. In the interval which elapses between the meetings, the Postal Administration of every country of the Union has the right of addressing to the other participating Administrations, through the medium of the International Bureau, proposals concerning the present Regulations.

2. Every proposal is subject to the following procedure:—

A period of five months is allowed to the Administrations of the Union to examine the proposals and furnish to the International Bureau their observations, amendments, or counter-proposals as the case may be. The answers are tabulated by the International Bureau and communicated to the Administrations with an invitation to express their views. The Administrations which have not declared their votes within a period of six months, counting from the date of the second circular of the International Bureau notifying to them the observations made, are regarded as abstaining.

3. In order to become binding, the proposals must obtain—

1° Unanimity of votes, if they relate to the addition of new articles or to the modification of the stipulations of the present Article and of Articles III, IV, V, XII, XXVII, XXX, XXXI, XL;

2° Two thirds of the votes, if they relate to the modification of the stipulations of Articles I, II, VIII, IX, XI, XIV, XV, XVI, XVIII, XIX, XX, XXI, XXIII, XXIV, XXV, XXVI, XXVIII, XXXIV, XXXVI, XXXVII, and XXXVIII;

3° Simply an absolute majority, if they relate to the modification of stipulations other than those indicated above, or to the interpretation of the various stipulations of the Regulations, except in the case of litigation as contemplated by Article XXIII of the Convention.

4. Resolutions adopted in due form are made binding by a simple notification from the International Bureau to all the Administrations of the Union.

5. No modification or resolution adopted is binding until at least two months after its notification.

XL.

Duration of the Regulations.

The present Regulations shall be put into execution on the day on which the Convention of the 4th of July, 1891, comes into force. They shall have the same duration as that Convention, unless they be renewed by common consent between the parties concerned.

Done at Vienna the 4th of July, 1891.

[G. 81—'98.]

For Germany and the German Protectorates :

DR. V. STEPHAN.
SACHSE.
FRITSCH.

For the United States of America :

N. M. BROOKS.
WILLIAM POTTER.

For the Argentine Republic :

CÁRLOS CALVO.

For Austria :

OBENTRAUT.
DR. HOFMANN.
DR. LILIENAU.
HABBERGER.

For Hungary :

P. HEIM.
S. SCHRIMPF.

For Belgium :

LICHTERVELDE.

*For Bolivia :**For Brazil :*

LUIZ BETIM PAES LEME.

For Bulgaria :

P. M. MATTHEEFF.

*For Chili :**For the Republic of Colombia :*

G. MICHELSEN.

For the Congo Free State :

STASSIN.
LICHTERVELDE.
GARANT.
DE CRAENE.

*For the Republic of Costa-Rica :**For Denmark and the Danish Colonies :*

LUND.

For the Dominican Republic :

For Egypt :

Y. SABA.

For Equador :

For Spain and the Spanish Colonies :

FEDERICO BAS.

For France :

MONTMARIN.
J. DE SELVES.
ANSAULT.

For the French Colonies :

G. GABRIÉ.

For Great Britain and various British Colonies :

S. A. BLACKWOOD.
H. BUXTON FORMAN.

For the British Colonies of Australasia :

For Canada :

For British India :

H. M. KISCH.

For Greece :

J. GEORGANTAS.

For Guatemala :

DR. GOTTHELF MEYER.

For the Republic of Haiti :

For the Republic of Hawaiï :

EUGENE BOREL.

For the Republic of Honduras :

For Italy :

EMIDIO CHIARADIA.
FELICE SALIVETTO.

For Japan :

INDO.
FUJITA.

For the Republic of Liberia :

BN. DE STEIN.
W. KOENTZER.
C. GOEDELTE.

For Luxemburg :

MONGENAST.

For Mexico :

L. BRETON Y VEDRA.

For Montenegro :

OBENTRAUT.
DR. HOFMANN.
DR. LILIENAU.
HABBERGER.

*For Nicaragua :**For Norway :*

THB. HEYERDAHL.

*For Paraguay :**For the Netherlands :*

HOFSTEDE.
BARON VAN DER FELTZ.

For the Dutch Colonies :

JOHS. J. PERK.

For Peru :

D. C. URREA.

For Persia :

GENL. N. SEMINO.

For Portugal and the Portuguese Colonies :

GUELHERMINO AUGUSTO DE BARROS.

For Roumania :

COLONEL A. GORJEAN.
S. DIMITRESCU.

For Russia :

GENERAL DE BESACK.
A. SKALKOVSKY.

For Salvador :

LOUIS KEHLMANN.

For Servia :

SVETOZAR J. GVOZDITCH.
ET. W. POPOVITCH.

For the Kingdom of Siam :

LUANG SURIYA NUVATR.
H. KEUCHENIUS.

For the South African Republic :

For Sweden :

E. VON KRUSENSTJERNA.

For Switzerland :

ED. HÖHN.
C. DELESSERT.

For the Regency of Tunis :

MONTMARIN.

For Turkey :

E. PETACCI.
A. FAHRI.

For Uruguay :

FEDERICO SUSVIELA GUARCH.
JOSE G. BUSTO.

For the United States of Venezuela :

CARLOS MATZENAUER.

The Imperial and Royal Ministry of Foreign Affairs certifies that this copy is in conformity with the original one deposited in the archives.

Vienna, 7th July, 1891.

The Director of the Chancery of the I. and R. Ministry of Foreign Affairs.

(Signed) MITTAG.*

(B.)—*POSTAL UNION Convention between the Colony of the Cape of Good Hope, the Colony of Natal, the Orange Free State, and the South African Republic.*†

HIS Excellency the Governor of the Colony of the Cape of Good Hope, HIS Excellency the Governor of the Colony of Natal, HIS Honour the President of the Orange Free State, and HIS Honour the President of the South African Republic, being desirous of promoting greater facilities than at present exist for the transaction of Postal business between the said Countries respectively, have by common consent agreed, on behalf of their respective Governments to the following articles :—

* For annexures see *Convention of Vienna*. Eyre and Spottiswoode, 1891.

† The Congresses of the South African Postal Union are triennial; of the Universal Union quinquennial. For reservation of the right to form a more restricted Union see *Convention of Vienna*, Article XXI., clause 2, p. 60 *supra*. The principal modifications introduced are reduced rates and free transit for correspondence within the Union.

GENERAL.

ARTICLE 1.

The Countries between which the present Convention is concluded, as well as those which may join it hereafter, form under the title of "THE SOUTH AFRICAN POSTAL UNION" a single Postal Territory for the reciprocal exchange of correspondence between their post offices.

ARTICLE 2.

The stipulations of this Convention extend to Letters, Post Cards, Commercial Papers, Printed Papers, Book and Sample Packets, Newspapers and Parcels originating in one of the countries of the Union and intended for another of those countries, subject to any limitations which the local regulations or legislation may render necessary. They also apply to the exchange of any of the articles above-mentioned between countries of the Union and countries foreign to the Union through the intermediary of any of the maritime or border countries of the Union.

ARTICLE 3.

The right of transit is guaranteed throughout the entire territory of the Union.

ARTICLE 4.

The rates of postage to be collected in each country of the Union on correspondence addressed to other countries of the Union shall be in accordance with the tariffs set forth in Annexure A to this Convention. Such rates of postage shall, however, be subject to alteration from time to time by mutual consent of the countries parties to this Convention, and shall take effect after publication in the official Gazettes of the countries concerned.

ARTICLE 5.

All postage collected under the provisions of the foregoing Article shall be prepaid by postage stamps issued by the Government of the country in which the correspondence or mail matter to be transmitted is posted.

ARTICLE 6.

The countries of the Union agree to adopt as far as possible a uniform scheme of colouring for the various denominations of postage stamps issued by them.

ARTICLE 7.

Post cards shall alone be admissible when issued by the Government of the country of origin, and shall have the value of the postage printed or embossed thereon. The *reply halves* of post cards shall, however, be accepted in any country of the Union when addressed to the country of issue.

ARTICLE 8.

Unpaid and insufficiently prepaid letters, post cards, commercial papers, printed papers, book and sample packets, and parcels may be forwarded from one country of the Union to another, as well as insufficiently prepaid newspapers upon which one rate of postage has been prepaid; but newspapers which are entirely unpaid shall not be sent forward, but shall be destroyed or otherwise dealt with under the regulations for the time being of the country of origin.

ARTICLE 9.

Correspondence forwarded as fully prepaid from one country of the Union to another shall be delivered free of all further charge whatsoever except in the case of obvious error, but unpaid and insufficiently prepaid correspondence so forwarded shall be charged on delivery by the receiving country with double the deficient postage due thereon.

Nothing in this Article, however, shall be held as exempting the contents of any letter or postal packet from the payment of any Customs dues which may be leviable under the Customs laws for the time being of the country of destination, and any other fees in connection therewith.

ARTICLE 10.

No accounts shall be kept between the Post Office Departments of the several countries subscribing to this Convention in respect of correspondence exchanged between them, but each country shall retain for its own use the whole of the postage and fees which it may collect.

ARTICLE 11.

No transit rates shall be payable in respect of any correspondence exchanged between Offices of the Union, but mutual arrangements may be made for the payment of a contribution towards the support of any intermediate service maintained by any country of the Union which may be made use of to an extraordinary extent by any other country of the Union.

Any country of the Union shall, moreover, be at liberty to make a charge for the transit of correspondence passing through its territories to a country not in the South African Postal Union, and for such services there shall be paid to such intermediate country or State such transit charges as may be mutually agreed upon between the countries concerned.

ARTICLE 12.

The cost of any special trains, coaches or carts employed to convey transit mails through any Country or State of the Union shall be borne by the country or countries requiring such service, and the running of such special trains, coaches or carts, shall be dependent upon a mutual agreement between the countries concerned as to the cost thereof.

ARTICLE 13.

Unpaid or insufficiently prepaid correspondence shall be plainly marked or stamped in black ink on the address side with the letter T, and with the amount chargeable on delivery, which shall in every case represent double the deficient postage in accordance with Article 9.

ARTICLE 14.

Official letters and documents emanating from Civil or Military Departments of any of the countries of the Union shall, when duly franked by an authorised Officer of such Department as on the Public Service, be transmitted to any place within the Union free of charge.

Notwithstanding the provisions of Articles 8, 9 and 13 preceding, it shall be competent for the Postal Administrations of the Union, duly authorized thereto by their respective Governments, to permit the transmission free of postage between the countries mutually agreeing to such an arrangement of *bona fide* "exchange copies" of newspapers under such conditions as may from time to time be agreed upon.

ARTICLE 15.

The following shall be considered as newspapers, and shall be allowed to pass as such :—Any publication which, under the regulations of the country of origin, is admitted for transmission as a newspaper beyond the borders thereof.

ARTICLE 16.

The following shall, so long as similar definitions are maintained under the regulations of the Universal Postal Union, be considered as commercial papers and printed papers respectively, and shall be allowed to pass as such :—

(A.) Commercial Papers.

All papers and all documents, whether writings or drawings, produced wholly or partly by hand, except letters or communications in the nature of letters or other papers or documents having the character of an actual and personal correspondence.

Documents of legal procedure.

Deeds of all kinds drawn up by public functionaries : and copies of, or extracts from, deeds under private signature, whether written on stamped or unstamped paper.

Way-bills.

Bills of lading.

Invoices.

The various documents of insurance companies.

All kinds of manuscript music.

The manuscripts of books and other literary works, or of newspapers forwarded separately.

(B.) Printed Papers of every kind.

Newspapers in bulk.

Periodical works.

Books stitched or bound.

Pamphlets.

Sheets of music printed.

Visiting cards.

Address cards.

Proofs of printing with or without the manuscript relating thereto.

Engravings.

Papers impressed with points for the use of the blind.

Photographs.

Pictures.

Drawings.

Plans.

Maps.

Catalogues.

Prospectuses.

Announcements and notices of various kinds, whether printed or engraved, lithographed or autographed ; and, in general, all impressions or copies obtained upon paper, parchment, or cardboard, by means of printing, engraving, lithography, autography, or *any other mechanical process easy to recognise*, except the copying press and the typewriter ; and anything usually attached or appurtenant to any of the beforementioned articles in the way of binding, mounting, or otherwise, and anything necessary for their safe transmission by post which shall be contained in the same packet.

The mechanical processes called chromography, polygraphy, hectography, papyrography, velocigraphy, &c., are considered as easy to recognise ; but in order to pass at the reduced postage, reproductions obtained by means of these processes must be brought to the Post Office counter and must number at least 20 copies, precisely identical.

Printed, engraved, or lithographed circulars, notwithstanding that such circulars may be letters or communications in the nature of a letter, and such other documents as would, under the regulations of the Universal Postal Union, be allowed to pass as printed papers.

ARTICLE 17.

The following shall be considered as samples, and shall be allowed to pass as such :—

Bona-fide trade patterns or samples of no intrinsic value. Such samples must be placed in bags, boxes, or removable envelopes in such a manner as to admit of easy inspection. They must possess no saleable value, nor bear any writing except the name of the sender or that of his firm, the address of the addressee, a manufacturer's or trade mark, numbers, prices and indications relative to weight or size, or to the quantity to be disposed of, or such as are necessary to determine the origin and the nature of the goods.

The above regulations, as well as those contained in Article 16, shall however, from time to time be amended to bring them into conformity with the regulations for the time being of the Universal Postal Union.

ARTICLE 18.

The following shall be the limits of weight and dimensions of all articles exchanged between the countries parties to this Convention ; it being understood, however, that any two or more countries of the Union shall be at liberty to make mutual arrangements for the exchange of Parcels exceeding the weight stipulated :—

	Maximum Weight.	Dimensions (in inches).			
		Length.	Width.	Depth.	Length and Girth Combined.
Letters .. .. .	..	24	12	12	..
Newspapers	7 lbs.	24	12	12	..
Books, Printed Papers and Commercial Papers ..	7 lbs.	24	12	12	..
Samples	7 lbs.	24	12	12	..
Parcels	11 lbs.	42	..	..	72

ARTICLE 19.

Unclaimed letters, or those which from any cause cannot be delivered, as well as unclaimed postcards, printed papers, commercial papers and sample packets shall after being retained at the office of address for such periods as may be prescribed by the regulations of the country of destination be mutually returned, unopened, to the respective countries of origin, without charge, monthly, or as frequently as the regulations of the respective countries will permit ; but newspapers, which from any cause cannot be delivered, shall be retained at the disposition of the receiving country. The cause of non-delivery shall be in all cases legibly inscribed on each article returned.

ARTICLE 20.

Each mail despatched from one country of the Union to another shall be accompanied by a letter bill, on which shall be stated the contents of the mail ; and, if registered correspondence or parcels be enclosed therein, the particulars of each registered article or parcel shall be plainly stated on the bill, or on a list or lists accompanying the bill.

ARTICLE 21.

Registered articles shall bear a label or the impression of a stamp denoting registration on the address side of the letter or packet, and in the event of any post office not being provided with such label or stamp, the word "Registered" shall be clearly written on the address side of the letter in red ink ; or as an alternative the face and back of the registered articles shall be marked with blue lines crossing each other at right angles. The name of the office of origin, and the number given by the office of origin, shall be entered on the letter bill or list, or lists, accompanying the bill, as the case may be, in addition to the name and address of the addressee.

ARTICLE 22.

Registered articles shall, whenever conveniently possible, be made up separately from ordinary correspondence, and shall be suitably enclosed and sealed so as to preserve the contents.

ARTICLE 23.

Although it is understood that the Post Office Departments of the respective countries of the Union accept no general liability in respect of any correspondence, registered or otherwise, which may be lost in transmission, proper care and supervision shall be exercised in the forwarding and delivery of all such correspondence, and legislative authority shall be sought within a reasonable time after the ratification of this Convention for the payment of an indemnity not exceeding an equivalent of 50 francs (or such other maximum sum as may from time to time be fixed by any Congress of the Universal Postal Union) in respect of the loss—except in cases beyond control—of any registered article.

The regulations governing the payment of such indemnities shall in all respects be similar to the regulations for the time being of the Universal Postal Union.

ARTICLE 24.

Articles containing money or other valuable enclosures must be registered; and where articles supposed to contain valuable enclosures are observed passing through the post unregistered the same shall be registered and charged double the ordinary registration fee upon delivery, allowance being made, however, for any stamps in excess of the ordinary postage which may have been affixed for the evident purpose of prepayment of registration.

ARTICLE 25.

Letters, post cards, newspapers, printed papers, commercial papers and samples officially re-addressed from one country of the Union to another shall not be liable to any charge for re-direction, but if the postage affixed be not equal to the charge leviable on a similar article posted in the country of origin, and directly addressed to the country of ultimate destination, the difference only between the postage affixed and the postage payable at the ordinary tariff shall be levied, such difference in money value being expressed by the side of the stamps by the re-directing office.

Articles unpaid or insufficiently paid for their first transmission are subjected by the delivering office to the charge applicable to articles of the same nature addressed directly from the country of origin to the country of ultimate destination.

Mail matter re-directed by the public after it has left the custody of the Post Office is subject to the same rate of postage as if such mail matter were being transmitted through the post for the first time, but where such fresh rate of postage is not prepaid at the time of re-direction a single rate of postage only shall be collected from the addressee; except in the case of mail matter unpaid or insufficiently paid for its first transmission, when the provisions of the last preceding paragraph shall be enforced.

ARTICLE 26.

The withdrawal of correspondence from the post by the sender, as well as requests for the alteration or correction of addresses, shall be dealt with under the regulations in force for the time being of the Universal Postal Union subject to such modification as may be necessary to secure conformity with the laws of the country in which such correspondence may have been posted.

ARTICLE 27.

Letters, post cards, newspapers, printed papers, commercial papers and samples exchanged between any country of the South African Union and countries oversea shall be subject to the following conditions as regards rates of postage and transit or other charges :—

- (a) If the countries of origin and destination as well as any intermediate country, or countries whose services may be made use of are members of the Universal Postal Union the rates of postage and transit laid down in the Universal Postal Union Convention.
- (b) If any of the countries concerned be not members of the Universal Postal Union such rates of postage and transit as may be mutually agreed upon by the Governments of the countries affected.

ARTICLE 28.

Letters, post cards, commercial papers, printed papers, sample packets and newspapers exchanged with the United Kingdom and Foreign Countries shall be subject to such rules and regulations in regard to size, weight, and articles the enclosure of which is prohibited, as may from time to time be arranged by the maritime countries with the foreign countries of origin or destination.

 PARCELS.



ARTICLE 29.

The exchange of parcels may be effected by means of the ordinary postal service between any two countries of the Union either direct or through the intermediary of one or more other countries.

ARTICLE 30.

The postage for the conveyance of every parcel from the place of posting to the place of destination shall be prepaid by means of postage stamps issued by the Government of the country of origin.

ARTICLE 31.

Government parcels must in all cases be paid for as ordinary parcels, and will in all respects be subject to the same rules as regards dimensions, weight and re-direction charges and contents as ordinary parcels.

ARTICLE 32.

A parcel may not be posted in any letter box, but shall in every case be handed over the counter to an officer of the Post Office Department.

ARTICLE 33.

No parcel may contain any letter or communication of the nature of a letter, or any article chargeable with a higher rate of postage than the parcel tariff. Should a parcel be posted with such an unauthorised enclosure the parcel may be sent forward charged with such rate of postage as would be due if the enclosure had been posted separately without prepayment, and such postage shall be in addition to any other charges. The right, however, shall be reserved to the country of origin to take criminal proceedings against the sender for falsely declaring the contents.

ARTICLE 34.

The parcels exchanged, whether South African Union or foreign, shall not contain any article the transmission of which is prohibited under the regulations relating to other classes of matter passing by mail, between the countries concerned, or which is from time to time specially prohibited by the regulations of the countries of origin, transit, or destination from being sent by parcel post. The method of treating parcels which may be posted in contravention of these stipulations, or which may be detected in transit, shall be subject to such regulations as may from time to time be agreed upon with the countries concerned.

ARTICLE 35.

All parcels addressed to places in the South African Union must be made up either in wrappers open at each end so as to admit of the contents being readily removed for inspection, or if closed must have affixed to them a form of declaration similar to that set forth in annexure "B" to this Convention. The contents of every parcel must be securely packed and closed in such a manner as to preserve them from injury, and the value must in all cases be stated when the parcel is addressed to another country of the Union.

ARTICLE 36.

All parcels shall be subject to the Customs laws and regulations of the country of delivery, and may, when necessary, be detained at the port of entry or such other place as may be appointed by the Government of such country for Customs purposes.

ARTICLE 37.

Parcels containing money or other valuable enclosures, such as jewellery, precious stones, ostrich feathers, &c., exchanged between any two countries of the Union whose regulations permit of the enclosure of such articles in any parcel shall be registered, and it shall be the duty of the Postmaster of any office through which a parcel may pass to register and surcharge with double the ordinary registration fee any parcel the contents of which, if passing through the letter post, would be liable to registration.

ARTICLE 38.

The postal administrations of the respective countries of the Union undertake no liability in respect of any damage a parcel may sustain in transmission, whether from insecure packing or any other cause; nor for any loss that may arise through delay in transmission. Each administration, however, agrees to exercise proper care in the treatment of parcels by the provision of suitable receptacles to avoid as far as possible damage in transmission.

ARTICLE 39.

No parcel may consist of, or contain, two or more parcels addressed to different persons at different addresses. The contents of any parcels infringing this stipulation will be treated and charged for according to the number of separate parcels which may be found to be contained therein.

ARTICLE 40.

Every parcel which may be re-directed from one post office to another shall be chargeable with the same postage as if the parcel had been originally posted at the office from which it is re-directed.

ARTICLE 41.

Parcels addressed to places in the South African Union which from any cause cannot be delivered shall be retained at the post office to which they are sent for delivery for a period of three months, when, if unclaimed, they shall be returned to the Dead Letter Office of the country of origin without charge at such intervals as may be agreed upon between the countries concerned.

ARTICLE 42.

When, owing to an unusual influx of other mail matter, the delivery or despatch of letters would be delayed if the whole mail without distinction were dealt with, parcels may be kept back until a later delivery or despatch.

ARTICLE 43.

Parcels may be exchanged between any country of the Union and the United Kingdom, or any foreign country having a parcel exchange with the maritime country or the United Kingdom, through the intermediary of the offices of exchange of the maritime countries of the Union upon such terms as may from time to time be agreed upon by the countries concerned.

ARTICLE 44.

The administrations of the maritime countries will communicate to the countries making use of their services:—

- (a) A list of the countries with regard to which they may respectively serve as intermediaries for the conveyance of parcels.
- (b) The routes available for the transmission of the said parcels.
- (c) The total amount of the charges to be collected in respect of such parcels, and the amount of the transit charges for each destination to be paid by the office which consigns the parcel to them.

ARTICLE 45.

Parcels addressed to foreign countries will be subject to such regulations in regard to maximum size and weight as may from time to time be arranged by the maritime countries of the Union with the administrations of the countries of transit and destination.

ARTICLE 46.

The full amount of the charge for conveyance from the place of posting to the place of destination must in all cases be affixed by the sender to foreign parcels posted in any country of the Union.

ARTICLE 47.

In the event of its being necessary to provide receptacles for the exchange of parcels, the cost of such receptacles shall be equally shared between the administrations concerned.

ARTICLE 48.

If a parcel which exceeds the prescribed limits of weight or size shall be posted at any post office in the Union addressed to a foreign country it shall not be forwarded but shall be returned to the sender. If any such parcel shall be forwarded inadvertently and be observed at the office of exchange of the maritime country, it shall be detained at such office until instructions have been obtained from the country of origin as to its disposal.

ARTICLE 49.

Foreign parcels must be plainly directed, such direction setting forth the name and address of the person for whom the parcel is intended.

ARTICLE 50.

Every parcel addressed to any foreign country shall have attached to it a form of declaration similar to the specimen set forth in Annexure "C" to this Convention. In the event of the value or contents of any parcel being incorrectly declared, the parcel will be liable to seizure by the Customs authorities of the country of destination.

ARTICLE 51.

All post offices making up direct parcel mails on the offices of exchange of any of the maritime countries of the Union shall forward with such mails a parcel bill similar to the specimen set forth in Annexure "D" to this Convention. All such parcel bills shall be numbered consecutively, commencing with No. 1 on the 1st of January in each year; and each entry in each bill shall be numbered consecutively commencing with No. 1. The numbers of the bill and entry shall be entered on the corresponding parcel for the purpose of identification.

ARTICLE 52.

The despatch of every separate parcel mail shall be advised upon the ordinary letter-bill of the mail with which the parcel mail is sent.

ARTICLE 53.

On receipt at the Office of Exchange of the maritime country of the Union of any parcel mail from any other country of the Union, the Office of Exchange shall check the contents of the mail with the entries on the parcel bill. Any errors which may be discovered shall, after verification by a second officer, be corrected and noted for report to the Chief Office of the country of origin.

ARTICLE 54.

In the event of a parcel mail being received at the Office of Exchange of the maritime country of the Union from any office in another country of the Union unaccompanied by a parcel bill, but containing a parcel intended for transmission to a foreign country, a substitute bill shall be at once prepared and the fact reported to the Chief Office of the country of origin.

ARTICLE 55.

The Post Office of the country of origin shall retain for the use of its Government the whole of the postage affixed to parcels addressed to foreign countries; but credit shall be given to the Office of Exchange of the maritime country of the Union for such transit rates as may from time to time be arranged.

ARTICLE 56.

Upon all parcels received from foreign countries through the Office of Exchange of any of the maritime countries of the Union and forwarded to an address in any other country of the Union, there shall be levied for and on behalf of the maritime country of the Union such Customs duties as may be decided upon from time to time, and the apportionment of the duties collected between the maritime country and the country of destination shall be subject to such arrangements as shall from time to time be made between the Governments of the two States concerned.

ARTICLE 57.

In addition to such Customs duties, there shall be levied by the Office of Exchange on each parcel a fee of 6d. to cover the stamp duty and other charges in connection with the clearance of the parcel through the Custom House of the maritime country, and the Post Office of the country of destination shall be at liberty to levy a further additional charge not exceeding one shilling upon each parcel to cover the labour and responsibility in connection with the collection and accounting for such Customs duty.

ARTICLE 58.

All parcels received from foreign countries shall, when forwarded to the office of destination be accompanied by an "Advice of Parcel" similar to the form set forth in Annexure "E" to this Convention, on which shall be entered by the Office of Exchange of the maritime country of the Union the amount of the Customs dues, clearance fee, and deficient postage (if any) due to such maritime country, and the delivery fee due to the country of destination; and there shall be affixed to each parcel by the Office of Exchange of the maritime country of the Union a docket designated a "Customs Parcel Docket," similar to the form set forth in Annexure "F" to this Convention, giving similar particulars of the charges to be collected.

ARTICLE 59.

Should any error be discovered in the "Advice of Parcel" sent from the Office of Exchange of the maritime country of the Union to a post office in the country of destination, the fact must, after verification by a second officer, be reported to the Chief Office of the country of destination, which office will at once communicate with the Chief Office of the maritime country of the Union on the subject.

ARTICLE 60.

The whole of the charges payable by the addressee of a parcel shall be collected before the parcel is delivered, and shall then be affixed in postage stamps of an equivalent value to the corresponding "Advice of Parcel," which shall then be sent by first registered post to the Superintendent of the Parcels Branch of the Chief Office of the country of destination.

ARTICLE 61.

The post office of destination will be responsible (except in case of non-delivery) to the Office of Exchange of the maritime country of the Union for the due collection of the amount of all Customs dues, clearance fees and other postal charges payable to the maritime country of the Union as indicated on the Customs docket and on the parcel advice sent to the office of delivery with each parcel.

ARTICLE 62.

The Office of Exchange of the maritime country shall forward at least weekly to the Chief Office of the country of destination a parcel manifest in duplicate on a form similar to that set forth in Annexure "G" to this Convention, giving the following particulars in regard to the parcels received from foreign countries and despatched to post offices in the country of destination:—

- The entry number of the maritime country of the Union.
- The entry number of the parcel in the parcel bill received by the maritime country from the foreign country.
- The name and address of the addressee of the parcel.
- The office to which the parcel was sent for delivery.
- Declared contents.
- Approved value.
- The amount due to the maritime country of the Union on each parcel for Customs dues, clearance fees, and deficient postage (if any).

Such parcel manifests shall be numbered consecutively during each calendar year, but the entries of the parcels in each manifest shall always begin with No. 1.

ARTICLE 63.

At the close of each month the Chief Office of the country of destination shall prepare a statement in the form set forth in Annexure "H" to this Convention of the charges collected on all parcels from foreign countries which have been delivered in the country of destination during the month. Such statement shall be prepared from the "Advices of Parcels" sent up by the post offices from which the parcels have been delivered, and shall be forwarded *in duplicate* to the Office of Exchange of the maritime country of the Union, in order that the Customs duty may be paid to the Customs Department, and the charges due to the Office of Exchange claimed in the next monthly postage account with the Chief Office of the country of destination.

ARTICLE 64.

So soon as the advice of any parcel which has been delivered is received in the Chief Office of the country of destination it shall be examined to see that the amount due has been brought to account, and then be marked off against the corresponding entry in the parcel manifest (Annexure "G") received from the Office of Exchange of the maritime country of the Union, and after the lapse of three months from the date of each parcel bill, a return shall be sent to the Superintendent of the Parcels Branch of the Chief Office of the maritime country of the Union, giving the particulars of all parcels which shall remain undelivered.

ARTICLE 65.

If a parcel advised on a parcel bill be not received, the entry on the parcel bill shall, after the non-receipt has been verified by a second officer, be cancelled, and the error reported at once by telegraph to the Chief Office of the Colony or State in which the error was discovered

ARTICLE 66.

Should a parcel be received in a damaged or imperfect condition, full particulars must be reported without delay to the Chief Office of the country in which the damage is observed, and when the damage consists only of injury to the wrapper of the parcel, or such injury to the contents as may not render them valueless, the damage shall be rectified as far as possible and the parcel be sent forward. In other cases the parcel shall be detained for instructions from the country of origin as to its disposal.

ARTICLE 67.

All errors and irregularities in connection with the exchange of parcel mails shall be reported by the one country to the other on a form of verification certificate similar to that set forth in Annexure "I" to this Convention.

ARTICLE 68.

If no verification certificate be received within a period of fourteen days from the date upon which a parcel mail should in the ordinary course reach its destination such mail shall be considered as duly delivered, and as having been found, on examination, correct in all respects.

ARTICLE 69.

Any parcel originating in the United Kingdom or any foreign country which may, at the request of the sender or addressee, be redirected to any country of the Union other than that to which it was originally addressed, shall be dealt with in the following manner:—

The Postmaster of the original office of destination shall clearly endorse upon the parcel, and upon the "Advice of Parcel" (Annexure E) accompanying it, the new address preceded by the words "redirected to," and forward both parcel and advice to the Parcels Branch of the Chief Office of the country to which the parcel is redirected. The latter office shall thereupon check or amend the amount of the Customs duty and other charges recorded on the parcel and advice, and add thereto the charge for redirection at the ordinary inland rate between the original office of destination and the new office of destination. Having done this the parcel shall be sent forward for delivery without delay. In order that the records of the offices concerned may be amended, the original office of delivery shall report the redirection to its Chief Office, which latter office will, after recording the words "redirected to....." against the entry of the parcel in the corresponding manifest, request the maritime office of exchange to charge the parcel against the Chief Office of the country to which it has been redirected.

Should the addressee of a parcel so desire it, the amount of the charges on a parcel may be remitted to the postmaster of the original office of destination, and the parcel having been removed from the Foreign Parcel Post be re-consigned through the Inland Parcel Post to the new address. In such cases it is compulsory that the cost of re-transmission shall be remitted with the amount of the charges originally leviable.

On all parcels redirected there shall be levied a charge for redirection equal to the ordinary rate of postage on parcels sent from the redirecting country to the place of destination, and the amount of such redirection charge shall be retained by the country of delivery.

ARTICLE 70.

Parcels originally addressed to any foreign country and redirected to any country of the Union, will be forwarded to the office of delivery surcharged with the ordinary rate of postage from the country of redirection to the country of delivery, which surcharge in addition to any other charges which may be leviable on the parcel, shall be collected on delivery, unless such redirection fee has been prepaid by the person redirecting the parcel, and in case of collection on delivery credit shall be claimed from the country of delivery by the Office of Exchange of the maritime country of the Union for the proportion of postage due for the transmission of the parcel from the country of redirection to the country of delivery and for the proportion of postage payable to the maritime country as well as any Customs dues and other charges which may be leviable on the parcel on its re-entry into such country of the Union.

ARTICLE 71.

The particulars of all parcels redirected to foreign countries, as well as the particulars of all parcels which may be returned as unclaimed, shall be entered at the foot of the monthly statement of parcels delivered (Annexure "H"), under a heading "Re-directed and Returned Parcels," in order that the charges for Customs dues may be remitted by the Customs Department.

[G. 81—'98.]

ARTICLE 72.

Parcels addressed to any country of the Union for a person who may be deceased, or who may have removed to a country with which no arrangement exists for the exchange of parcels, shall be forwarded by the Postmaster of the office of destination, with the corresponding advice of parcel (Annexure "E"), to the Chief Parcels Office of the country of destination; and the Superintendent of the Parcel Branch of the Chief Office of the country of destination shall enter against the particulars of such parcels in the parcel manifest received from the Office of Exchange of the maritime country of the Union (Annexure "G") the word "Returned." The parcels shall then be returned to the Office of Exchange of the maritime country of the Union entered at the foot of the parcel bill (Annexure "D" to this Convention); but such parcels shall give rise to no charge, and to no account, provided that they bear on the address side a notification of the cause of non-delivery.

ARTICLE 73.

Parcels mis-sent to a country of the Union shall be returned to the Office of Exchange of the maritime country of the Union by the earliest possible opportunity. Those which may have been entered on a parcel manifest from the Office of Exchange (Annexure "G") being treated as returned parcels under the provisions of Articles 77 and 78 of this Convention.

ARTICLE 74.

The Office of Exchange of the maritime country of the Union shall retain for the use of its Government the whole of the postage credited to it by the country of origin; but credit shall be given by the Office of Exchange of the maritime country of the Union to the post office of the country of destination for such proportion of the transit rate as may from time to time be mutually arranged.

ARTICLE 75.

At the close of each month the Chief Office of the maritime country of the Union shall include in a general account, which, so far as the entries of parcels are concerned, shall be prepared on a form similar to that set forth in Annexure "K" to this Convention between the countries concerned, the totals of the three following statements, each entry in the account on the debit and credit sides respectively being supported by the necessary vouchers in detail :—

- (a) A statement in the form set forth in Annexure "L" to this Convention of the transit dues payable to the Office of Exchange of the maritime country of the Union on parcels originating in a country of the Union and addressed to foreign countries, and the proportion of postage due on parcels originating in a country of the Union which may be re-directed to the country of destination from any foreign country with which relations for the exchange of parcels may have been established with the Office of Exchange of the maritime country of the Union.
- (b) A statement of the Customs Duty and other charges due to the Office of Exchange of the maritime country of the Union collected in the country of destination on parcels received from foreign countries, as prepared by the parcels branch of the Chief Office of the country of destination on a form similar to that set forth in Annexure "H" to this Convention under the provisions of Article 61.
- (c) A statement on the form set forth in Annexure "M" to this Convention of the proportion of postage due to the country of destination on parcels received from foreign countries, and the proportion of postage due on parcels originating in foreign countries which may be re-directed from a country of the Union to any foreign country with which relations for the exchange of parcels may have been established with the Office of Exchange of the maritime country of the Union.

ARTICLE 76.

Immediately on receipt of the General Account referred to in the foregoing article the Postmaster-General of the country of the Union concerned shall cause it to be examined, and shall as soon as possible thereafter forward to the Postmaster-General of the maritime country of the Union a remittance for the amount of the balance thereof, if in favour of the maritime country of the Union. In the event of the balance of the account being in favour of the country of the Union to which the account is rendered, the Postmaster-General of the maritime country of the Union shall forward, with the account, a remittance for the amount of such balance.

ARTICLE 77.

Parcels forwarded from any country of the Union to any foreign country which may from any cause remain undelivered after the lapse of the prescribed period of detention, shall be returned to the Superintendent of the Parcels Branch of the Chief Office of the country of origin for disposal; but such parcels shall give rise to no charge and to no account.

ARTICLE 78.

If a parcel from any foreign country, addressed to any country of the Union, be not delivered at the end of three months from the date of its receipt, a report of the non-delivery thereof shall be sent to the Chief Office of the country of destination on the form set forth in Annexure "N" to this Convention by the Postmaster of the Office to which the parcel was originally addressed; and the Superintendent of the Parcels Branch of the Chief Office of the country of destination shall in turn communicate with the Superintendent of the Parcels Branch of the Office of Exchange of the maritime country of the Union on the form set forth in Annexure "O" to this Convention. The Post Office of the country of destination may, however, in the meantime cause the parcel to be delivered at the request of the sender or addressee, provided the charges due thereon have been duly paid.

ARTICLE 79.

Except as otherwise provided in this Convention, all parcels passing between any country of the Union and any foreign country shall be subject to the general regulations of the Postal Departments of the countries respectively concerned.

MONEY ORDERS.

ARTICLE 80.

The remittance of sums of money may be made by means of Postal Money Orders between the countries parties to this Convention, and between such countries and any other countries with which any parties to this Convention shall have entered into arrangements for the exchange of Money Orders, subject to the following conditions.

ARTICLE 81.

The maximum amount for which a Money Order shall be drawn shall be fixed at £10 (ten pounds) sterling, and the amounts of such Orders shall be both paid in and paid out in gold or its legal equivalent, due regard being had to the regulations in force in each Administration. No Money Order shall include a fractional part of a penny.

ARTICLE 82.

Each country shall have the power to fix the rates of commission on Money Orders issued therein but shall communicate to each of the other countries parties to this Convention its tariff of charges or rates of commission, and these rates shall in all cases be payable in advance by the remitters, and shall not be repayable.

ARTICLE 83.

Each country shall keep the commission on Money Orders issued within its jurisdiction, but shall pay to the country upon which any Money Order shall be drawn a commission on the amount of such Orders at such rate as may from time to time be mutually agreed upon, and upon Orders drawn in one of the countries parties to this Convention, through another country party thereto, upon a third country with which arrangements for the exchange of Money Orders may have been made, the country of Issue shall pay to the country of Exchange such additional commission as shall be agreed upon between the countries concerned, and on Money Orders drawn upon any of the countries parties to this Convention, through the intermediary of another of the parties thereto, by a third country, there shall be paid by the country of Exchange to the country upon which such Orders are drawn a commission of one quarter of one per centum, or such other amount as may be mutually arranged between the countries concerned.

ARTICLE 84.

Every Money Order and Advice shall be drawn upon authorised forms as nearly as possible conforming to the specimen set forth in Annexure "P" to this Convention.

ARTICLE 85.

With the following exceptions no Money Order shall be issued unless the applicant furnish in full the surname, and at least the initial of one Christian name, both of the Remitter and of the Payee, together with the address of the Remitter for entry in the Issuing Journal, so that, if necessary, he may be traced. If the Remitter or Payee being an officer of the State or Government is properly addressed by a title or is the representative of a Society or Company it will be sufficient to give the usual title.

ARTICLE 86.

Each country shall furnish to the other countries parties to this Convention a list of its offices upon which Money Orders may be drawn, and shall from time to time notify any additions to or alterations in such list, and all Money Orders shall be drawn only on the authorised Money Order Offices of the country of payment. The countries of Exchange for Money Orders, namely, those serving as intermediaries for the exchange of Money Orders with countries not participating in this Convention, shall furnish to the countries concerned a list or lists of the Money Order Offices in the countries (except those countries included in the Schedule contained in Annexure "Q" to this Convention) for which they act as intermediary, and shall also notify from time to time any additions to or alterations in such lists.

ARTICLE 87.

All Money Orders excepting those drawn on countries specified in the schedule contained in Annexure "Q" to this Convention, shall be delivered to the Remitters thereof for the purpose of being forwarded by them at their own expense to the Payees thereof.

ARTICLE 88.

In the case of Money Orders drawn on the countries specified in the schedule contained in Annexure "Q" to this Convention, the Remitter shall when applying for a Money Order enter on a form similar to that set forth in Annexure "R" to this Convention, the full name and address of the Payee, together with such other particulars as are required.

ARTICLE 89.

When a Money Order is drawn upon a country specified in the schedule contained in Annexure "Q" to this Convention, it shall be delivered to the Remitter to be retained by him as a receipt for the amount paid in, a new Money Order, less the Exchange charges, being forwarded direct to the Payee by the Office of Exchange of the country of payment.

ARTICLE 90.

The original Order, in the case of a Money Order drawn upon a country specified in the schedule contained in Annexure "Q" to this Convention, shall, before being handed by the issuing Postmaster to the Remitter, have affixed thereto the portion of a label similar to that set forth in Annexure "S" to this Convention, and shall be of no value except as a receipt for the money paid in. The issuing Postmaster shall at the same time affix the lower part of the label above mentioned to the back of the corresponding Advice, which shall then be forwarded to the Central Office of Exchange of the Country of Issue.

ARTICLE 91.

The Advices of all Money Orders drawn upon countries not participating in this Convention, through the intermediary of one of the parties hereto, shall be sent to the Central Office of Exchange of the country serving as intermediary in a special envelope provided for the purpose, and addressed to "The Central Office of Exchange, Money Order Department, General Post Office.. .." Such Advices shall, when so required by the Office of Exchange, be accompanied by the requisition form "R," referred to in Article 88 hereof.

ARTICLE 92.

The Advices of all Money Orders issued in one of the countries parties to this Convention, upon one of the other countries parties thereto, shall be sent direct to the office of payment.

ARTICLE 93.

The Money Order office of payment in each country shall not pay any Order unless the relative Advice has been previously received, and unless both Order and Advice bear the date stamp of the Office of Issue, or the Office of Exchange as the case may be.

ARTICLE 94.

Before payment is made of any Money Order issued under this Convention the signature of the Payee shall be affixed to the Order in the place provided for the purpose. If the Payee be unable to write, he shall sign the receipt by making his mark in the presence of a witness, who should not, if possible, be a person connected with the Post Office, and such witness shall sign his name in attestation of such mark and payment.

In other respects the Orders drawn by each country upon the other shall be subject, as regards payment, to the regulations which govern the payment of Inland Orders in the country on which they are drawn.

ARTICLE 95.

When the Payee of a Money Order desires to receive payment at a Post Office other than that upon which the Order was originally drawn, the transfer shall be permitted, provided the Order be duly signed and sent to the Postmaster of the Office on which it was drawn. In such cases a new Order shall be issued by the Postmaster of that office, who will deduct from the amount thereof a commission at a rate chargeable under the regulations for the time being of the country upon which the Order was drawn.

ARTICLE 96.

Errors in the name of the Remitter, or of the Payee, or in the amount of a Money Order, may be corrected by the Postal Administration of the country in which the Money Order was issued.

ARTICLE 97.

The paid Money Orders shall remain in the possession of the Postal Administration of the country of payment; but each administration agrees to place, temporarily, at the disposal of the other any paid Orders the return of which may be required for the purposes of reference.

ARTICLE 98.

Payment of a Money Order must be obtained before the end of twelve calendar months after the month in which it was drawn, for example: If drawn in January and not paid before the end of the following January, all claim to the Money Order will be forfeited unless, under exceptional circumstances, the Postmaster-General of the country in which it was issued shall think proper to authorise its renewal. Orders which shall become void, and the sums accruing thereupon, shall be at the disposal of the country of origin, and the country upon which such Orders shall have been drawn shall credit the country of issue or the country of Exchange, as the case may be, in the monthly Money Order Account, with the value of all Money Orders which shall have become void during the period to which the account relates.

ARTICLE 99.

After once paying a Money Order, by whomsoever presented, the Postal Administration of the country of payment shall not be liable for any further claim.

ARTICLE 100.

Orders lost or destroyed may be replaced by duplicates to be issued by the Postal Administration of the country of payment, and in conformity with the regulations from time to time in force in that country.

ARTICLE 101.

Repayment of Orders to Remitters shall not be made until an authorization for such repayment shall first have been obtained by the Postal Administration of the country of issue from the country of payment, and the amounts of the repaid Orders shall be duly credited to the former country in the Accounts.

It is the province of each Postal Administration to determine the manner in which repayment to Remitters shall be made.

ARTICLE 102.

Payment of any Money Order issued by any country of the Union on any other country of the Union may be authorised by telegraph under arrangements to be mutually agreed upon between the countries concerned.

The charge for telegraphing—which shall in all cases be paid by the remitter—shall be at the rate of one shilling for each Money Order not exceeding £10 in amount. The telegraph charges shall be retained by the country of issue.

ARTICLE 103.

Telegraph Money Orders shall only be made payable at the Money Order Offices of the country of payment which are situated in places which are connected with the South African telegraph system.

ARTICLE 104.

All Advice telegrams shall be prepared on a form similar to that set forth in Annexure "T" to this Convention, and shall commence with the consecutive number of the Money Order to be advised.

ARTICLE 105.

An acknowledgment of the receipt of the amount of a Telegraph Money Order shall in every case be given by the Issuing Officer to the Remitter upon such form or in such manner as may be determined by the issuing Administration.

The Money Order form itself shall be dealt with according to the regulations specially governing the issue of Telegraph Money Orders in the country of issue, but it is stipulated that should the Money Order form be treated as the Remitter's receipt the issuing Administration shall be responsible for its due endorsement with the words "Payment authorised by telegraph," and for the affixing of a suitable label indicating that the form itself has no value except as a receipt for the money paid in, and any liability for payment upon a form so endorsed shall rest with the paying Administration.

ARTICLE 106.

On receipt of a Telegraph Money Order Advice the Postmaster of the office of payment shall take the receipt of the payee upon a form similar to that set forth in Annexure "U" to this Convention, which receipt shall in all respects be treated as a paid Money Order.

ARTICLE 107.

As soon as possible after the close of each month each country shall prepare an account of the Money Orders drawn in that country upon each other country of the Union, and a list of the Money Orders drawn upon countries for which any of the parties to this Convention shall act as intermediary for the exchange of Money Orders, and such account shall be drawn on a form similar to that set forth in Annexure "V" to this Convention.

ARTICLE 108.

The totals of the Money Order Account shall be transferred to a monthly balance sheet, to be designated the "Monthly General Account," which shall be made out by the country upon which, by mutual arrangement, this duty shall devolve. The Monthly General Account shall be rendered in duplicate, and shall show the debits and credits under the various heads of

Postal business transacted between the countries concerned, any errors or omissions which may be discovered being, after verification, adjusted in a subsequent account.

In the event of the balance of the account being in favour of the country to which the account is rendered, the indebted country shall send with the account a remittance in favour of the creditor country for the amount of such balance, and if the balance be in favour of the country rendering the account, the indebted country shall, without delay, after receiving such account, send to the creditor country a remittance for the amount of such balance. The receipt of such remittance shall be acknowledged by means of a voucher duly signed by the proper authority, which voucher shall be forwarded without delay to the country making the payment. The expenses, if any, involved in remitting the monthly balances shall be defrayed by the indebted country.

ARTICLE 109.

Notwithstanding the provisions of the last preceding Article, the creditor country shall be entitled to demand and receive payments on account at more frequent intervals than as stipulated above whenever it has been ascertained that the balance in favour of such country exceeds £1,000, or such lesser amount as may be mutually agreed upon, but in no case need such payments be made more frequently than once in each week.

ARTICLE 110.

If the amount of the balance due in respect of the transactions of any one month be not received from the debtor country within one month after the receipt of the Monthly General Account, the creditor country shall be entitled to claim and receive interest at the rate of 5 per cent. per annum upon the amount of such outstanding balance from the end of the month in which such account was received by the debtor country, and such interest shall be placed to the debit of the Administration at fault in the succeeding monthly accounts until the amount be actually paid.

ARTICLE 111.

Each country shall have the power, under extraordinary circumstances, temporarily to suspend the Money Order Service with one or all of the countries parties to this Convention by giving notice to that effect to the other country or countries concerned by letter or telegraph.

POSTAL NOTES OR ORDERS.

ARTICLE 112.

In the event of any country a party to this Convention making arrangements under its local legislation for the issue of Postal Notes or Orders of denominations not exceeding £1 (One pound sterling) in value, such Notes or Orders may by mutual consent between such country and any other country a party to the Convention be paid in such other country under the following regulations:—

ARTICLE 113.

The Notes or Orders may be of any or all of the following values:—

s.	d.	s.	d.
1	0	10	0
1	6	12	6
2	6	15	0
5	0	17	6
7	6	20	0

ARTICLE 114.

In addition to the issuing commission or poundage, which shall wholly belong to the issuing country, there shall be collected from the Payee, when a Note is paid in another country of the Union, a commission at the following rates:—

	s.	d.	d.
On a Postal Note of the value of	1	0	... 1
do. do.	1	6	... 1
do. do.	2	6	... 1
do. do.	5	0	... 1
do. do.	7	6	... 2
do. do.	10	0	... 2
do. do.	12	6	... 3
do. do.	15	0	... 3
do. do.	17	6	... 3
do. do.	20	0	... 3

Such commission shall be disposed of conformably to the regulations of the country in which it is collected.

ARTICLE 115.

Such Postal Notes shall be paid to the Payee direct or through a Bank, and in the latter case with or without the name of the Bank being specified.

When it is desired that a Postal Note shall be paid through a Bank it may be crossed generally or specially with the name of any particular Bank. If crossed generally it will be paid to the representative of any Bank which may present it, but not otherwise, except with the authority of the head of the Postal Administration of the country of payment.

ARTICLE 116.

A Postal Note shall only be paid at the Money Order Office the name of which is entered thereon, but payment may be transferred to any other Money Order Office in the country of payment on the authority of the Postmaster-General of that country on payment of a second commission at such rates as may be fixed by the regulations of the country of payment, such commission to be attached to the Note in postage stamps of the country of payment.

ARTICLE 117.

When a Postal Note is presented for payment by the Payee thereof the following conditions must be complied with before payment can be made:—

- (a) It must be examined by the paying Postmaster to see that it is genuine, and it must be observed that it bears the date stamp of the Office of Origin and the signature of the issuing Postmaster:
- (b) It must be payable at the Office at which it is presented, and not at any other Office:

- (c) Not more than three calendar months must have elapsed since the last day of the month in which the note was issued. If more than three months have elapsed, the Payee must be required to pay a further commission equal to the amount of the commission as prescribed in Article 114, for every three months, or portion of three months, over and above the original currency :
- (d) The name of the Payee must have been inserted in the place provided for the purpose in the body of the Note, and the signature to the receipt must correspond with that name, or that of a person holding the Payee's Power of Attorney. In the latter case the person authorised to sign must do so in proper legal form :
- (e) If a payee cannot write, his mark must appear on the Note in the usual manner, and such mark must be attested by the signature of a witness or witnesses as the local legislation may provide, but such witnesses should not if possible be Post Office officials :
- (f) None of the particulars contained in the note must have been erased or altered, and the Note itself must not have been cut, defaced or mutilated.

ARTICLE 118.

A Note may be paid to a person other than the Payee, if the Payee, or the person holding his Power of Attorney, has receipted it, and the paying officer has no ground for thinking that the person by whom it is presented is not entitled to the money. When, however, a person presenting a Note is known not to be the Payee, or the person holding the Payee's Power of Attorney, his signature must be obtained on the back of such Note.

ARTICLE 119.

When a Note is paid, the paying officer must affix thereto his initials, and an impression of the official date-stamp in the proper place, to indicate that payment has been made and that the Note is thereby cancelled. He must at the same time obliterate by means of his official date-stamp any postage stamps which may under provisions of Articles 114, 116 and 117 preceding have been affixed to the Note.

ARTICLE 120.

When such Notes are presented for payment through a Bank the following conditions must be observed:—

- (a) That the person presenting them is known to be in the employment of the Bank :
- (b) That they are stamped with the official stamp of the Bank :
- (c) That the receipts are signed :
- (d) When, however, a Note is presented through a Bank, the receipt may be signed without regard to any difference between the signature and the name of the person entered on the Note as the Payee.

ARTICLE 121.

The fees collected in respect of the payment of Postal Notes issued in other countries shall be brought to account in such manner as may be determined by the Post Office Department of the country of payment.

ARTICLE 122.

As soon as possible after the close of each month all Postal Notes paid during the previous month shall be forwarded by the Postmaster-General of the country of payment to the Postmaster-General of the country in which the Postal Notes were issued, and shall be accompanied by a statement, as set forth in Annexure "W" to this Convention, giving the number and face value of such paid notes.

ARTICLE 123.

Each Postmaster-General shall, as soon as possible after the receipt of the paid notes and the monthly list, as prescribed in Article 122 of this Convention, give credit and effect a settlement for the face value of the notes paid, to the country of payment, in such manner as may be determined between the two countries concerned.

 POSTAL DRAFTS.

In the event of any country a party to this Convention making arrangements under its local legislation for the issue of Postal Drafts, such Postal Drafts may, by mutual consent with any other country a party to this Convention, be made payable in such other country under the following regulations:—

ARTICLE 124.

The maximum amount for which a Postal Draft may be drawn by one country upon another shall be ten pounds sterling, and no Postal Draft shall include a fractional part of a penny.

ARTICLE 125.

Every Postal Draft drawn by one country upon another shall be prepared only upon the authorised form of the country of origin.

Postal Drafts shall be drawn only upon the authorised Money Order Offices of the respective countries, and each Postal Administration shall furnish to each of the other Administrations a list of such Offices, and shall from time to time notify any additions to or changes in such list.

ARTICLE 126.

The Government of each country shall have the power to fix the rates of commission to be paid on Postal Drafts issued at Post Offices within its jurisdiction.

The Postal Administration of each country shall communicate to the other countries its tariff of charges or rates of commission, which shall be established under this Convention, and these rates shall in all cases be payable in advance by the drawer, and shall not be repayable.

It is understood, moreover, that the Postal Department of each country is authorised to suspend temporarily the exchange of Postal Drafts in case any circumstances should give rise to abuses, or cause detriment to the Postal revenue.

ARTICLE 127.

Upon the issue of a Postal Draft, and before its transmission to the collecting Post Office by the issuing Postmaster, such Draft shall be signed by the drawer in the place provided for the purpose on the face of the form and until such signature shall have been attached, the Draft shall not be a legal instrument.

If the drawer be unable to write, he must sign the draft by making his mark in the presence of a witness, who should not, if practicable, be a Post Office official.

ARTICLE 128.

All Postal Drafts issued by one country on another shall be sent direct by the issuing Postmaster to the Office at which the amount is to be collected.

The drawer of any Postal Draft shall be at liberty to attach to such Draft an invoice or account provided that such invoice or account does not exceed half an ounce in weight, upon payment of a fee equivalent to the rate of postage on a single letter from the country of issue to the country of collection in addition to the issuing fee chargeable under the Postal Draft regulations of the country of issue.

ARTICLE 129.

All Postal Drafts issued by one country on another shall be current at the option of the drawer for any period not exceeding one calendar month, or one calendar month and fifteen days from the date of its receipt at the office of the collecting Postmaster, for instance: A Draft received at the Office of Collection on the 5th of January would at latest be returnable, if not paid in the one instance, on the 4th of February, and in the other on the 19th of February.

All Drafts shall expire at two o'clock post meridian on the last day upon which they remain current.

Under no circumstances whatever shall the currency of any Postal Draft be extended beyond the period specified in this Article.

ARTICLE 130.

In order to prevent any difficulty arising in communicating with the drawee of a Postal Draft, the drawer shall be required to furnish the full postal address, and the Christian name or names, the surname, and the occupation of the drawee.

ARTICLE 131.

On the receipt of a Postal Draft by the Postmaster of the Office upon which such Draft shall have been drawn, it shall be stamped with the dated stamp of such office, and the Postmaster or other Officer of such Post Office shall insert in manuscript the date of its receipt.

Demand shall then be made for the amount of the Draft, in accordance with the regulations of the country upon which such Draft is drawn.

ARTICLE 132.

When the amount of a Postal Draft is paid by the Drawee, a receipt shall be given at the foot of the Draft form in the space provided for the purpose by the Postmaster of the Money Order Office on which such Draft is drawn or any other Officer of the Post Office duly authorised in that behalf, and such receipted Draft shall then be handed to the drawee.

ARTICLE 133.

When the amount of a Postal Draft has been collected, the balance, after the commission chargeable for collection, &c., has been deducted, shall be transmitted to the drawer by means of a Money Order. The communication containing the remittance shall in all cases be forwarded through the post as a free registered letter.

ARTICLE 134.

When the amount of a Postal Draft has been collected, the Postmaster of the Collecting Office shall deduct therefrom a commission calculated at the following rates :—

			s.	d.
For a Draft not exceeding £1,	...		0	6
Do. over £1 and not exceeding £2,		£2,	1	0
Do. do. £2 do.		£3,	1	6
Do. do. £3 do.		£4,	2	0
Do. do. £4 do.		£5,	2	6
Do. do. £5 do.		£6,	3	0
Do. do. £6 do.		£7,	3	6
Do. do. £7 do.		£8,	4	0
Do. do. £8 do.		£9,	4	6
Do. do. £9 do.		£10,	5	0

or such other rates as may be mutually agreed upon between the countries concerned.

Such commission shall cover the charges for collection, postage, registration, and all other costs whatsoever, with the exception of the poundage chargeable under the Money Order regulations for the time being for the issue of the Money Order by means of which the amount collected is remitted to the drawer.

The Money Order shall form an enclosure to the form of Advice ordinarily employed by the department concerned.

ARTICLE 135.

After the expiration of one calendar month or one calendar month and fifteen days, or such lesser period as may be fixed by the drawer, from the date of the receipt of a Draft at the Money Order Office upon which such Draft is drawn, the Postmaster of such Office shall, when the amount has not been paid by the drawee, transmit the dishonoured Draft to the drawer, giving a statement on the back thereof of the reason of the non-collection of the amount.

In the event, however, of the drawee having left the neighbourhood of the Office upon which the Draft has been drawn, or definitely refusing to pay the amount thereof, or being deceased, the Draft shall be at once returned to the drawer, with a notification to that effect written in the space provided for the purpose.

ARTICLE 136.

In the event of the Postmaster of the Money Order Office upon which a Postal Draft has been drawn not being able to trace the drawee, or, for any reason whatsoever, not being able to communicate with him, or otherwise to collect the amount before the expiration of the period during which such Draft remains current, under the terms of Article 135 of this Convention, such Draft shall become null and void, and it shall not be lawful for any further steps to be taken for the collection of the amount thereof, so far as the Post Office Department is concerned, unless a fresh Draft shall have been issued and paid for.

The statement of the Postmaster of the reason of the non-collection of the amount of any Postal Draft shall at all times be accepted by the drawer as sufficient evidence of the Draft having become void under the circumstances stated in the report sent to the drawer under the provisions of Article 135 of this Convention.

ARTICLE 137.

The presentation of a Draft to the drawee, or the non-presentation within the prescribed period when the drawee cannot be communicated with, and in the case of payment, the collection of the amount of a Postal Draft, and the transmission to the drawer of the money, in the form of a Money Order, in a registered letter, shall discharge the Post Office Department of either of the countries concerned from all liability whatsoever in respect of such Draft, notwithstanding any forgery, fraud, or mistake, which may have been committed, or may have occurred, in reference to such Draft, or to the procuring thereof, or to obtaining payment thereof, or by reason of any default, delay, or loss, in respect of any sum collected, or to be collected, and notwithstanding any disregard of the provisions contained in this Convention.

ARTICLE 138.

The Postmaster-General of each country shall keep for the use of his Government the whole of the fees collected at Offices in his jurisdiction in respect of Postal Drafts drawn at and upon such Offices.

ARTICLE 139.

The fees payable in respect of the issue and collection of Postal Drafts shall be brought to account in such manner as may be determined by the Post Office Department of the country in which issue or collection shall respectively be effected.

ARTICLE 140.

Advices of all Drafts drawn shall, as soon as possible, be forwarded by the issuing Postmaster to the Officer in Charge of the Postal Draft Branch of his own Department.

In like manner the Advices received by a collecting Postmaster of all Drafts drawn upon his Office shall, so soon as the amount thereof has been paid, or the currency of the Draft has expired, be forwarded by him to the Officer in Charge of the Postal Draft Branch of his own Department.

ARTICLE 141.

As soon as possible after the close of each month, each Postmaster-General shall cause to be prepared and forwarded to each of the other Postmasters-General a statement similar to that set forth in the Schedule contained in Annexure "X" to this Convention, showing in detail the particulars of all Postal Drafts issued at Post Offices in his country upon Post Offices in the other country concerned.

ARTICLE 142.

The Postal Administration of each country shall be authorised to adopt any additional rules, if not repugnant to the foregoing, for the greater security against fraud or for the better working of the system generally.

All such additional rules, however, shall, in all cases, be communicated to the Postmasters-General of the other countries concerned.

ARTICLE 143.

The provisions of any article of this Convention can, if deemed necessary, be modified by consent of all the parties who are signatories thereto.

ARTICLE 144.

Conferences of representatives of the countries signatories to this Convention shall be held at least once in every three years for the purpose of considering matters of common interest in connection with the execution of the provisions of the Convention, and for the discussion of any proposals for the extension or amendment thereof which may have been made in the interim, but which may not have previously received the general assent required by Article 143.

In the deliberations each country has one vote only.

Each Conference settles the place of meeting of the next Conference.

ARTICLE 145.

From the date on which the present Convention comes into effect all the stipulations of the Conventions and Agreements previously concluded between the various countries of the Union, in so far as those stipulations are not in accordance with the terms of the present Convention, are abrogated

ARTICLE 146.

Countries not included in the Union are admitted on their application, subject to the consent of all the parties to this Convention.

ARTICLE 147.

This Convention shall take effect from the first day of January, 1898, and shall remain in force until terminated by mutual agreement after six months notice, but each contracting party has the right of withdrawing from the Union by means of a notice given one year in advance by its Government to the Governments of the remaining countries parties to this Convention.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Cape Town, this 10th day of December, 1897.

(Seal.)

(Signed)

A. MILNER,
Governor.

Given under my hand and the Public Seal of the Colony of Natal, at Pietermaritzburg, this 31st day of December, 1897.

(Seal.)

(Signed)

WALTER HELY HUTCHINSON,
Governor.

Given under my hand and the Public Seal of the Orange Free State, at Bloemfontein, this 27th day of December, 1897.

(Seal.)

(Signed)

M. T. STEYN,
State President.

Given under my hand and Seal, at Pretoria, this third day of January, 1898.

(Seal.)

(Signed)

S. J. P. KRUGER,
State President.

ANNEXURE A.

Shewing the rates of Postage to be charged on Correspondence circulating within the South African Postal Union.

I.

TABLE OF THE RATES OF POSTAGE to be charged on correspondence posted in the Colony of the CAPE OF GOOD HOPE when addressed to any other country of the SOUTH AFRICAN POSTAL UNION.

For Letters.—One penny for every half-ounce or fraction thereof.

For Post Cards.—One half-penny each.

For Reply Paid Post Cards.—One penny each.

For Newspapers.—One half-penny for each newspaper not exceeding four ounces in weight, and one half-penny for every additional four ounces or fraction thereof.

For Printed Papers, Commercial Papers and Samples.—One half-penny for every two ounces or fraction thereof, but with a minimum charge of one penny for a sample packet.

For Parcels.—Fourpence for a parcel not exceeding 8 oz. in weight. Sixpence for a parcel not exceeding 12 oz. in weight. Eightpence for a parcel not exceeding 1 lb. in weight, and twopence for every additional 4 oz. or fraction thereof.

Registration fee for all classes of correspondence fourpence.

II.

TABLE OF THE RATES OF POSTAGE to be charged on correspondence posted in NATAL when addressed to any other country of the SOUTH AFRICAN POSTAL UNION.

For Letters.—One penny for every half-ounce or fraction thereof.

For Post Cards.—One half-penny each.

For Reply Paid Post Cards.—One penny each.

For Newspapers.—One half-penny for each newspaper not exceeding four ounces in weight, and one half-penny for every additional four ounces or fraction thereof.

For Printed Papers, Commercial Papers and Samples.—One halfpenny for every two ounces or fraction thereof, but with a minimum charge of one penny for a sample packet.

For Parcels.—Fourpence for a parcel not exceeding 8 oz. in weight. Sixpence for a parcel not exceeding 12 oz. in weight. Eightpence for a parcel not exceeding 1lb. in weight, and twopence for every additional 4 oz. or fraction thereof.

Registration fee for all classes of correspondence fourpence.

III.

TABLE OF THE RATES OF POSTAGE to be charged on correspondence posted in the ORANGE FREE STATE when addressed to any other country of the SOUTH AFRICAN POSTAL UNION.

For Letters.—One penny for every half-ounce or fraction thereof.

For Post Cards.—One half-penny each.

For Reply Paid Post Cards.—One penny each.

For Newspapers.—One half-penny for each newspaper not exceeding four ounces in weight; and one half-penny for every additional four ounces or fraction thereof.

For Printed Papers, Commercial Papers and Samples.—One half-penny for every two ounces or fraction thereof, but with a minimum charge of one penny for a sample packet.

For Parcels.—Fourpence for a parcel not exceeding 8 oz. in weight. Sixpence for a parcel not exceeding 12 oz. in weight. Eightpence for a parcel not exceeding 1 lb. in weight, and twopence for every additional 4 oz. or fraction thereof.

Registration fee for all classes of correspondence fourpence.

IV.

TABLE OF THE RATES OF POSTAGE to be charged on correspondence posted in the SOUTH AFRICAN REPUBLIC when addressed to any other country of the SOUTH AFRICAN POSTAL UNION.

For Letters.—One penny for every half-ounce or fraction thereof.

For Post Cards.—One half-penny each.

For Reply Paid Post Cards.—One penny each.

For Newspapers.—One half-penny for each newspaper not exceeding four ounces in weight, and one half-penny for every additional four ounces or fraction thereof.

For Printed Papers, Commercial Papers and Samples.—One half-penny for every two ounces or fraction thereof, but with a minimum charge of one penny for a sample packet.

For Parcels.—Fourpence for a parcel not exceeding 8 oz. in weight. Sixpence for a parcel not exceeding 12 oz. in weight. Eightpence for a parcel not exceeding 1 lb. in weight, and twopence for every additional 4 oz. or fraction thereof.

Registration fee for all classes of correspondence fourpence.

ANNEXURE B.

This label must be used for Parcels addressed to places in South Africa only.

No.	Full Address : To _____
	Value of Contents. £.....
	I certify that this parcel contains _____ and that no letter, &c., is enclosed in contraven- tion of the regulations.
Maximum Weight 11lbs.	
Maximum Dimensions, Greatest length, 3ft. 6in. Greatest length and girth combined, 6ft.	Signature and Address of Sender { _____

ANNEXURE C.

Date Stamp.	BRITISH AND FOREIGN PARCEL POST. For use in the case of Parcels sent from _____ to the United Kingdom and Foreign Countries. FORM OF CUSTOMS DECLARATION.	Place to which the parcel is addressed.				
Gross Weight of Parcel. — lbs. — ozs.	CONTENTS.	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Net Weight of Contents lbs. ozs.</td> <td style="width: 50%; text-align: center;">Value as Merchandise. £ s. d.</td> </tr> <tr> <td style="border: 1px solid black; height: 40px;"></td> <td style="border: 1px solid black; height: 40px;"></td> </tr> </table>	Net Weight of Contents lbs. ozs.	Value as Merchandise. £ s. d.		
Net Weight of Contents lbs. ozs.	Value as Merchandise. £ s. d.					
<small>CAUTION.—In the event of the above declaration being found incorrect in any particular, the Parcel will be liable to seizure by the Customs authorities. No letter may be placed in any Parcel, nor may a Parcel contain Diamonds, Specie, Bullion, Gold (in dust or nuggets), Ostrich Feathers, or other prohibited articles.</small>						
Date Stamp of Office of Exchange.	(For use of Post Office of Exchange only.) Parcel Bill No. _____ Entry No. _____	Name and Address of Sender :— _____ _____ Date of Posting _____ 189 _____				

ANNEXURE D.
BRITISH AND FOREIGN PARCEL POST.
PARCEL BILL

of Parcels for the United Kingdom and Foreign Countries sent from the Post Office at.....in.....
.....to the Office of Exchange at.....
* No. of Bill..... Dated.....day of.....189...

No. Parcel.	Name of Addressee.	Address of Parcel.	Declared Contents.	Declared Value.	No. of Rates.	Amount of Postage Paid.	Proportion of Postage due to (a).	Proportion of Postage due to (b).	"Forward" Postage on Foreign Parcels.	Remarks.
										(a) Country of Origin. (b) Maritime Country of Exchange.

* Note.—The Bills must be numbered consecutively, commencing with No. 1 on the 1st January in each year.

Date Stamp of Office of Exchange.

Date Stamp of the Despatching Office.

Signature of Despatching Officer..... Signature of Receiving Officer, Parcels Office.....

ANNEXURE E.

BRITISH AND FOREIGN PARCEL POST.
ADVICE OF PARCEL.

Mail per S.S. "....."

To the Postmaster
of.....

A Postal Parcel No..... and addressed to.....

DATE STAMP OF PARCELS OFFICE, G.P.O.

FOR POSTAGE STAMPS.
(If this space is not sufficient for the Stamps available, they may be affixed to the back of this Form.)

has been forwarded this day, charged as below:—

	£	s.	d.
Due to { Customs Dues ..			
Clearance and Stamp Duty ..	..	6	
Redirection Charge ..			
Deficient Postage ..			
Delivery Fee ..	..	1	..
Due to { Total £			
Redirection Charge			
Total £			

Parcels Office,
The above charges, when collected, must be brought to account by affixing postage stamps in the margin of this Form, which must then be refolded with the address outside, and sent by first post to the Parcels Office, G.P.O., in order that the Customs Duty may be paid to the Customs Department. The stamps must be obliterated with a clear impression of the dated stamp of the Collecting Office.

A Returned Parcel Advice must be entered on the Letter Bill in the following manner: "Foreign Parcel Advice No....." but no registered wrapper need be sent with it.

Stamps affixed,..... Postmaster. Date Stamp of Collecting Office.

IMPORTANT.

No Foreign Parcel must be delivered until the charges due upon it have been paid.

On Postal Service.

FOREIGN PARCEL ADVICE NO.....

PARCELS OFFICE,
General Post Office,

REGISTERED.

On Postal Service.

The Postmaster
of.....

B. and F. Parcel Post.
Advice of Parcel.

**ANNEXURE F.
CUSTOMS PARCELS DOCKET.**

No.

Charges to be collected on delivery:—

Customs Dues	£	s.	d.
Clearance and Stamp Duty	£	s.	d.
Redirection Fee	£	s.	d.
Delivery Fee	£	s.	d.
Total	£		
Redirection	£		
Grand Total	£		

DATE STAMP.

**ANNEXURE G.
BRITISH AND FOREIGN PARCEL POST.
MANIFEST of PARCELS from the UNITED KINGDOM and FOREIGN COUNTRIES despatched to Post
from the Office of Exchange at
Offices in**

Date Stamp of Maritime Office	Date Stamp of Receiving Office	Parcel Bill No. _____		For the Week ended _____ day of _____ 189 _____							
No. of Entry	Office of Origin	Name of Addressee	Address of Parcel	Office sent to	Declared Contents	Approved Value	Charges to be collected.		Date of Delivery	Amount collected	Remarks
						£ s. d.	Credit of (a)	Credit of (b)		£ s. d.	
						£ s. d.	Customs Duty	No. of Delivery Rates			
						£ s. d.	Clearance Fee	Other Postal Fees			
						£ s. d.					(a). Maritime Country of Exchange. (b). Country of Delivery.

..... Signature of Despatching Officer.

..... Signature of Receiving Officer.

ANNEXURE H.
BRITISH AND FOREIGN PARCEL POST.
STATEMENT of Customs Duty and other charges collected on Parcels received from the UNITED KINGDOM and FOREIGN COUNTRIES and delivered in during the Month of 8

London No. of Parcel Bill.	No. on Parcel Manifest.	Name of Ship.	Name of Addressee.	Address.	Contents.	Approved Value.		Charges due to the*				Remarks.		
						£	s. d.	* Duty.	Clearance Fee.	Deficient Postage.			Total.	
						£	s. d.	£	s. d.	£	s. d.	£	s. d.	
														+ Maritime Country of Exchange.

* The Duty, although paid over to in the first instance, is subsequently adjusted with by the Customs Department.

Examined and found correct,
Superintendent, Parcels Office.

ANNEXURE I.

BRITISH AND FOREIGN PARCEL POST.

Date Stamp.

Post Office of
VERIFICATION CERTIFICATE
For the Correction and Verification of Irregularities and Errors of every kind observed in the Parcel Mail from the Post Office for the Post Office.

Date of Mail _____ 189__

Parcel Bill No. _____

IRREGULARITIES.

(Non-receipt of Parcel Bill in due course. Non-receipt of Parcels. Particulars of Damaged Parcels, Boxes, &c., not properly secured, &c., &c.)

ERRORS.

Entry No.	Name of Ad-dressee.	Ad-dress of Parcel.	De-clared Con-tents.	Declared Value.	No. of Rates Prepaid.	REMARKS.—The entry as made by the Despatching Office to be copied in black ink; and the corrected entry below in red ink; any necessary explanation being added in this column. When the total is affected, the original and corrected total must be given in the proper place.

Original Total _____

189__

Corrected Total _____

Examined and accepted, _____ 189__

Signature of the Controlling Officer at the Office of Arrival.

Signature of the Controlling Officer at the Office of Despatch.

ANNEXURE K—Continued.

AN ACCOUNT
BETWEEN THE POST OFFICE OF THE

AND
THE POST OFFICE OF THE

FOR THE MONTH OF

18

ANNEXURE K.—GENERAL ACCOUNT

Between the Post Office of.....and the Post Office of.....for the Month of.....18....	
TO THE CREDIT OF.....	
£	d.
By Balance brought from preceding Account
" Balance of Errors on previous Accounts for the month of.....18.... (as per Statement received)
" Ocean Postage due on Mails for the United Kingdom
" Money Orders drawn upon the United Kingdom and Foreign Countries
" Share of Commission on ditto
" Repaid and Void Money Orders (as per separate Statements)
" Colonial and Foreign Forward Postage on Parcels sent to the United Kingdom and Foreign Countries (as per Statement annexed)
" Customs Duty and other charges on Parcels delivered in.....during the month of.....18.... (as per Statement received)
" Proportion of Postage due to.....on Parcels redirected from the United Kingdom and Foreign Countries to.....	..
" Stores supplied
" Transit Dues Payable to
" Balance of Errors on Current Account
" Balance due to.....	..
Total	£
General Post Office.....day of.....18....	Postmaster-General.

TO THE CREDIT OF.....	
£	d.
By Balance brought from preceding Account
" Balance of Errors on previous Accounts for the month of.....18.... (as per Statement received)
" Share of Postage on Mails received from the United Kingdom
" Money Orders issued in.....and abroad
" Share of Commission on ditto
" Repaid and Void Money Orders (as per separate Statements)
" Proportion of Postage on Parcels received from the United Kingdom and Foreign Countries (as per Statement annexed)
" Proportion of Postage due to.....on Parcels redirected to the United Kingdom and Foreign Countries
" Balance of Errors on Current Account
" Balance due to.....	..
Total	£

ANNEXURE L.

BRITISH AND FOREIGN PARCEL POST.

Parcels from.....to Places abroad.
 STATEMENT of the Rates of Postage due to.....on Parcels sent from Offices in
to the UNITED KINGDOM and FOREIGN COUNTRIES, and the Proportion of
 Postage due on Parcels re-directed to.....during the month of.....18..

No. of Parcel Bill to England.	Date of Bill.	No. of Rates.	Proportion due to at 9d. per lb.			"Forward" Foreign Postage.			Re-directed Parcels.			Remarks.
			£	s.	d.	£	s.	d.	No. of Rates.	Amount.		
Totals*												* To be carried to General Account.

General Post Office,.....
day of.....18.. Superintendent, Parcels Office.
 NOTE.—This Return is to be sent, in duplicate, to the Accountant, General Post Office.....
 at the close of each month.

ANNEXURE M.

BRITISH AND FOREIGN PARCEL POST.

Parcels from places abroad to.....
 STATEMENT of the Rates of Postage due to.....on Parcels
 received from the UNITED KINGDOM and FOREIGN COUNTRIES, and the proportion of Postage due
 on Parcels re-directed to the UNITED KINGDOM and FOREIGN COUNTRIES, during the month
 of.....18....

No. of Parcel Bill.	Date of Bill.	No. of Rates at 3d. per rate.	Amount.			RE-DIRECTED PARCELS.			REMARKS.
			£	s.	d.	No. of Rates.	Amount.		
Totals * ... £									* To be carried to General Account.

.....
 Superintendent, Parcels Office.
 General Post Office,.....
day of.....18....
 NOTE.—This Return is to be sent, in duplicate, to the Accountant, General Post Office,.....
 at the end of each month.

ANNEXURE N.

BRITISH AND FOREIGN PARCEL POST.

ADVICE OF NON-DELIVERY OF A PARCEL.

Post Office,
189..

The Superintendent,

B. & F.P.P.

I beg to report that a Parcel bearing the No.....addressed as below:—

.....
 which, according to the Form of Declaration, was sent by.....
 and posted at.....on.....
18....., is remaining at this Office owing to.....

The Parcel (if not claimed in the meantime by the Addressee) will be retained awaiting instructions as to its disposal.

The following charges are due on the Parcel, namely:—

	£	s.	d.
Customs dues on entry into....			
Clearance and Stamp Duty ..			
Delivery Surtax ..			
Other Postal Charges (if any)..			
Total amount to be collected on delivery to this date ..			

.....
 Postmaster.

ON POSTAL SERVICE.

*The Superintendent,
 British and Foreign Parcel Post,
 General Post Office,*

ADVICE OF NON-DELIVERY.

ANNEXURE O.

General Post Office,

Reg. No.....189..

SIR,
 A parcel bearing the No.....addressed as below:—

.....
 which, according to the Form of Declaration, was sent by.....
 and posted at.....
 on the.....189....., is remaining at this Office owing to.....

I request that you will be good enough to ascertain in what manner the Sender of the parcel wishes it to be disposed of.

In the absence of an application from the Addressee for the parcel, on the receipt of adequate instructions for its re-direction, or other treatment, within...months from the date hereof, the parcel will be returned to its Office of origin.

The following charges are due on the parcel, namely:—

	£	s.	d.
Custom Dues on entry into....			
Clearance and Stamp Duty....			
Other Postal Charges (if any)..			

A further charge of...per pound or fraction of a pound will be added if the parcel be re-directed to any other place in the Cape Colony, Natal, the Bechuanaland Protectorate, Rhodesia, the South African Republic or Orange Free State.

I am,
 Sir,
 Your obedient Servant,

 Postmaster-General.

To the.....

No.....
 General Post Office,

SIR,
 I beg to inform you that the Sender of the parcel described in the annexed letter requests that, in the event of the parcel not having been claimed by the Addressee or his agent, it may be delivered, or re-directed to.....

I am,
 Sir,
 Your obedient Servant,

The Postmaster-General,

ANNEXURE P.

Stamp of Issuing Office.	£	s.	d.

MONEY ORDER.

Pay the Person named in my Letter of Advice (upon stating the Name of the Remitter) the Sum of £.....s.....d..... upon the Office at..... Postmaster.

The Person to whom this Order is made payable must sign here his or her Christian and Surname. In the case of Firms the usual Signature would suffice if so advised to the paying Office.

Received the above amount :
..... { Signature of Payee.

If the Payee or Remitter of this Order should require Payment at any other Office than the Office on which it was originally drawn, the following request must be signed and the Order must be receipted and forwarded in a proper form, which may be obtained at any Money Order Office, to the Postmaster of the Office where it was originally made payable, who will send a new Order for the amount, less the Commission.

B { I request that this may be exchanged for a new Order, payable at }
Signature.

*Here state the name of Office.

This Order is not payable until the corresponding Advice has been received. After once paying a Money Order, by whomsoever presented, the Office will not be liable to any further Claim. Twelve months after issue, this Order is void, and all Claim to it is lost.

Further information regarding Money Orders may be obtained at the several Money Order Offices.

Stamp of
Paying
Office.

ANNEXURE P—Continued.

Stamp of Issuing Office.	£	s.	d.

ADVICE

of Money Order drawn by the above-named Office for £.....s.....d..... upon the Office at..... Postmaster.

The Payee, viz., the Person to whom the Order is payable.

CHRISTIAN NAME.	SURNAME.
-----------------	----------

The Remitter: viz., the Person who paid in the Money and obtained the Order.

CHRISTIAN NAME.	SURNAME.
-----------------	----------

This Advice must be signed and stamped by the Postmaster who draws the Order, and must be stamped on the OUTSIDE with the date of receipt by the Postmaster on whose Office it is drawn. When payment is made the stamp of the day of payment must be affixed in the space provided at the foot of the advice on the INSIDE.

It must be retained at the Paying Office until the corresponding Order has been received. The Advices relating to Orders paid must be forwarded to the Secretary, General Post Office, with the Accounts when rendered. At the end of each month the Advices relating to void Orders must be forwarded to the Secretary, the word "void" being written across the advice.

N.B.—A separate Advice must invariably be sent for each Order.

Stamp of
Paying
Office.

On Postal Service.

MONEY ORDER ADVICE.

The Postmaster of

ANNEXURE Q.

1. Countries to which Orders may be sent :—

Aden (Indian Agency)	Hong Kong
Algeria	Iceland
Amoy (Hong Kong Agency)	India (British)
Antigua	Italy
Austria	Jamaica
Azores, The	Japan
Bagdad (Indian Agency)	Jask (Indian Agency)
Bahamas	Lagos
Barbadoes	Linga (Indian Agency)
Belgium	Madeira
Bermuda	Malta
Bosnia, Herzegovina	Montserrat
British Columbia	Muscat (Indian Agency)
British Guiana	Nevis
British Honduras	New Brunswick
Bunder Abbas (Indian Agency)	Newfoundland
Bushire (Indian Agency)	Ningpo (Hong Kong Agency)
Busrah do.	North Borneo
Canada	Norway
Canton (Hong Kong Agency)	Nova Scotia
Ceylon	Panama
Constantinople	Portugal
Cyprus	Prince Edward Island
Danish West Indies	St. Kitts
Denmark	St. Lucia
Dominica	St. Vincent
Dutch East Indies	(West Indies)
Egypt	Servia
Falkland Islands	Seychelles
Faroë Islands	Shanghai (Hong Kong Agency)
Finland	Sierra Leone
Foochow (Hong Kong Agency)	Smyrna
France	Straits Settlements
Gambia	Swatow (Hong Kong Agency)
Germany	Sweden
Gibraltar	Switzerland
Gold Coast	Taugier (Morocco)
Grenada	Tobago
Guadur (Indian Agency)	Trinidad
Hankow (Hong Kong Agency)	Tunis
Hoihow do.	Turks Island
Holland	Uruguay (Republic of)
	Zanzibar (Indian Agency)

ANNEXURE R.

Requisition for Foreign Money Orders.

Part I. (for use of Postmaster)—

No. of Order.....

Stamp of Issuing Office.

--

NOTE.—The Postmaster must be careful to insert the Number of the Order and affix the dated Stamp of his Office in the place provided for it, and forward this Form, together with the Advice in the Special Envelope for Foreign Advices.

Part II. (for the use of the Public)—

For

£	s.	d.
---	----	----

Payable at.....

Christian & Surname of Person to whom the Order is to be paid.

Full address required for Foreign Orders
.....

Christian & Surname of Remitter of the Order.

Address {
.....

No Orders payable in Foreign Countries (with the exception of the United States of America) can be issued unless this Form be properly filled up.

Great care should be taken, in case of Foreign Orders, to give the full address of the Payee, as, unless this be done, delay in payment of the order may occur.

N.B.—No APPLICATION CAN BE ENTERTAINED FOR COMPENSATION FOR ALLEGED INJURY FROM THE NON-PAYMENT OF A MONEY ORDER AT THE EXPECTED TIME. When a Money Order is applied for, it must be on the clear understanding that no such claim will be allowed, and that the Post Office is not liable, under any circumstances, to more than one payment of a Money Order, even when, notwithstanding the precautions that are taken, the Order has been paid to a person not entitled to receive the Money.

The Rates of Commission for Orders issued on Foreign Countries are subject to alterations, in consequence of the variations in the rates of exchange.

A Card, showing the "Rates of Commission for Money Orders," is exhibited at every Post Office in

ANNEXURE S.

THIS PORTION OF THE FORM
To be **AFFIXED** to the **FACE**
of the **ORDER.**

IMPORTANT TO POSTMASTERS.

This Label must be affixed to all Orders drawn upon Foreign Parts, with the exception of the United Kingdom, South Africa, the Australian Colonies, St. Helena, Mauritius and the United States of America.

IMPORTANT TO THE PUBLIC.

This Order is of no value except as a receipt for the amount paid in, and should therefore be retained by the Remitter.

The Payee will receive a proper form of Money Order from the Chief Money Order Office of the country in which payment is to be made.

THIS PORTION OF THE FORM
To be **AFFIXED** to the **BACK**
of the **ADVICE.**

A gummed Label was affixed to the Order.

Initials of }
Issuing Officer }

ANNEXURE T.
MONEY ORDER TELEGRAM.

Prefix	Code	Class	No. of Message			
Office of Origin and Service Instructions.	Words.	Sent.	Telegram	s.	d.	Office Stamp.
	Charge.	At	Repeating			
		To	Reply			
		By	Porterage			
			Total			

FROM	TO
Postmaster	Postmaster
Number	Number
Pay	Pay
pounds	shillings
pence	and
From	From

Certified that the above sum has been paid in at this Office.
Signature

Date

* **NOTE.**—The figures printed on the MONEY ORDER must be inserted here in words, and not in FIGURES.

This Advice Message must on no account be entrusted to a stranger, or to any person not being a regular employé of the Post Office.

TELEGRAPHIC MONEY ORDER.

PAYEE'S RECEIPT.

ANNEXURE U.
RECEIPT OF PAYEE FOR TELEGRAPHIC MONEY ORDER.

Date of Issue	Number of Money Order	
No. of Order	Date of Issue	£ s. d.
Issued at	Issued at	
Amount	(as per attached Telegram.)	
Payable to	Received from the Postmaster at	
Sent by	the sum of	
	pounds	
	and	
	pence, forwarded to me by	
	at	
Signature of Postmaster.	Signature of Payee.	
Date Stamp of Paying Office.	Date Stamp of Paying Office.	Signature of Paying Officer.

NOTE.—The Advice Telegram received from the Issuing Officer must be attached to this Form. No single receipt may be issued for any sum exceeding £10.

ANNEXURE V.

List of MONEY ORDERS Issued in _____ and payable in _____
 Despatched by the Mail of _____ 189 .
 Office Stamp.

Date of Issue.	No. of Order.	Amount.	Date of Payment.	Office of Issue.	Office of Payment.	Payee.	Remitter.	Remarks.
Total ...								

Entered by _____
 Examined by _____

Controller.

ANNEXURE W.

Statement of.....
 Postal Notes paid at Post Offices induring the
 month of.....18.....

Number of Notes.	Denomination.	Face Value.		
		£	s.	d.
.....	1/-.....	...	...	...
.....	1/6.....	...	...	...
.....	2/6.....	...	...	...
.....	5/-.....	...	...	...
.....	7/6.....	...	...	...
.....	10/- . .	...	...	...
.....	12/6.....	...	...	...
.....	15/-.....	...	...	...
.....	17/6.....	...	...	...
.....	20/-.....	...	...	...

A N N E X U R E X .

Schedule of POSTAL DRAFTS issued in the.....on Offices in.....during the month of.....189....

Date of Issue.	No.	Office of Issue.	Amount.	Office upon which Draft was drawn.	Name of Drawer.	Name of Drawee.	No. of Demands.	Currency. Days.	For use of Chief Office of Collection. Month in which fees were brought to account by Postmasters.

Postal Draft Branch,
General Post Office,

.....189...

.....
Controller.

(C).—ARRANGEMENT for an Exchange of Money Orders between the Post Office of the Cape Colony and the Post Office at Zanzibar.

In order to establish an exchange of Money Orders between the Cape Colony and Zanzibar the undersigned, duly authorised for that purpose, have agreed upon the following Articles :—

ARTICLE I.

There shall be a regular exchange of Money Orders between the Cape Colony and Zanzibar by means of the Mail Services usually used for the exchange of correspondence.

ARTICLE II.

The Money Order business between the two countries shall be performed exclusively through Offices of the Exchange communicating with each other by means of lists, as is explained more particularly below, the Money Orders being made out and forwarded to the Payees by the Office of Exchange of the country in which the Orders are payable. The Offices of Exchange shall be, on the side of the Cape Colony, Cape Town, and on the side of Zanzibar, Zanzibar.

ARTICLE III.

The amount of the Orders exchanged in both directions shall be expressed in English sterling money.

ARTICLE IV.

The maximum amount for which a Money Order may be drawn in either country upon the other shall be £10 (ten pounds sterling).

ARTICLE V.

No Money Order shall contain a fractional part of a penny.

ARTICLE VI.

The manner and conditions of issuing Money Orders in either Country shall be governed by the regulations in force for the time being in the Country of Issue.

ARTICLE VII.

The cost of Money Orders, *i.e.*, the amounts to be paid for them by the remitters in the currency of the Country of Issue, shall be governed by the regulations in force for the time being in the Country of Issue.

Each Country shall communicate to the other the regulations relating to the charges for Money Orders issued, in force for the time being.

ARTICLE VIII.

Applications by remitters for the alteration or correction of the name of the Payee shall be received under the regulations of the Country of Issue, and forwarded to the Country of Payment for disposal under its regulations, accompanied by such information as may be necessary for the identification of the particular Orders referred to.

Applications by remitters for repayment of Orders shall be received and forwarded in like manner, the repayment being made only under the authority of the Country of Payment, and according to the regulations of the Country of Issue.

ARTICLE IX.

The conversion of Money Orders into the currency of the Country of Payment shall be governed by the regulations in force for the time being in the Country of Payment.

ARTICLE X.

The manner and condition of paying Orders, including stoppage of payment, renewal of Orders, issue of duplicate Orders, and other services affecting payment, shall be governed by the regulations in force for the time being in the Country of Payment.

ARTICLE XI.

The amount of Money Orders not ultimately paid, *i.e.*, of orders which become void under the regulations of the Country of Payment, shall belong to the Country of Issue.

ARTICLE XII.

The Country of Issue which collects the money from remitters shall account to the Country of Payment for the total amount of the Orders issued, together with one-half per cent. additional on the total by way of commission.

ARTICLE XIII.

The two Offices of Exchange shall communicate to each other by each mail the particulars of Money Orders issued, by means of lists in the annexed forms marked A and AA, giving all particulars for which provision is made in the forms.

The particulars as to names shall include the surname, and at least the initial of one Christian name, both of the remitter and of the payee, or, in the case of natives of Zanzibar, the name, tribe or caste, and father's name, or the name of the firm or company who are the remitters or payees. The address of the payee must be given fully and precisely, as on it depends the determination, by the Receiving Office of Exchange, of the Office where the Order shall be made payable.

ARTICLE XIV.

Besides the particulars of Money Orders issued, the lists mentioned in Article XIII shall contain particulars of Orders authorised to be repaid to the remitters.

ARTICLE XV.

Blank lists shall be forwarded in case there shall be no Money Orders to communicate.

ARTICLE XVI.

Should any list fail to be received in due course, the Despatching Officer shall, on receiving information to that effect, transmit without delay a duplicate thereof.

ARTICLE XVII.

The lists despatched from each Office of Exchange shall be numbered consecutively, commencing with No. 1 for the first list of each calendar year, and these numbers shall be termed "List Numbers."

ARTICLE XVIII.

The entries in the lists respecting Orders issued shall also bear consecutive numbers, commencing with No. 1 for each list, and these numbers shall be termed "Entry Numbers."

ARTICLE XIX.

Each list shall be accompanied by a transmitting letter, in the form annexed, bearing the same number and date as the list. This transmitting letter shall mention the number of applications forwarded from remitters affecting Orders previously issued; it shall give information respecting the disposal of similar applications received from the other Office of Exchange, and it shall contain an acknowledgment of the list or lists received since the date of the previous letter.

ARTICLE XX.

Each list shall be carefully verified by the Receiving Officer of Exchange and corrected when it contains simple errors, such corrections being noted at the foot of the transmitting letter containing the acknowledgment of the receipt of the list.

ARTICLE XXI.

When a list shall contain errors or irregularities which cannot be rectified without previous communication with the Despatching Office, the Receiving Office shall, at the time of acknowledging the receipt, request an explanation from the Despatching Office. This explanation shall be given with as little delay as possible, and in the meantime the payment of Orders dependent on the irregular entries shall be suspended.

ARTICLE XXII.

As soon as the Cape Town Office of Exchange shall have received from Zanzibar all the lists bearing dates in any month, these lists, as well as the Cape Colony lists bearing dates in the same month, shall be made the subject of a Monthly Account in the annexed form B.

ARTICLE XXIII.

The Account mentioned in Article XXII shall be based on the lists as corrected by the Receiving Office, any entries at the time under suspension pending explanation being excluded.

ARTICLE XXIV.

The Account shall also include under the head of "Special Items" any necessary adjustments of previous accounts (such as adjustments on account of suspended entries) as well as any other items of account not otherwise provided for; a Detailed Statement of such special items being annexed to the Account, and correspondence or other documents forming the authority for each special item being quoted opposite to it in the Statement.

ARTICLE XXV.

A copy of the Account mentioned in Article XXII shall be forwarded to the Zanzibar Office of Exchange with payment by bill of exchange on London if the balance be in favour of Zanzibar, and for payment by bill of exchange on London if the balance be in favour of Cape Colony.

ARTICLE XXVI.

If in the interval between two monthly adjustments either of the two Postal Administrations shall find, on balancing the lists actually received against those actually despatched, that it owes the other Administration a sum exceeding £500, the indebted Administration shall at once or as soon as may be practicable, remit the amount of its debt. This payment shall be treated as an instalment towards the adjustment of the next monthly account.

ARTICLE XXVII.

Each Office shall have authority to suspend temporarily the exchange of Money Orders, in case the course of exchange or any other circumstance shall give rise to abuses or cause detriment to the revenue.

ARTICLE XXVIII.

For ordinary correspondence affecting the preparation or correction of lists, accounts, &c., the Offices of Exchange shall be the medium, but in matters involving questions other than those of detail, the Offices of correspondence shall be the Office of the Postmaster-General of the Cape Colony on the one hand, and the Office of the Postmaster-General of Zanzibar on the other hand.

ARTICLE XXIX.

The Department charged with the control of Money Orders in either country shall have authority to adopt any additional rule (if not repugnant to the foregoing) for the greater security against fraud or for the better working of the systems generally. All such additional rules, however, shall be communicated from the one department to the other.

ARTICLE XXX.

The Postal Administrations of the Cape Colony and Zanzibar shall also each be entitled to transmit Money Orders through the medium of the other Administration to any country with which the latter exchanges Money Orders, on terms to be settled beforehand by common consent between the two Postal Administrations.

ARTICLE XXXI.

The present arrangement shall take effect on the 1st September, 1897; it shall then continue in force until it shall be modified or determined by mutual consent of the contracting parties, or until one year after the date on which one of the contracting parties shall have notified the other of its intention to determine it.

Executed in duplicate and signed at Cape Town, the 24th June, 1897, and at Zanzibar, the 19th August, 1897.

(Signed) THOS. E. C. REMINGTON,
Postmaster-General of Zanzibar.

(Signed) BEN DUFF,
Acting Postmaster-General of the Colony
of the Cape of Good Hope.

(D).—*MONEY ORDER CONVENTION between the Cape Colony and the British South Africa Company, 1895.*

Convention.

The Governor of the Colony of the Cape of Good Hope, on behalf of the Government of that Colony, and the Administrator of the British South Africa Company's Territories, on behalf of the British South Africa Company, being desirous of establishing a system of exchange of Money Orders between the Colony of the Cape of Good Hope and such portions of the British South Africa Company's Territories, hereinafter styled Rhodesia, as may from time to time be appointed and between the said Territories and the Colony of the Cape of Good Hope, have agreed upon the following Articles :—

ARTICLE I.

There shall be a regular exchange of Money Orders between the two countries.

The maximum amount for which a Money Order may be drawn in the Cape Colony upon Rhodesia, and the maximum amount for which a Money Order may be drawn in Rhodesia upon the Cape Colony, shall be Ten Pounds Sterling.

No Money Order shall include a fractional part of a Penny.

ARTICLE II.

The Government of the Cape Colony shall have power to fix the rates of commission on all Money Orders issued in the Cape Colony, and the British South Africa Company shall have the same power in regard to all Money Orders issued in Rhodesia.

Each Postal Administration shall communicate to the other the tariff of charges or rates of commission which shall be established under the Convention, and these rates shall, in all cases, be payable in advance by the remitters, and shall not be repayable.

ARTICLE III.

Each Postal Administration shall keep the commission on all Money Orders issued within its jurisdiction.

ARTICLE IV.

Money Orders and Advices issued in the Cape Colony, and payable in Rhodesia, shall be drawn on forms similar to those set forth in the Schedule hereunto annexed, marked "A"; those issued in Rhodesia and payable in the Cape Colony on forms similar to those set forth in the Schedule hereunto annexed marked "B," and those issued in Rhodesia and payable in the United Kingdom and Foreign Countries on forms similar to those set forth in the Schedule hereunto annexed, marked "C."

ARTICLE V.

No Money Order shall be issued unless the applicant shall furnish in full the surname and at the least the initial of one Christian name, both of the Remitter and the Payee, together with the address of the Remitter, in order that the latter may be traced in case of enquiry.

It will be sufficient, however, in the case of a business house, to make use of its business designation, and in case of a corporation or other organisation, of the name of the manager or the authorized agent thereof.

If the Remitter or Payee be a Peer or a Bishop his ordinary title shall be sufficient.

ARTICLE VI.

Except in the case of Money Orders drawn on certain Foreign Countries specified in the Schedule hereunto annexed, marked "N," all Money Orders shall be drawn only on the authorized Money Order Offices of the country of payment, and each Postal Administration shall furnish to the other a list of such offices, and shall, from time to time, notify any additions to or alterations in such list.

ARTICLE VII.

All Money Orders, excepting those drawn on countries specified in the Schedule hereunto annexed, marked "N," shall be delivered to the Remitters thereof, for the purpose of being forwarded by them at their own expense to the Payees thereof.

ARTICLE VIII.

In the case of Money Orders drawn on the Foreign Countries specified in the Schedule hereunto annexed, marked "N," with which the Cape Colony has no direct exchange of Money Orders, the Remitter shall, when applying for a Money Order, enter on a form similar to that set forth in the Schedule hereunto annexed, marked "D," the full name and address of the Payee together with such other particulars as are required.

ARTICLE IX.

When a Money Order is drawn upon a Foreign Country specified in the Schedule hereunto annexed, marked "N," it shall be delivered to the Remitter to be retained by him as a receipt for the amount paid in, a new Money Order, less the exchange charges, being forwarded direct to the Payee by the Office of Exchange of the Country of payment.

ARTICLE X.

The advices of all Money Orders drawn upon the United Kingdom or Foreign Countries shall be sent direct to the Central Office of Exchange in Cape Town in a special envelope provided for the purpose, addressed to "The Central Office of Exchange, Money Order Department, General Post Office, Cape Town."

ARTICLE XI.

The original Order issued in Rhodesia, in case of Money Orders drawn on Foreign Countries, specified in the Schedule hereunto annexed, marked "N," with which the Cape Colony has no direct exchange of Money Orders, shall, before being handed by the issuing Postmaster to the Remitter, have affixed thereto the upper portion of the label set forth in the Schedule hereunto annexed, marked "E," and shall be of no value excepting for the purpose of a receipt for the money paid in. The issuing Postmaster shall at the same time affix the lower part of the label referred to to the back of the corresponding advice, which shall then be forwarded in the special envelope provided for the purpose to the Central Office of Exchange at Cape Town.

ARTICLE XII.

The advices of all Money Orders issued in Rhodesia upon Money Order Offices in the Cape Colony shall be sent direct to the Office of payment, and in like manner the Advices of all Money Orders issued in the Cape Colony upon Money Order Offices in Rhodesia shall be sent direct to such Offices.

ARTICLE XIII.

The Money Order Office of payment in each country shall not pay any Order unless the relative Advice has previously been received, and unless both Order and Advice bear the dated stamp of the Office of issue.

ARTICLE XIV.

Before payment is made of any Money Order issued under this Convention the signature of the Payee shall be affixed to the Order in the place provided for the purpose. If the Payee be unable to write he shall sign the receipt by making his mark in the presence of a witness, who should not, if possible, be a person connected with the Post Office, and such witness shall sign his name in attestation of such mark and payment.

In other respects the Orders drawn by each country upon the other shall be subject as regards payment to the regulations which govern the payment of Inland Orders in the country on which they are drawn.

ARTICLE XV.

All payments for Money Orders, whether by the public to the Post Office, or by the Post Office to the public, shall be made in sterling money.

ARTICLE XVI.

When the Payee of a Money Order desires to receive payment at a Post Office in the Country on which the Order was issued, other than that upon which the Order was originally drawn, the transfer shall be authorized and arranged for by the Postal Administration of the Country of payment.

ARTICLE XVII.

Errors in the name of the Remitter, or of the Payee, or in the amount of the Money Order, may be corrected by the Postal Administration of the Country in which the Money Order was issued.

ARTICLE XVIII.

The Paid Money Orders shall remain in the possession of the Postal Administration of the Country of payment; but each of the two Postal Administrations agree to place, temporarily, at the disposal of the other, any Paid Orders, the return of which may be required for purposes of reference.

ARTICLE XIX.

Payment of an Order must be obtained before the end of twelve calendar months after that in which it was drawn; for instance, if drawn in January and not paid before the end of the following January, all claim to the Order will be forfeited, unless under exceptional circumstances the Postmaster-General of the Country in which the Order was issued shall think proper to authorize its renewal.

ARTICLE XX.

After once paying a Money Order, by whomsoever presented, the Postal Administration of the Country of payment shall not be liable for any further claim.

ARTICLE XXI.

Orders lost or destroyed may be replaced by duplicates to be issued by the Postal Administration of the Country of payment and in conformity with the regulations established or to be established in that country.

ARTICLE XXII.

Repayment of Orders to Remitters shall not be made until an authorization for such repayment shall first have been obtained by the Postal Administration of the Country of issue from the Country of payment, and the amount of the repaid Orders shall be duly credited to the former country in the accounts.

It is the province of each Postal Administration to determine the manner in which repayment to Remitters shall be made.

ARTICLE XXIII.

As soon as possible after the close of each month there shall be prepared by the Postmaster-General of Rhodesia, an account of all Money Orders drawn by Money Order offices in Rhodesia on Money Order offices in the Cape Colony, and an account of all Money Orders drawn in Rhodesia on Money Order offices in the United Kingdom and Foreign Countries, during the month, and such accounts shall be rendered on a form similar to that set forth in the Schedule hereunto annexed, marked "F," and be forwarded to the Accountant, General Post Office, Cape Town, by first post after completion.

Immediately on the receipt of such accounts, there shall be prepared by the Accountant, General Post Office, in Cape Town, an account on a form similar to that set forth in the Schedule hereunto annexed, marked "G," showing in detail the particulars of all Money Orders issued at offices in the Cape Colony, the United Kingdom and Foreign Countries, and drawn upon Rhodesia during the month, and the total of such account, as well as the total of the corresponding accounts rendered by the Postmaster-General of Rhodesia, shall be carried to a balance sheet to be prepared on a form similar to that set forth in the Schedule hereunto annexed, marked "H." If the balance shown in such balance sheet shall be in favour of Rhodesia a remittance for the amount shall be sent to the Postmaster-General of that country, or to the Secretary of the British South Africa Company in Cape Town, as may be mutually arranged, but should the balance be in favour of the Cape Colony, the Postmaster-General of Rhodesia or the Secretary of the British South Africa Company in Cape Town, as the case may be, shall, on receipt of the account, transmit without delay the amount of the balance to the Postmaster-General of the Cape Colony, and in case the average balance in favour of either country shall exceed £250 (two hundred and fifty pounds sterling) per mensem, the Postal Administration of the indebted country shall pay over to the Postal Administration of the country in whose favour the balance may be a weekly sum equal to one-fourth of such average monthly balance.

ARTICLE XXIV.

The Postmaster-General of Rhodesia, on behalf of the British South Africa Company, shall pay to the Postmaster-General of the Cape Colony,

on behalf of the Government of that Colony, a commission at the rate of $\frac{3}{4}$ per centum per annum on the amount of all Money Orders issued in Rhodesia and payable in the Cape Colony, and a commission of $1\frac{1}{4}$ per centum on the amount of all Orders issued in Rhodesia and payable in the United Kingdom and Foreign Countries, through the intermediary of the Central Office of Exchange at the General Post Office in Cape Town.

The Postmaster-General of the Cape Colony, on behalf of the Government of that Colony, shall pay to the Postmaster-General of Rhodesia, on behalf of the British South Africa Company, a commission at the rate of $\frac{3}{4}$ per centum on the amount of all Money Orders issued in the Cape Colony and payable in Rhodesia, and a commission of $\frac{1}{4}$ per centum on the amount of all Orders issued in the United Kingdom and Foreign Countries and payable in Rhodesia through the intermediary of the Central Office of Exchange at the General Post Office in Cape Town.

ARTICLE XXV.

Orders which shall become void under the provisions of Article XIX of this Convention, and the sums accruing therefrom shall be at the disposal of the country of origin. The Postal Administration of the Cape Colony shall, therefrom, enter on a form similar to that set forth in the Schedule hereunto annexed, marked "I," all Money Orders issued by Rhodesia, and payable in the Cape Colony, the United Kingdom and Foreign Countries, which remain unpaid at the end of the period specified.

On the other hand the Postal Administration of Rhodesia shall, at the close of each month, transmit to the Accountant, General Post Office, Cape Town, a similar statement showing the particulars of all Money Orders issued in the Cape Colony, the United Kingdom and Foreign Countries, and payable in Rhodesia, which under the provisions of Article XIX of this Convention shall have become void.

The totals of both such statements shall be included in the monthly Balance Sheet to be prepared under the provisions of Article XXIII of this Convention by the Accountant, General Post Office, Cape Town.

ARTICLE XXVI.

Payment of any Money Order drawn by a Money Order office in Rhodesia on a Money Order office in the Cape Colony or *vice versa*, may be authorized by telegraph under arrangements to be mutually agreed upon hereafter by the Postal Administrations of both countries.

The charge for telegraphing—which shall in all cases be paid by the Remitter—shall be at the rate of three shillings and six pence or such other amount as may be mutually agreed upon for each Money Order not exceeding £10 in amount. The telegraph charges shall be apportioned between the Postal and Telegraph Administrations concerned in such manner as may from time to time be mutually arranged.

ARTICLE XXVII.

Telegraphic Money Orders issued under the authority of the foregoing article shall only be made payable at Money Order offices in towns or villages which are in telegraphic communication with the systems of telegraph in the Cape Colony and Rhodesia respectively.

All Advice telegrams shall be prepared on the form similar to that set forth in the Schedule hereunto annexed, marked "K," and shall commence with the consecutive number of the Money Order to be advised.

ARTICLE XXVIII.

When a Telegraphic Money Order is issued a receipt shall be given to the Remitter on a form similar to that set forth in the Schedule hereunto annexed, marked "L," and the corresponding Money Order form, after the words "Payment authorized by Telegraph" have been endorsed thereon, shall be attached by the Postmaster of the Office of issue to the Money Order Account prepared by him monthly, together with the under copy of the Advice telegram.

ARTICLE XXIX.

On receipt of a Money Order Advice the Postmaster of the Office of payment shall take the receipt of the Payee upon a form similar to that set forth in the Schedule hereunto annexed, marked "M," which shall in all respects be treated as an ordinary paid Money Order, and after the advice telegram has been attached thereto, is to be sent to the Chief Office with the Monthly Money Order Account as a voucher for the payment.

ARTICLE XXX.

The two Postal Administrations may by mutual agreement make modifications, if found expedient, in matters of detail connected with the execution of the provisions of this Convention, in order to provide for greater security against fraud or for the better working of the system generally.

ARTICLE XXXI.

Each of the two Postal Administrations is empowered under extraordinary circumstances which may be of a nature to warrant the measure, to suspend, temporarily, the Money Order service between the two countries; provided, however, that notice of such suspension be given to the other Postal Administration immediately, and, if deemed necessary, by means of the telegraph.

ARTICLE XXXII.

This Convention shall take effect as from the 1st day of January, 1895, and shall continue in force until twelve months after either of the contracting parties shall have notified to the other its intention to terminate it.

Given under my hand and the Public Seal of the Cape of Good Hope at Cape Town, this 18th day of September, One Thousand Eight Hundred and Ninety-six.

Sgd. ROSMEAD,
Governor.

Given under my hand for the British South Africa Company at Bulawayo, this sixth day of October, One Thousand Eight Hundred and Ninety-six.

Sgd. GREY,
Administrator.

(The common seal of the British South Africa Company was affixed hereto pursuant to a resolution of the Board of Directors passed and dated the seventeenth day of November, 1897.)

(E).—*TELEGRAPH CONVENTION, between the Cape Colony, Natal, the Orange Free State and the South African Republic.*

His Excellency the Governor of the Cape of Good Hope, His Excellency the Governor of Natal, His Honour the President of the Orange Free State, and His Honour the President of the South African Republic, being desirous of promoting arrangements which will afford greater facilities than at present exist for intercommunication by Telegraph, have agreed, on behalf of their respective Governments, to the following Articles :—

ARTICLE I.

Telegrams between the Cape Colony and Natal, including cablegrams, as well as those between the Cape Colony, Natal, the Orange Free State, and the South African Republic shall, in the event of any interruption of the lines belonging to one Government, be transmitted over the Telegraph system or systems of the other Government or Governments in the same manner as messages between stations under the jurisdiction of any one Government would be transmitted in the event of an interruption, it being of course understood that the Government, in whose jurisdiction any such interruptions may occur, shall bear the extra cost, if any, of such overtime as may be incurred.

ARTICLE II.

An uniform tariff shall be introduced throughout the whole of South Africa, being identical with that which is at present charged by each individual State within its own jurisdiction, that is to say, a message forwarded from any station in the Cape Colony, Natal, the Orange Free State, or the South African Republic to any other Station in either or all of those States shall be charged :—

- (a) If an "Ordinary" telegram at the rate of one shilling for the first ten words and sixpence for every additional five or fraction of five words :
- (b) If a "Cypher" or "Code" telegram at a rate fifty per cent. in excess of the charge for an "ordinary" telegram ; and
- (c) If a "Press" telegram at a rate one-fourth of that charged for an "ordinary" telegram of similar length, the minimum charge for any "Press" telegram being, however, one shilling.

ARTICLE III.*

The revenue collected on interterritorial telegrams shall be retained by the State by which it is collected, but revenue on messages handed in at Aliwal North, Fauresmith, or Kimberley, for transmission to stations belonging exclusively to the Orange Free State or to the South African Republic shall be accounted for and handed over to the Orange Free State Government, and revenue collected at the said offices for messages to stations belonging to the Cape Colony or Natal shall be accounted for and handed over to the Cape Colonial Government.

ARTICLE IV.

All Government messages shall be transmitted free over all lines and to all stations the property of the Cape Colony, Natal, the Orange Free State, or the South African Republic.

* This Article has become inoperative, through the purchase by the Orange Free State Government of the lines originally erected by the Cape Colonial Government in the Orange Free State.

ARTICLE V.

Amounts collected for cablegrams by the offices of the Orange Free State and South African Republic, shall be accounted for to the administration to which those cablegrams are sent, whether the Cape Colony or Natal.

ARTICLE VI.*

One-third of the total working expenses of the offices at Aliwal North, Fauresmith, and Kimberley, shall be borne by the Government of the Orange Free State, and the remaining two-thirds by the Government of the Cape Colony.

ARTICLE VII.

Officers of the Orange Free State Telegraph Department inspecting lines in pursuit of faults may enter any Cape Colonial Office into which the lines of the Orange Free State Government are led, for the purpose of effecting any repairs to lines, instruments or connections which may at the time be necessary.

ARTICLE VIII.

This Convention is entered into between the respective Governments of the Colony of the Cape of Good Hope, of the Colony of Natal, of the Orange Free State, and of the South African Republic, and will be put into execution on and from the first day of October, one thousand eight hundred and eighty-six, and will remain in force for an indefinite period, or until modified by common accord by the high contracting parties.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Cape Town, this eleventh day of August, one thousand eight hundred and eighty-six.

HERCULES ROBINSON,
Governor.

Given under my hand and the Public Seal of the Colony at Government House, Pietermaritzburg, this ninth day of September, one thousand eight hundred and eighty-six.

A. E. HAVELOCK,
Governor.

Given under my hand and the Great Seal of the Orange Free State, at Bloemfontein, on this the twenty-eighth day of September, one thousand eight hundred and eighty-six.

J. H. BRAND,
President.

Gegeven onder mijne hand en het Publieke Zegel van de Zuid Afrikaansche Republiek, te Pretoria, op heden den 12de dag der maand November, van het jaar onses Heeren 1886.

S. J. P. KRUGER,
Staatspresident.

* This Article has become inoperative, through the purchase by the Orange Free State Government of the lines originally erected by the Cape Colonial Government in the Orange Free State.

(F.)—Additional Articles to the South African Telegraph Convention entered into between the Government of the Colony of the Cape of Good Hope, the Colony of Natal, the Orange Free State and the South African Republic, dated the First Day of September, 1887 :—

His Excellency the Governor of the Colony of the Cape of Good Hope, His Excellency the Governor of the Colony of Natal, His Honour the President of the Orange Free State, and His Honour the President of the South African Republic have agreed upon the following Additional Articles to the Telegraph Convention concluded between them, on behalf of their respective Governments, on the 1st day of September, 1887 :—

ARTICLE I.

The Government of any of the States or Colonies, parties to the above-named Convention, shall have the right to charge any telegram handed in on Sunday with double the tariff rates set forth in Article II of that Convention.

ARTICLE II.

These Additional Articles shall take effect as from the First day of November, One Thousand Eight Hundred and Ninety-four.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Cape Town, this Third Day of July, One Thousand Eight Hundred and Ninety-five.

HERCULES ROBINSON,
Governor.

Given under my hand and the Public Seal of the Colony, at Durban, Natal, this Sixteenth day of July, One Thousand Eight Hundred and Ninety-five.

WALTER HELY HUTCHINSON,
Governor.

Given under my hand and the Great Seal of the Orange Free State, at Bloemfontein, on this the Fifth day of August, One Thousand Eight Hundred and Ninety-five.

P. J. BLIGNAUT,
Acting President.

Given under my hand and the Public Seal of the South African Republic, at Pretoria, on this the Second day of September, One Thousand Eight Hundred and Ninety-five.

S. J. P. KRUGER,
State President.

L. W. J. LEYDS,
State Secretary.

NOTES TO SECTION II.

(1)—The Washington Convention of 1897 (Eyre and Spottiswoode, publishers) will come into force on the 1st January, 1899, but the Cape Colony has not yet signified its adhesion. The new Convention modifies the Vienna Convention in Articles IV, § 3, 2°; § 4 and § 6; V, § 1, 2° and § 5; VI, § 3; VII; VIII, § 2; XVI, § 1; XVII and XVIII.

The Final Protocol contains the following clauses :—

I. Note is taken of the declaration made by the British delegates in the name of their Government to the effect that it has assigned to the British Colonies and Protectorates in South Africa the vote which Article XXVII, 5° of the Convention attributes to “the whole of the other British Colonies.”

IV. It also remains open to the Orange Free State, whose representative has declared the intention of that country to adhere to the Universal Postal Union.

[This accession was subsequently fixed to take effect to the Convention of Vienna as from the 1st January, 1898.]

(2)—There are also Postal agreements between this Colony and Mauritius ; between this Colony and St. Helena ; and between the South African Republic and the Portuguese Government. The last will come into force on September 6th, 1898.

SECTION III.—RAILWAYS.

(A.)—*CONVENTION between the Cape Colony and the Orange Free State—October, 1896.*

(a) WHEREAS the Colony of the Cape of Good Hope has constructed certain lines of Railway in the Orange Free State, under certain stipulations and conditions, which are set forth in the Conventions bearing date June 11th-19th, 1889, and March 23rd-28th, 1891, and

(b) WHEREAS the Volksraad of the Orange Free State has decreed by Resolution, dated 8th July last, that the Free State Government shall, in terms of the said Conventions, adopt the necessary measures for taking over the said Railways on and from the first day of January next, and conclude such Conventions as may be necessary for the regulation of all matters in connection therewith, and

(c) WHEREAS it is considered desirable that an agreement should be entered into regarding the inter-working of the Railway Administrations of the Cape Colony and the Orange Free State, and matters relating thereto.

Now KNOW all men by these presents that His Excellency the Governor of the Cape of Good Hope and His Honour the President of the Orange Free State mutually on behalf of their respective Governments do hereby agree to the following Articles :—

ARTICLE I.

“The Cape Government” shall mean the Government of the Colony of the Cape of Good Hope.

“The Free State Government” shall mean the Government of the Orange Free State.

ARTICLE II.

The Cape Government undertakes to hand over, and the Free State Government undertakes to receive, on the first day of January next, in good and full working order, condition and repair (fair wear and tear excepted), the Railways and all buildings and appurtenances, including rolling stock

and every other thing or article belonging to, or connected with, the said Railways, from Mid-Orange River at Norval's Pont, to Mid-Vaal River at Vereeniging, and from Mid-Orange River near Bethulie to Springfontein.

ARTICLE III.

The Cape Government undertakes, for the purpose named in Article 2, to appoint not later than the month of November next, an officer or officers who, in conjunction with an officer or officers to be appointed by the Free State Government, shall inspect the said lines of Railway, with the buildings thereon, and prepare an inventory of all the stores and appurtenances, including rolling stock, connected therewith.

ARTICLE IV.

On taking over the above named lines of Railway, as provided for by Articles 2 and 3, the Free State Government shall pay to the Cape Government such sum or sums of money as, under the provisions of the Railway Conventions of 1889 and 1891, may be determined upon, or otherwise mutually agreed to.

ARTICLE V.

The Cape Government and the Free State Government undertake that the inter-working of the traffic between their respective territories shall be regulated by the terms of the working agreement embodied in the Schedule hereunto annexed (marked Schedule A), and on the further understanding that such working agreement may be modified by mutual arrangement between the General Manager of the Cape Colonial Railways and the Director-General of the Free State Railways, subject always to the approval of their respective Governments.*

ARTICLE VI.

Each Government shall fix the rates applicable to its own lines, and in the case of "through" traffic, *i.e.*, traffic passing from one State either into or through the other, the rates shall be the sum of the rates of the two Administrations, unless otherwise mutually agreed upon.

ARTICLE VII.

The Cape Government undertakes, so far as it may be in a position to do so, to sell or to hire to the Free State Government on the terms set forth in the working agreement of even date (Schedule A), whatever rolling stock may be required by the Free State Government, over and above that provided for in this Convention, or those of 1889 and 1891, or set forth in agreements based upon the said Conventions.

ARTICLE VIII.

The Cape Government and the Free State Government undertake to convey over their respective Railways all letters, newspapers, parcels, and other postal matter usually conveyed through the post under such terms and conditions as may have been, or during the subsistence of this Convention may be agreed upon between the two Governments.

ARTICLE IX.

Materials or stores required for the construction and maintenance of Free State Government Railways shall be carried over the Cape Government

* For alterations by mutual arrangement see notes *passim*.

Railways, and coal for use on the Cape Government Railways shall be carried over the Free State Government Railways at the rates provided for in the working agreement (Schedule A).

ARTICLE X.

The bridges over the Orange River at Norval's Pont and Bethulie are the joint property of the Cape and Free State Governments; and it is hereby agreed that their maintenance shall be undertaken and seen to by the Cape Government—the Free State Government contributing in each case one half the cost of such maintenance.

ARTICLE XI.

The Free State Government undertakes to take over, and the Cape Government undertakes to facilitate the transfer of, such officers and employes as are at present engaged in connection with the Railways in the Free State, whom the Free State may require.

The Cape Government further agrees, in terms of the Regulations framed under Act 32 of 1895 of the Cape Colonial Legislature, and set forth in Section G of the Cape Government Notice, No. 73 of 1896, copy of which is hereunto annexed (Schedule B), to contribute towards the pension of such officers so taken over as are at the date of the transfer contributors to the Pension Fund of the Cape Colony, upon their final retirement from active service, an amount equal to the pension they would be entitled to if at the date of transfer they were retired from the Cape Civil Service in compliance with the regulations then in force.

The Free State Government undertakes that in the event of the re-transfer to, or re-employment by, the Cape Government of any of the officers or employes herein referred to, the terms of the said Cape Government Notice, No. 73 of 1896, shall, *mutatis mutandis*, apply to the Free State Government.

ARTICLE XII.

It is agreed that this Convention shall be binding on both Governments for a period of twelve months, dating from the day on which the Railways are taken over by the Free State Government, and that it may be terminated either at the expiration of that period, or at any time thereafter, provided that at least six months' notice be given by either Government to the other of its intention so to terminate the Convention, and provided further that the date of termination shall be either the 30th June or the 31st December.

ARTICLE XIII.

All and several the Articles of this Convention, and of the working agreement annexed hereto (Schedule A) in so far as not expressly provided for to the contrary, shall be held to come into force on and from the date of the taking over of the said Railways by the Free State Government.

ARTICLE XIV.

The Cape and Free State Governments undertake to submit to their respective Legislatures any legislation which may be necessary to empower them to carry out the provisions of this Convention.

ARTICLE XV.

Any dispute or question between the Cape Government and the Free State Government arising out of the taking over of the said Railways shall

be referred to arbitration, each Government to appoint one arbitrator, and the arbitrators so appointed to appoint a third, the award of the majority to be final.

Given under my hand and the Public Seal of the Orange Free State, at Bloemfontein, this Twelfth day of October, 1896.



M. T. STEYN,
State President.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Cape Town, this Sixteenth day of October, 1896.



ROSMEAD,
Governor.

SCHEDULE A.

Working Agreement between the Railway Administration of the Government of the Cape of Good Hope and the Railway Administration of the Government of the Orange Free State.

SCHEDULE A.

Working Agreement dated the 12th and 16th days of October, Eighteen Hundred and Ninety-six, between the Railway Administration of the Government of the Colony of the Cape of Good Hope, represented by Thomas Rees Price, Acting General Manager of the Cape Government Railways, and the Railway Administration of the Government of the Orange Free State, represented by Richard Ernest Brounger, Director-General of the Free State Government Railways.

Whereas it is desirable to promote efficient co-operation between the two Railway Administrations, having regard to the following points:—

- (a) The conditions for the working of traffic at boundary stations.
- (b) Regulations for the interchange of rolling stock and goods in through traffic, payment for the hire of rolling stock, the through traffic in passengers, goods, animals, articles and things, the facilities for the loading, unloading, collection, and delivery of goods, the system of dividing and accounting for the proportions of fares and freights due to the respective Administrations, and all other practical details which are necessary to secure efficient and economical working.

Now, therefore, it is hereby agreed as follows that:—

“The Cape” shall mean the Railway Administration of the Government of the Colony of the Cape of Good Hope.

“The Free State” shall mean the Railway Administration of the Government of the Orange Free State.

“Through Traffic” shall mean passengers, parcels, goods, animals, articles and things passing over the whole or portions of the lines of both Railway Administrations.

“Local Traffic” shall mean passengers, goods, animals, articles and things passing over portions of the lines of only one Administration.

“Up Trains” shall mean trains from the Colony of the Cape of Good Hope.

"Down Trains" shall mean trains from the Orange Free State to the Colony of the Cape of Good Hope.

"Vehicle Hire" shall mean the rates to be paid to the owning Administration for the running of its vehicles over the lines of the other Administration.

A "Train" shall mean an engine with or without vehicles attached.

ARTICLE I.

The boundary stations as between the two Administrations shall be at Norvals Pont and Springfontein, where all traffic, with the waybills, invoices, and other documents referring thereto, shall be exchanged as between the two Administrations, and those portions of the main line between these stations and the boundary at the centre of the Norvals Pont Bridge in the one case, and the centre of the Bethulie Bridge in the other, shall be used in common by both Administrations for the interchange of traffic, subject to working regulations to be agreed upon between the two Administrations, provided always that the Free State shall maintain, repair, and keep in good working order the portion of the line between Springfontein and the north end of Bethulie Bridge, and the Cape the portion of the line between Norvals Pont and the north end of Norvals Pont Bridge, and that each Administration shall be responsible for vehicles until they have been accepted by the other Administration at the respective boundary stations.

ARTICLE II.

The distance from Norvals Pont Station to Mid-Orange River shall be reckoned as one mile, and the distance from Springfontein Station to Mid-Orange River near Bethulie shall be reckoned as twenty-eight miles.

ARTICLE III.

All trains conveying traffic North of Norvals Pont shall be worked by the Free State, and all trains conveying traffic South of Springfontein, in the direction of Mid-Orange River near Bethulie, shall be worked by the Cape. The charge to be made by one Administration for working a train over the line of the other shall be at the rate of *twenty pence* per train mile run; provided always that the running of trains by one Administration over the lines of the other shall be subject to the working regulations in force from time to time of the Administration owning the Railway, and that the trains and the staff of one Administration when travelling over the line of the other shall be subject in all respects to the regulations of the Administration owning the railway.

ARTICLE IV.

Any shunting necessary in dealing with the through traffic at either boundary station shall, if required, be performed by the engine and staff of either Administration without charge to the other.

ARTICLE V.

The arrangements for the interchange of through traffic shall include the through running of passenger carriages, luggage and postal vans, and any wagon loaded with through traffic to half its carrying capacity shall be run through to its destination without transhipment.

Vehicles shall not be loaded beyond their registered carrying capacity without the consent of the Administration owning the vehicles.

All passenger vehicles, guards' vans, Post Office vans, and trucks shall be provided with the automatic vacuum brake as soon as practicable.

ARTICLE VI.

The Free States undertakes to return the Cape vehicles to that Administration at either Springfontein or Norval's Pont, as may be intimated from time to time by the Cape Officer authorised thereto.

ARTICLE VII.

Each Administration shall hand over to the other in good and safe running order all vehicles carrying through traffic. Any defect or damage appearing on examination at the boundary station where the vehicle is handed over, shall be pointed out by the Clearing Officer at the boundary station to, and be noted by the officer appointed for the purpose, and both will record the same for the information of their superior officers; provided always that any vehicle which may be considered unfit to travel may either be detached from the train, or refused acceptance by either Administration, until the defect is remedied.

ARTICLE VIII.

The rates to be charged by one Administration to the other in respect of vehicles of the one passing over the lines of the other, or detained thereon, as the case may be, or in respect of tarpaulins, ropes or chains so detained, shall be as under :—

Passenger carriages, travelling Post Office and other vans : 1d.* per axle per hour.

All other vehicles, tarpaulins, ropes or chains, as follows :—

24 hours to be allowed for a journey of 100 miles or less. 48 hours for a journey of over 100 but under 201 miles, and a further period of 24 hours to be allowed for each additional 100 miles or part thereof, to which in each case 48 hours will be added for off-loading and returning, except in the case of vehicles (with their tarpaulins, chains and ropes) conveying traffic beyond the limits of the Free State, for which the additional period of 48 hours will not be allowed.†

Vehicles (except passenger carriages, travelling Post Office and other vans), ‡ of a penny per axle per hour.

Tarpaulins, $\frac{1}{2}$ of a penny per hour.

Ropes or chains, $\frac{1}{4}$ th of a penny per hour.

After the expiration of the periods calculated as above, double the foregoing rates will be charged (excepting in the case of passenger carriages, travelling Post Office and other vans).‡

NOTE.—The distance for the journey is calculated only to the destination station shown on vehicle label when delivered by one Administration to the other at the boundary station, and the distance as above given is calculated in one direction only—not forward and return.

No charge shall be made upon vehicles during the time they may be detained by accident, for repairs, or from some unavoidable cause, explained satisfactorily to the owning Administration.

The following matter shall form the subject of discussion between the Cape, Free State, and Netherlands Railway Administrations, viz. :—

- (a) The points at which delivery of through traffic shall be considered as effected.
- (b) The places and times at which vehicle hire shall commence and end.
- (c) The system of clearing accounts as between the several parties interested, after which arrangements will be made.

ARTICLE IX.

The working of the vehicles of one Administration over the lines of the other shall be regulated, as far as practicable, so as to avoid money payments, but should one Administration be unable to furnish its quota of rolling stock the other Administration may arrange to supply the deficiency, and in such case mutual arrangements shall be made for periodical payment to the latter of the charges provided for in Article VIII.

ARTICLE X.

In the event of one Administration requiring to borrow from the other engine power, rolling stock or plant, for local purposes, such may be done subject to special arrangements as to terms.

ARTICLE XI.

In the event of a vehicle belonging to one Administration being damaged on the line of the other, such damage shall be made good by the latter, so far as to enable the vehicle to be returned without delay to the owning Administration. The owning Administration shall forward to the other, carriage free, upon application, such parts or portions of vehicles as may be necessary; broken and damaged portions of vehicles shall in like manner be returned to the owning Administration by the other, carriage free.

ARTICLE XII.

Each Administration shall be responsible for damage to rolling stock occurring whilst in its possession, and the owning Administration shall be entitled to recover from the other the actual cost of repairing damage reported, as provided for in Article XVIII. In all cases

* Altered to ‡d.

† Altered to ‡d.

‡ Amended by mutual arrangement.

where the actual cost of such repairs exceeds *two pounds sterling*, 10 per cent. shall be added for supervision.

ARTICLE XIII.

In case of accident or break-down in the neighbourhood of the boundary, each Administration shall assist the other with engine power, rolling stock, staff and appliances, and the Administration so assisting shall be repaid the actual expense incurred by the Administration assisted, it being understood that train mileage shall be paid for at the rate of *twenty pence* per mile, and in case of shunting, other than for through traffic, as provided for in Article 4, at the rate of *six shillings* per hour.

ARTICLE XIV.

The following arrangements in regard to the supply of stores and stationery for construction and working of lines within the Free State shall obtain, viz. :—

The Cape Administration shall, upon application, and where practicable, provide the Free State Administration with such stores, printing and stationery as may be required, at the same cost as would be charged if supplied to one of its own Store Depôts, plus Railway carriage over the Cape Lines at the rate agreed upon in Article 15.

Note.—Should it be necessary for the Cape to obtain from abroad the articles ordered, the Free State shall be advised thereof and accept delivery on arrival of the articles in the Free State.

In the case of articles ordered exclusively for the Free State, the latter undertakes to bear such expenses as may be incurred in respect of consultation, supervision, insurance, shipping and such like charges, and similarly in the case of articles purchased partly for the Free State and partly for the Cape, the Free State undertakes to bear its *pro rata* share of such charges.

In case the Cape shall desire the Free State to act similarly on its behalf the same rule shall apply *mutatis mutandis*.

ARTICLE XV.

Stores and materials required for the construction and working of the Free State Railways shall be conveyed over the Cape Railways at actual cost price, as near as can be ascertained, and *vice versa*.

In the case of small consignments carried by goods train and weighing less than 200 lbs., the charge shall be as for 200 lbs. at the foregoing rate.

Parcels of stores and stationery conveyed by passenger train shall be carried at half parcels rates.

Provisions for railway employés of the Free State shall be conveyed over the Cape Lines at the same rate as Stores and Materials required for the construction and working of the Free State Railways, and, similarly, provisions for Cape Railway employés shall be conveyed over the Free State lines at half the ordinary rates obtaining at the time; provided always that in each case the provisions shall be conveyed by the monthly provision or any other train which may be mutually agreed upon from time to time.

In the event of employés travelling on the business of one of the Administrations over the lines of the other, and also when they join or leave the service of either Administration, they shall, on the application of such Administration, be conveyed at half the ordinary rates. When, however, travelling on the joint service of the two Administrations they shall be conveyed free.*

ARTICLE XVI.

Water, coal, oil, tallow and other stores for engine purposes at boundary stations shall be supplied by one Administration to the other at cost price, and payments made by the Free State to the Cape for the use of Norval's Pont station and for services rendered by the Cape staff stationed there, as well as payments to be made by the Cape to the Free State for the use of Springfontein station and for services rendered by the Free State staff stationed there, shall be upon the following basis, viz. :—

I. Each Administration shall pay to the other one-half of the interest at the rate of $3\frac{1}{2}$ per centum per annum on the capital cost of the respective boundary stations, with all sidings, locomotive and other sheds, water supply and other appurtenances and buildings (excluding the quarters built for railway employés, but including those for the station master).

* Coal for Cape Railways is conveyed at $\frac{1}{4}$ th of a penny per ton per mile over Free State line, subject to certain conditions in regard to availability of returned empty trucks for the service.
Materials, stores, &c., for Free State line are conveyed over Cape lines at $\frac{1}{8}$ ths of a penny per ton per mile.

The amount whereon interest shall be chargeable during any one year shall be taken to be the capital cost for the mutual benefit of both Administrations up to December 31st of the preceding year.

2. Each Administration shall pay to the other one-half the actual cost of maintenance and working, exclusive of the items provided for above, settlement being effected at such times and in such manner as the Accounting Officers of the two Administrations may agree.

3. Each Administration shall hire to the other at Norval's Pont and Springfontein, respectively, the quarters required by its employes at the same rental as is charged to the employes of the owning Administration.

ARTICLE XVII.

In the case of conductors

- (a) If appointed by the Cape, the Free State shall pay to the Cape the wages of the men while on the Free State line, and *vice versa*.
- (b) It shall be competent for the Free State to appoint approximately one-third the number of conductors required for the through trains.
- (c) The conductors appointed by either Administration shall be subject to approval by the other, except in the case of any men it may become necessary on short notice to appoint temporarily as conductors.
- (d) In the case of the Head of either Administration having cause to represent to the Head of the other that it is undesirable a certain conductor should continue to travel in that capacity over the line of the other, such conductor shall forthwith cease so to travel.

ARTICLE XVIII.

At Norval's Pont there shall be appointed by the Cape such clearing officers and carriage and wagon examiners as are necessary for the due and efficient performance of the work, and at Springfontein there shall be appointed by the Free State such clearing officers and carriage and wagon examiners as are necessary, who shall record the numbers, description and condition of all vehicles loaded or empty, tarpaulins, ropes and chains passing from the line of one Administration or the other, and the hour of arrival, with all damages or defects which may be discovered.

Such clearing officers and carriage and wagon examiners at Norval's Pont and Springfontein shall be paid jointly by the Cape and Free State, and shall forward to each Administration periodical returns according to the forms supplied, and shall observe instructions which one Administration may give after consultation with the other from time to time.

Any information required by one Administration shall be obtained through the channel authorised by the other. The system of records to be kept at the boundary stations shall be mutually agreed upon between the two Administrations.

ARTICLE XIX.

All books, accounts and other documents relating to through traffic shall be at all times accessible to officers of the Cape and Free State Administrations, duly authorised to apply for information in regard thereto, and every facility shall be afforded to them in the conduct of inquiries.

ARTICLE XX.

The documents for keeping the accounts between the two Administrations shall be dealt with as may be directed from time to time by the Accounting Officers of the two Administrations.

The balances due by one Administration to the other shall be declared not later than six weeks after the end of the month to which they refer; provided always that any errors or omissions in the said accounts, detected by the Accounting Officers of the respective Administrations, shall be notified each to the other, and adjusted in the next account to the intent that the accounts as rendered may be paid without alteration, deduction, or addition.

The division of receipts from through traffic shall be made on the terms provided for from time to time, and shall be effected by the Accounting Officers of the respective Administrations.

ARTICLE XXI.

In the forwarding of through traffic such conditions shall be observed by the forwarding Administration as the receiving Administration shall notify as being requisite and applicable for such traffic when being conveyed over the line of the latter.

ARTICLE XXII.

The Railway Administration of each Government shall fix the rates applicable to its own lines and the through rates for traffic shall be the sum of the rates of the two Administrations.

In the event of its being decided by one Administration to make any change in fares or rates not less than six months' notice shall be given by the one Administration, unless otherwise mutually agreed upon, before such change is publicly notified, to admit of the other Administration making any modification in its fares or rates.

ARTICLE XXIII.

The staff of neither Administration shall charge rates or fares upon through traffic other than those notified to the public as charged by the respective Administrations, unless otherwise mutually agreed by the two Administrations.

ARTICLE XXIV.

The charges for passengers shall be collected at the booking station at the published rates, and the charges for parcels, live-stock, vehicles, goods and other traffic shall be collected as provided on the waybills or invoices, undercharges being also collected at the time of delivery, and the proportion due by the one Administration to the other shall be duly accounted for in the manner agreed upon between the two Administrations.

ARTICLE XXV.

Through tickets shall be issued for passengers and through waybills and invoices for parcels, live-stock, vehicles, goods and all other traffic from Cape Administration stations and sidings to Free State Administration stations and sidings, and *vice versa*.

ARTICLE XXVI.

A through mileage table of distances shall be adjusted between the two Administrations, based upon the actual distances from the boundary where the lines of the two Administrations join.

In calculating "through rates," upon the said mileage table, fractions of a mile under a quarter of a mile shall not be reckoned and those of a quarter of a mile or more, shall be reckoned as a whole mile until otherwise mutually agreed upon.

ARTICLE XXVII.

The division of through passenger fares and receipts derived from the through carriage of specie shall be upon a mileage basis. Such fares and specie rates shall be as mutually agreed upon from time to time.

ARTICLE XXVIII.

In respect of Annual Season Tickets issued in terms of Clause 53 of the Cape Tariff Book for September, 1896, the availability of such tickets already so issued shall be recognised by the Free State from the 1st January, 1897, onwards; provided always that the Cape shall pay to the Free State the further proportion due as its share of the receipts resulting from the Free State Government taking over its line from the 1st January, 1897, and that future issues of annual tickets available over the lines of both Cape and Free State Administrations shall be continued subject to the payment by one Administration to the other of its *pro rata* share, according to mileage, of the proceeds.

This arrangement may be discontinued or modified by either Administration giving to the other not less than six months' notice, but such notice shall not affect the availability of the tickets then already issued.

ARTICLE XXIX.

The through rates for the ordinary goods shall include loading and unloading, and the expense of such loading and unloading shall be borne, without addition to the through rate, by the forwarding or receiving Administration, as the case may be; provided always that the contract price, for collection or delivery as the case may be where such service is given, shall be matter of agreement between the two Administrations.

ARTICLE XXX.

The Cape shall provide all roof lamps, bedding for passengers and foot-warmers necessary, and do all the repairs, cleansing and renewals necessary thereto, excepting such repairs, cleansing and renewals as it is convenient for the Free State to undertake, the cost of such services undertaken by the Free State being accepted by the Cape as a debit to the total cost of repairs, cleansing and renewals; such total cost being divided annually between

the Cape and the Free State according to the receipts from passengers, the Wynberg line being eliminated for that purpose.

NOTE.—The capital cost of these articles as existing on the 31st December, 1896, shall be allocated in proportion to the passenger receipts (Wynberg line excepted) for the previous year, the proportion payable by the Free State being added to the capital cost of the line, to be paid on taking over.

ARTICLE XXXI.

The electric lighting of through trains shall be undertaken by the Cape, and the Free State shall bear its proportion of the cost thereof in such manner as may be agreed upon between the two Administrations.

ARTICLE XXXII.

The responsibility for any loss or damage to life, limb or property, occurring upon the line of one or other of the Administrations, through the fault of any employé of such Administration shall be borne by such Administration, provided always that in cases where loss, damage or delay to goods, animals, articles or things in through traffic in which it is not possible to fix the whole blame upon one Administration, after inquiry and correspondence, any compensation paid to the public shall be borne by both Administrations in the proportion of the revenue received by each for the conveyance of the consignment in respect of which such compensation has been paid; provided, further, that the particular Administration against which such a claim for compensation may be made in respect of through traffic may, in its discretion, settle such claims, if not exceeding Five Pounds in amount, and advise the other Administration thereof.

ARTICLE XXXIII.

Each Administration shall have the right to transmit telegrams or messages relating exclusively to the Railway business of either or both, free of charge, over the telephone or telegraph wires of the other, subject to such regulations of the Telegraph Departments of the Cape and Free State Governments respectively as may be applicable, it being understood that the telegraph will be used only when communication by letter or other means is not sufficiently expeditious.

ARTICLE XXXIV.

Further details having reference to train service, passenger accommodation, fares to be charged, rates for all traffic to be conveyed, the classification, collection and delivery of goods and other traffic shall be arranged from time to time by correspondence or conference between the Free State and the Cape.

ARTICLE XXXV.

The Free State shall notify to the Cape before the 31st October, 1896, its intention in regard to the continuance or otherwise of the existing contracts entered into by the Cape in respect of—

- (a) Advertising.
- (b) Supply of refreshments.
- (c) Coal.
- (d) Cartage at Bloemfontein.
- (e) Conveyance of explosives and material for the manufacture thereof.

In respect of the contracts for Advertising and the supply of Refreshments, should they be adhered to by the Free State, the latter shall receive from the Cape during the continuance of such contracts payment at the rates specified in Clause 21 of the conditions attached to the Advertising Contract, and Clause 7 of the Refreshment Contract, and in respect of the Coal Contract the Free State shall be supplied by the Cape with the coal necessary for the working of its Administration at cost price.

ARTICLE XXXVI.

If it should appear, after a period of trial, that undue advantage is gained by one Administration over the other in the operation of any article of this Agreement, it shall be competent for either Administration to call upon the other further to consider it with a view to an equitable readjustment.

ARTICLE XXXVII.

All disputes and questions arising between the Cape and the Free State in respect of the working of this Agreement, or interpretation of the terms thereof, shall be referred to arbitration in the manner provided for in Article XV of the foregoing Convention.

ARTICLE XXXVIII.

This Agreement shall be terminable in the same manner as that provided for in Article XII of the foregoing Convention.

ARTICLE XXXIX.

This agreement to come into force on the First Day of January, Eighteen Hundred and Ninety-seven.

In witness whereof we have hereunto placed our hands in the presence of the under-mentioned witnesses, on the days, month and year first mentioned.

R. E. BROUNGER.

Witnesses :

P. F. R. DE VILLIERS.

CLEM A. HANGER.

Bloemfontein, October 12th, 1896.

T. R. PRICE.

Witnesses :

A. KINMONT.

G. C. HAYES.

Cape Town, 16th October, 1896.*

(B.)—*AGREEMENT between the Railway Administration of the Government of the Colony of the Cape of Good Hope represented by Charles Bletterman Elliott Esquire, General Manager of the Cape Government Railways, and the Railway Administration of the Government of the South African Republic represented by Gerrit Adriaan Arnold Middelberg Esquire, Director of the Netherlands South African Railway Company—7th November, 1894.*

Whereas it is desirable to promote efficient co-operation between the two Railway Administrations, having regard to the following points :

- (a) "The conditions for the use by the one Administration of the line of Railway from the boundary to the joint station near the boundary, and for the common use of the said station.
- (b) "Regulations for the interchange of rolling stock and goods in through traffic, payment for the hire of rolling stock, the through traffic in passengers, goods, animals, articles and things, the facilities for the loading, unloading, collection, and delivery of goods, the system of dividing and accounting for the proportions of fares and freights due to the respective Administrations, and all other practical details which are necessary to secure efficient and economical working.
- (c) "The harmonising of the systems whereby the rolling stock of the respective Administrations with their continuous break and other appliances, may conveniently couple and interchange with each other.
- (d) "The mutual assistance to be rendered by the one Administration to the other in the matter of staff, labour, and other matters in which such mutual assistance would be possible and beneficial."

* For mutual arrangements in detail see *Minutes of Conferences of Railway Officers*; cf. Appendix II.

Now therefore it is hereby agreed as follows :

DEFINITIONS.

“The Cape” shall mean the Railway Administration of the Government of the Colony of the Cape of Good Hope.

“The Administration” shall mean the Railway Administration of the Government of the South African Republic.

“Through Traffic” shall mean passengers, goods, animals, articles, and things passing over portions of the Lines of both Railway Administrations.

“Local Traffic” shall mean passengers, goods, animals, articles, and things passing over portions of the Lines of only one Administration.

“Up Trains” shall mean Trains from the Colony of the Cape of Good Hope.

“Down Trains” shall mean Trains from the South African Republic.

“Mileage Charges” shall mean the rates per mile to be paid to the owning Administration for the running of their vehicles over the Lines of the other Administration.

A “Train” shall mean an Engine with or without vehicles attached.

ARTICLE I.

That the boundary station of the Cape shall be at Viljoens Drift and the boundary station of the Administration shall be at Vereeniging and that the Main Line of Railway between the two boundary stations shall be used in common by both Administrations for the interchange of Traffic, subject to working regulations to be agreed upon between the two Administrations, provided always that each Administration shall maintain, repair, and keep in good working order, the portion of Railway on its own side of the boundary and shall be responsible for the Vehicles composing the Train coming from its Line, until they have been accepted by the other Administration at the boundary station.

ARTICLE II.

That the distance from Viljoens Drift Station to the boundary shall be reckoned as three miles and the distance from Vereeniging Station to the boundary shall be reckoned as one mile.

ARTICLE III.

That all Up Trains conveying Traffic for the South African Republic shall be worked by the Cape Engines and Staff (viz., Engine Drivers, Fire-men, Guards, Conductors, and the like) to Vereeniging where all Traffic with the relative Waybills, Invoices and other documents shall be handed over by the Guard or Conductor to the Administration, and in like manner that all Down Trains conveying Traffic for the Cape Colony shall be worked by the Engines and Staff of the Administration to Viljoens Drift, and the charge to be made by the one Administration for working a Train over the Line of the other, shall be at the rate of Ten Pence per Train Mile run, and the working back of the Engines and Staff from the one boundary station to the other, after completing the journey, shall be arranged by the local officers of the two Administrations.

ARTICLE IV.

That any shunting necessary in dealing with the through traffic at either boundary station shall, if required, be performed by the engine and staff of either Administration without charge to the other: provided always that if it should appear, after a period of trial, that undue advantage is gained by one Administration over the other by this arrangement it shall be competent for either Administration to call upon the other to further consider it, with a view to an equitable readjustment.

ARTICLE V.

That water, coal, and other stores shall be supplied, if required in emergency, by the one Administration to the engines of the other at the following rates, viz.: *Water*, two shillings and sixpence per tank; *Coal*, one shilling per hundred pounds, and oil, tallow, and other stores at cost price.

ARTICLE VI.

That in case of accident or breakdown in the neighbourhood of the boundary, each Administration shall assist the other with engine power, rolling stock, staff and appliances, and the Administration so assisting shall be repaid the actual expense incurred by the Administration assisted, it being understood that Train Mileage shall be paid for at the rate of ten pence per mile, and in case of shunting other than for through traffic, as provided for in Article III, at the rate of six shillings per hour.

ARTICLE VII.

That in the event of one Administration requiring to borrow from the other engine power, rolling stock or plant for local purposes, such may be done subject to special arrangements as to terms.

ARTICLE VIII.

That the arrangements for the interchange of through traffic shall specially include the running of passenger carriages of a superior type, with lavatory and sleeping accommodation, and luggage vans, as well as ordinary vehicles, between the Cape ports and Johannesburg and Pretoria, and that any wagon loaded with through traffic to half its carrying capacity shall be run through to its destination without transshipment. Vehicles shall not be loaded beyond their registered carrying capacity, without the consent of the Administration owning the vehicles.

ARTICLE IX.

That each Administration shall hand over to the other, in good and safe running order, all vehicles conveying through traffic, and any defect or damage appearing on examination at the boundary station where the Train is handed over, shall be pointed out by the clearing officer at the boundary station to, and noted by, the guard of the train, who will also record the same in his Train Journal, for the information of his superior officers: provided always that any vehicle which may be considered unfit to travel may be detached from the Train by either Administration.

ARTICLE X.

That each Administration shall be responsible for damage to Rolling Stock occurring whilst in its possession, and the owning Administration shall be entitled to recover from the other, the actual cost of repairing damage proved as in Article IX., plus 10 per cent. for supervision, in all cases when such cost shall exceed Two Pounds Sterling.

ARTICLE XI.

That at each of the boundary Stations there shall be appointed an independent Clearing Officer, one appointed by the Cape, the other by the Administration, who shall record the numbers and description of all Vehicles loaded or empty passing from the line of one Administration to the other, and the hour of their arrival, with all damages or defects which may be discovered by the Carriage and Wagon examiners, the Clearing Officer at Vereeniging recording the Vehicles brought by all "Up Trains," and the Clearing Officer at Viljoen's Drift recording the Vehicles brought by all "Down Trains."

Such Clearing Officer shall be appointed and paid jointly, and shall forward to each Administration Monthly Returns according to the forms supplied, and joint instructions given from time to time.

ARTICLE XII.

That in the event of a vehicle belonging to one Administration being damaged on the Line of the other, such damage shall be made good by the latter, so far as to enable it to be returned without delay to the owning Administration, which shall forward free of cost upon application, such parts or portions of Vehicles as may be necessary, and broken or damaged portions of Vehicles shall in like manner be returned to the owning Administration.

ARTICLE XIII.

That the Rates to be charged by the one Administration against the other in respect of Vehicles of the one passing over the lines of the other or detained thereupon as the case may be, or in respect of tarpaulins, ropes or chains so detained shall be as under :

Passenger carriages and vans: 1d. per hour and per axle. All other vehicles: $\frac{3}{4}$ d. per hour and per axle.

Tarpaulins $\frac{1}{4}$ d. per hour; ropes or chains $\frac{1}{8}$ d. per hour. A period of half an hour or more, but less than an hour, will be reckoned as one hour.

NOTE.—No charge shall be made upon spare or reserved vehicles of one Administration, which by mutual arrangement are kept upon the line of the other Administration, nor upon vehicles which may have been detained by accident, for repairs, or some unavoidable cause, explained satisfactorily to the owning Administration.

ARTICLE XIV.

That the vehicles of one Administration shall not be employed upon the lines of the other Administration for local traffic, without the permission of the owning Administration, provided, however, that vehicles returning to the line of the owning Administration may be loaded to any station on the Main Line route of return.

ARTICLE XV.

That the working of the vehicles of the one Administration over the lines of the other, shall be regulated as far as possible so as to avoid money payments; but should one Administration be unable to furnish its quota of rolling stock, the other Administration may arrange to supply the deficiency, and in such case mutual arrangements shall be made for periodical payment to the latter of the charges provided for in Article XIII.

ARTICLE XVI.

That the Through Rates for the ordinary Goods shall include loading and unloading, and that the expense of such loading and unloading shall be borne, without addition to the Through Rate, by the forwarding or receiving Administration as the case may be: provided always that the Contract price for collection or delivery (as the case may be), where such service is given, shall be matter of agreement between the two Administrations.

ARTICLE XVII.

That further details having reference to Train Service, Passenger accommodation, fares to be charged, rates for Parcels and other Traffic conveyed by Passenger Trains, the classification, collection and delivery of goods and other traffic, shall be arranged from time to time by correspondence or conference between the Administration and the Cape.

ARTICLE XVIII.

That Through Tickets for Passengers and Through Waybills or Invoices for Goods, Animals, Articles and Things, shall be issued between any station of the one Administration to any station of the other Administration as may be arranged from time to time, and that the division of the receipts for "Through Traffic" between the two Administrations shall be arranged upon a "Clearing" System of Accounts, and a Through Mileage Table of distances, to be adjusted between the two Administrations, which latter shall be based upon the distances from the boundary where the lines of the two Administrations join; providing always that in calculating "Through Rates" upon the said Mileage Table, fractions of a mile under a quarter of a Mile shall not be reckoned, and those of a quarter of a Mile or more shall be reckoned as a whole Mile.

ARTICLE XIX.

That Monthly Accounts of Through Traffic and other matters, the subject of this Agreement, shall be rendered by each Administration to the other not later than the twenty-fifth of the succeeding month, and that settlement thereof shall be made within one calendar month thereafter, provided always that any errors or omissions in the said accounts, detected by the Accounting Officers of the respective Administrations, shall be notified each to the other, and adjusted in the next account to the intent that the accounts as rendered may be paid without alteration, deduction or addition.

ARTICLE XX.

That at Johannesburg and Pretoria the Administration shall provide adequate goods shed accommodation for traffic from the Cape, and shall include in their collection and delivery arrangements the traffic to and from the Cape, and give in every respect as regards booking, accommodating, and dealing with passengers, parcels, live stock, vehicles, goods and all other traffic, including offloading, loading, collection, delivery, handling and despatch the same facilities as may have been, or may be given to the similar traffic by other routes; and that all cranes, platforms, loading banks, and other appliances and conveniences necessary for dealing with special classes of traffic shall in like manner be provided by the Administration.

ARTICLE XXI.

That the responsibility for any loss or damage to life, limb, or property occurring upon the line of one or other of the Administrations, or in the case of the common line between Viljoens Drift and Vereeniging, through the

fault of any employé of such Administration, shall be borne by such Administration: provided always that in cases where loss, damage, or delay to goods, animals, articles or things in through traffic, in which it is not possible to fix the whole blame upon one Administration, after enquiry and correspondence, any compensation paid to the public shall be borne by both Administrations in the proportion of the freight received by each: provided further that the particular Administration against which such a claim for compensation may be made in respect of through traffic may, in its discretion, settle such claims, if not exceeding Five Pounds in amount, and advise the other Administration thereof.

ARTICLE XXII.

All passenger vehicles, guards' vans and Post Office vans shall be provided with the automatic vacuum brakes. So long as the automatic vacuum brake is not supplied by the Cape, *i.e.*, for a period not exceeding two years, its trucks shall be taken on by the Administration under the through traffic arrangements provided for in this agreement, as between Vaal River and intermediate stations including Pretoria, Krugersdorp and Springs.

ARTICLE XXIII.

That in case modification of any of the arrangements herein set forth may be necessary through alteration in circumstances, it shall be competent for either Administration to claim reconsideration thereof, and any alteration that may be deemed desirable shall be agreed upon mutually between the two Administrations.

ARTICLE XXIV.

This agreement shall be in force so long as a through rates agreement exists, and so much of the agreement as is applicable shall also be in force where carriages, vehicles, or traffic pass from the line of one Administration to that of the other Administration, even though no through rates agreement exists.

ARTICLE XXV.

All disputes and questions arising between the Cape and the Administration in respect of the working of this agreement and of the terms thereof shall be referred to two arbitrators; one of whom shall be appointed by each Administration. Before proceeding to the question, such two arbitrators shall appoint an umpire, who shall decide on all matters upon which the arbitrators may not agree. Failing agreement in the selection of an umpire, such umpire shall be appointed by the High Court of the South African Republic. All decisions of the arbitrators and umpire shall be final and binding on both Administrations.

C. B. ELLIOTT,

General Manager of the
Cape Government Railways.

G. A. A. MIDDELBERG,

Director of the Netherlands South
African Railway Company.

(C.)—*TREATY between the South African Republic and the Orange Free State, respecting Railway and Tramway Communications.—Signed at Potchefstroom, March 8, 1889.*

[Ratifications exchanged, August 16, 1890.]

(Translation.)

His Honour the State President, with the Deputation of the South African Republic, and his Honour the State President, with the Commission of the Orange Free State, have agreed to subject the following Treaty between the Governments of the South African Republic and the Orange Free State to the approval of the Volksraad of the South African Republic and the Volksraad of the Orange Free State respectively :—

Whereas it is desirable to secure the connection of the Colony of the Cape of Good Hope with the South African Republic, and whereas it is further desirable to make this connection by a line passing through the Orange Free State, and further to secure the success of the same line, the Governments of the South African Republic and the Orange Free State agree as follows :

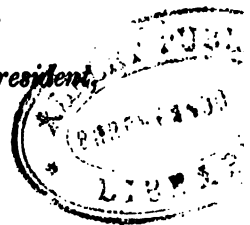
The Government of the South African Republic agrees to take no steps with building or having built any rail or tramway connection between the South African Republic and any of the countries bordering on the South African Republic, except those bordering on the east and north sides of the South African Republic, neither any portion of such connection, except in deliberation with the Government of the Orange Free State, and with due consideration of the interests of the Orange Free State.

The Government of the Orange Free State agrees to take no steps with building or having built any rail or tramway connection between the Orange Free State and any of the countries bordering on the Orange Free State, neither any portion of such connection, with the exception of the connecting trunk-line Colesberg-Bloemfontein, with a junction at Burghersdorp over Bethulie, the connection Kimberley-Bloemfontein, and the connection Ladysmith-Harrismith, except in deliberation with the Government of the South African Republic and with due consideration of the interests of the South African Republic.

Done and signed at Potchefstroom, the 8th March, 1889.

(L.S.) S. J. P. KRUGER, *State President,*
South African Republic.

(L.S.) F. W. REITZ, *State President,*
Orange Free State.



(D.)—*AGREEMENT between His Excellency the High Commissioner and the Honourable Cecil John Rhodes, M.L.A., the Representative of the British South Africa Company—23rd January, 1890.*

Agreement, by and between Her Majesty's High Commissioner for South Africa and Governor of British Bechuanaland, of the one part, and the Honourable Cecil John Rhodes, M.L.A., representing the British South Africa Company, of the other part, made at Cape Town on the

twenty-third day of January, 1890, for the construction of a Railway from the Southern to the Northern Border of British Bechuanaland, on the following terms and conditions, to wit:—

I. Railway to be made under certain conditions by the Company from the Southern to the Northern Border of British Bechuanaland *via* Taungs, Vryburg and Mafeking.

II. Land required for the Railway, of a uniform width throughout of 100 yards, and for all junctions, sidings and stations, and all other works and approaches, and for any future extensions or branches, or other lines, to be given by Her Majesty's Government, but the Company to pay compensation for any injury to improvements actually made and existing when the land is taken, whether it is taken from private proprietors or from native reserves, and also to pay compensation in case of the line passing through town or village erven.

III. No parallel or competing line to be constructed on British Territory or Territory under British influence; and the Company to have the exclusive right of constructing on British Territory or Territory under British influence extensions and branch or other lines, so long as they maintain a reasonably efficient service on the Railway the subject of this Agreement.

If Her Majesty's Government require a line or lines other than a competing line to be constructed, which, in their opinion, would carry a remunerative traffic, and the Company refuse to construct within a reasonable time, then Her Majesty's Government may make such line, or a Concession may be granted to other parties, but not on more favourable terms than offered to the Company, and Her Majesty's Government then to have the right of calling on the Company to permit any other line to cross the line of the Company on terms which shall be reasonable and fair to the Company.

IV. Maximum charges for carriage of passengers and goods, if exceeding that in force on the railways under the control of the Cape Government, to be subject to approval of Her Majesty's Government, and tables of charges to be exhibited at places of collection.

V. Company to keep the line in good repair, and to equip it with proper plant and rolling stock for its efficient working. Company to run at least three trains each way in every week.

VI. In consideration of the premises, Her Majesty's Government to grant to the said Cecil John Rhodes, in his said capacity as representing the British South Africa Company, six thousand square miles in British Bechuanaland in consideration of railway construction to Vryburg, and, in case the said Cecil John Rhodes in his said capacity agrees to extend the said line of railway to Mafeking, to further grant six thousand square miles in British Bechuanaland, the selection of the land to be subject to mutual agreement, the title thereto to be in fee simple and free from all mineral reservations in favour of the Crown.

VII. In case any arrangement be entered into by the said British South Africa Company for the lease or sale of the said line or any portion thereof, the same shall be submitted for the approval of the High Commissioner.

VIII. In case the British South Africa Company, or any such purchaser as aforesaid, shall discontinue the working of the said line, the High Commissioner shall have the right to enter and take and work the portion of the line in British Bechuanaland, and also to enter upon such portion of the land or

other concessions or benefits accruing therefrom given to the company in consideration of railway construction as shall be unsold at the time when the Company or purchaser aforesaid failed to fulfil their part of the contract; provided that the High Commissioner shall hold and work such line and realise such land or other concession for the benefit of the said Company or purchaser, as the case may be; such Company or purchaser always retaining the right to resume the working of the said line with the High Commissioner's approval.

IX. The regulations with regard to rates of transit and transport for Government officials and goods to be the same as those in force in the Cape Colony, subject to modification by mutual agreement.

X. The Company to have the right to proclaim, set out, and sell town and village sites on any land of which they may become possessed.

XI. In case of any dispute arising as to the terms or construction of this Agreement, the same shall be referred to the decision of the Chief Justice of the Cape Colony; and in the event of the said Chief Justice declining to arbitrate, then the same shall be decided by arbitration in terms of the Lands and Arbitrations Clauses Act, No. 6, 1882.

In witness whereof the parties hereto have hereunto affixed their respective signatures at the place and on the date first above written:—

(Signed) HENRY B. LOCH,

Her Majesty's High Commissioner for South Africa,
and Governor of British Bechuanaland.

(Signed) C. J. RHODES,

Representative of the British South Africa Company.

In presence of :

(Signed) SIDNEY SHIPPARD, } Witnesses.
 „ GRAHAM BOWER, }

(E.)—*AGREEMENT between the Colonial Government and the Honourable C. J. Rhodes—23rd January, 1890.*

Agreement, made at Cape Town on the twenty-third day of January, 1890, by and between the Honourable Cecil John Rhodes, M.L.A., as representing the British South Africa Company, of the one part, and Sir John Gordon Sprigg, K.C.M.G., on behalf of the Government of the Colony of the Cape of Good Hope, of the other part, with reference to Railway Extension from Kimberley through British Bechuanaland, on the following terms and conditions, to wit:—

I. The Railway to Vryburg to be built on the following terms:—

The Cape Government to raise and advance to Mr. Rhodes the necessary money on the same terms as they raise it.

II. The Cape Government to hold as security the line of railway in addition to the six thousand square miles of land in Bechuanaland, which shall be duly hypothecated.

III. In case the Cape Government shall take over the line on or before the 30th June, 1891, the Cape Government shall be entitled to share in the proportion of two to one with Mr. Rhodes in the proceeds of all lands that may have been realised, and to be a partner in the proportion of two to one in whatever lands may at the date of purchase remain unsold.

IV. It is understood that all lands sold must be subject to a substantial quitrent of not less than One Pound Sterling per thousand acres, and any lands unsold at date of taking over railway shall be jointly dealt with in the aforementioned proportion; it being understood that for a period of twelve months after the date of purchase of railway neither party shall sell his share without first giving the refusal to the other party, and in the event of this right of pre-emption not being acted upon, any lands sold subsequently shall be subject to the same substantial quitrent.

V. If either the Government of the Cape Colony or Mr. Rhodes shall at any time object or refuse consent to any proposal of the other for the sale or other disposition of the whole or any portion of the land referred to in this Agreement, or if any question or dispute shall arise between them relative to the management, sale, or other disposition of the whole or any portion of the said land, either party may call upon the other to refer and submit such proposal, question, or dispute to the arbitration of one arbitrator jointly appointed; or if no joint appointment can be agreed upon, then to the arbitration of the Chief Justice of the Cape Colony; and the decision of such arbitrator or of the Chief Justice, as the case may be, shall be given with due observance of the terms of this Agreement and consideration of what is fair and reasonable, and shall, when given, be binding, final, and conclusive with respect to such proposal, question, or dispute.

VI. In the final liquidation of the account either party shall have the right to purchase all the quitrents accruing to the other on a basis of twenty years' purchase.

VII. It is further understood that Mr. Rhodes binds himself to proceed with the Railway Extension from Vryburg to Mafeking, provided the Cape Government purchases the Kimberley-Vryburg Section on the foregoing terms, and he receives a further grant of six thousand square miles in Bechuanaland.

In witness whereof the parties hereto have hereunto affixed their respective signatures at the time and place first above written.

(Signed) C. J. RHODES,
For the British South Africa Company.

(Signed) J. GORDON SPRIGG.

In presence of:

(Signed) SYDNEY COWPER, }
(Signed) JAMES D. CORMACK, } Witnesses.

(F.)—Proclamation by His Excellency the Right Honourable Sir Hercules George Robert Robinson, Bart., &c., &c.—21st October, 1895.

Whereas an Agreement was entered into upon the Third day of August, One Thousand Eight Hundred and Ninety-Four, between the Crown Agents for the Colonies acting for and on behalf of Her Majesty's High Commissioner for South Africa and Governor of British Bechuanaland of the one part; the British South Africa Company of the second part; and the Bechuanaland Railway Company, Limited, of the third part, which said Agreement provides for the construction and equipment of a Railway from Mafeking to Palapye and

Whereas a further Agreement supplementary thereto was entered into on the Eighteenth day of October, One Thousand Eight Hundred and Ninety-Five, between the said parties, and

Whereas it is expedient that the said Railway Company should be authorised to construct, equip, and work the said Railway from the terminus of the existing Railway at Mafeking to the Northern Border of the Territory of British Bechuanaland :

Now, therefore, under and by virtue of the powers in me vested, I do hereby proclaim, declare, and make known as follows :—

1. The Bechuanaland Railway Company shall be and is hereby authorised and empowered to construct, equip, maintain and work such portion of the Railway referred to in the before-mentioned Agreement of the Third of August, 1894, as lies between the terminus of the existing Railway at Mafeking and the Northern Border of the Territory of British Bechuanaland as shown by the plans duly lodged with the Government of British Bechuanaland save and except in so far as the said plans may be inconsistent with any of the provisions of this Proclamation, or any deviation or alteration therefrom as hereinafter provided.

2. The said Railway shall commence at the terminus of the existing Railway at Mafeking and shall pass thence across, over, or near the following lands and farms, that is to say :—

Mafeking Commonage
Molopo Native Reserve
Hartebeest Laagte
Bugler's Post
Oaklands
Westwood Park
Heath Field
New Park
Roslin :

Provided always that it shall be lawful for the said Company to deviate from and vary the said line, as shown by the said plans, at the request of any owner or owners through whose lands the said line may pass.

3. The said Railway Company may, by any person thereto duly authorised in writing, enter upon any land for the purpose of surveying the same and of probing and boring in order to ascertain the nature of the soil, or of setting out the line of Railway, making full compensation to the occupier of the said land for any damage thereby occasioned, the same to be recoverable by action brought in any competent Court within three months from the date when such damage is alleged to have been committed.

4. The said Railway Company shall have the power to enter upon, take possession of, hold and retain for the purposes of this Proclamation land

required for the said portion of the said Railway, of a uniform width throughout of one hundred yards, and such land in addition as may be required for all junctions, sidings, and stations, and for all other work and approaches; in the case of waste Crown land, the said Company shall have the power to take the said land without payment of compensation; but the said Company shall pay compensation for any injury to improvements actually made and existing when the land is taken whether from private proprietors or Native Reserves and shall pay compensation in case of the line passing through town or village erven; such compensation shall be determined in accordance with the provisions of the Lands and Arbitration Clauses Act No. 6 of 1882 of the Cape Colony, in so far as applicable; it shall be lawful for the said Railway Company to exercise all and singular the powers hereby conferred upon it by an agent or agents duly authorised in writing.

5. All and singular the powers which are by the Public Roads Act No. 9 of 1858 of the Cape Colony bestowed upon the Commissioners of Roads in regard to taking materials necessary for the making and repairing of any such main road as in the said Act is mentioned, or of any works in connection therewith are hereby bestowed upon the said Railway Company, precisely as if the said powers were, *mutatis mutandis*, herein again set forth, and as if the said Railway was a public road.

6. The provisions of the fifty-sixth and fifty-seventh sections of the said Act No. 9 of 1858 shall, *mutatis mutandis*, extend and apply to the said Railway.

7. At all places where the line of the said Railway or any deviation thereof shall intersect or cross the line of any street or road, it shall be lawful for the said Railway Company to make and carry the said Railway across such street or road either by means of a level crossing or by means of a convenient and sufficient bridge or viaduct over or under the said street or road; and the said Company shall be bound to make all such cuttings, embankments and approaches with all such culverts and drains, and all such repairs, as may be requisite to make good the street or road across or over, or under the said Railway, at gradients not exceeding one foot in twenty feet; and shall also be bound to maintain and keep in repair all such crossings, bridges, viaducts, cuttings, embankments, and approaches, culverts and drains as aforesaid.

8. Nothing in this Proclamation contained shall prevent any streets or public roads hereafter to be constructed under lawful authority from being made and carried across the said Railway at all requisite and convenient places; Provided that as little damage and inconvenience as possible shall be caused to the said Railway by such crossings.

9. Upon completion of the said Railway, or any portion thereof as aforesaid, the said Railway Company shall enjoy all the privileges and be subject to all the conditions contained in the following Acts of the Cape Colony, viz.: Act No. 19 of 1861, entitled "The Regulation of Railway Act, 1861," as amended by Act No. 29 of 1877; Act No. 6 of 1889; and Act No. 35 of 1894, save and except sections 29 and 30 of the said Act 19 of 1861.

10. The provisions of the Act No. 37 of 1879 of the Cape Colony shall apply *mutatis mutandis* to opening gates or leaving the same unclosed or unfastened, whether the same be done by the owners or occupiers of and adjoining the Railway, or by any other person.

11. Notwithstanding anything contained in the said Agreements the rights and powers conferred upon and liabilities undertaken by the Government of British Bechuanaland hereunder shall only relate to that portion of the said Railway line which shall be constructed, equipped or worked within the Territory of British Bechuanaland, and no rights or powers shall be taken

to be conferred upon and no liabilities to be undertaken by the said Government in respect of any portion of the said line which shall be constructed, equipped, or worked within the limits of the Bechuanaland Protectorate.

12. Notwithstanding anything in the said Agreements contained the Government of British Bechuanaland shall not be liable for any payment, subsidy or pecuniary contribution in respect of the construction or completion of the said Railway or any portion or section thereof from Mafeking to the North.

13. Subject to the provisions of this Proclamation the terms, conditions and stipulations of the said Agreements which are annexed in a Schedule hereto, are herewith incorporated and shall extend and apply to the Railway hereby authorised to be constructed as if the said Agreements had been included in this Proclamation.

SCHEDULE.

CONTRACT IN CONNECTION WITH THE CONSTRUCTION AND WORKING OF
A RAILWAY FROM VRYBURG TO PALAPYE.

Dated the 3rd day of August, 1894.

An Agreement made the Third day of August 1894 between Sir Montagu Frederick Ommanney K.C.M.G. and Ernest Edward Blake Esq. both of Downing Street in the City of Westminster the Crown Agents for the Colonies acting for and on behalf of Her Majesty's High Commissioner for South Africa and Governor of British Bechuanaland of the one part the British South Africa Company a Company incorporated by Royal Charter and hereinafter called "the Chartered Company" of the second part and the Bechuanaland Railway Company Limited (hereinafter called "the Railway Company") of the third part.

Whereas by an Agreement dated the fourth day of August 1893 and made between the Chartered Company of the one part and the Railway Company of the other part after recitals showing that the Chartered Company had entered into two Agreements with the Government of the Colony of the Cape of Good Hope dated respectively the twenty-ninth day of October 1889 and the twenty-third day of January 1890 and had also entered into an Agreement with the said High Commissioner and Governor dated the twenty-third day of January 1890 such Agreements relating to the construction of a Railway from Kimberley in the Colony of the Cape of Good Hope northwards towards the River Zambesi and that a Railway from Kimberley to Vryburg in the Crown Colony of British Bechuanaland had already been constructed and equipped and was then running and that 6,000 square miles of land in the said Crown Colony had been granted by the said High Commissioner and Governor to the Chartered Company as provided by the said Agreement of the twenty-third day of January 1890 by way of subsidy on such construction and that the said Railway from Kimberley to Vryburg was then owned by the said Colony of the Cape of Good Hope and that 4,000 square miles of the said 6,000 square miles (the whole being undivided) belonged to the said Colony of the Cape of Good Hope and the remaining 2,000 square miles (the whole 6,000 square miles being undivided) belonged to the Chartered Company and that under the provisions of the said agreement of the twenty-third day of January 1890 the Chartered Company would be entitled to an additional grant from the said High Commissioner and Governor of 6,000 square miles of land in the said Crown Colony upon the construction (in continuance of the said Railway from Kimberley to Vryburg) of a Railway northwards from Vryburg to Mafeking in the said Crown Colony and that the Railway Company had been incorporated with a nominal Capital of £6,000 divided into 6,000 Shares of £1 each with the object in the first instance of constructing and equipping or procuring the construction and equipment of the said Railway from Vryburg to Mafeking and thereafter of continuing such Railway from Mafeking northwards towards the River Zambesi *via* Gaberones and Palapye both in the Protectorate of British Bechuanaland and that the Railway Company proposed to issue first mortgage debentures for £800,000 to bear interest at 6 per cent. per annum to be secured by a floating charge upon its undertaking (including the said 2,000 and 6,000 square miles of land) with a view to raising funds for the construction and equipment of the said Railway from Vryburg to Gaberones but that it was proposed that in the first place

first mortgage debentures for £300,000 only should be issued with a view to raising funds for the construction and equipment of the first section of the said Railway namely from Vryburg to Mafeking. It was by the now reciting Agreement agreed between the Chartered Company and the Railway Company that the Chartered Company should for the considerations therein mentioned transfer and make over to the Railway Company all the estate right title benefit and interest of the Chartered Company in the said Railway from Vryburg to Mafeking and from Mafeking northwards towards the River Zambesi and in any lands servitudes or other concessions or privileges that might have been acquired for such Railway or that might be granted by way of subsidy or otherwise in connection with the construction of such Railway or of any branches or extensions thereof respectively and in particular all the estate right title benefit and interest of the Chartered Company in the said 2,000 square miles (part of the said first mentioned 6,000 square miles and undivided therefrom) granted as aforesaid and in the said additional 6,000 square miles to be granted as aforesaid on the construction of the said Railway from Vryburg to Mafeking and that as and when funds were required by the Railway Company for the construction and equipment of the Railway from Vryburg to Mafeking the Chartered Company should subscribe for or procure subscriptions from responsible persons for such amount of the first mortgage debentures of the said intended issue by the Railway Company as might be required by the Railway Company for such construction and equipment not exceeding in all £300,000 and should pay for such Debentures in cash at par.

And whereas it is anticipated that the said debentures for £800,000 will only suffice for the construction and equipment of the said Railway as far as Gaberones and that it will be necessary hereafter to issue like debentures for a further nominal amount of £300,000 for the construction and equipment of the said Railway between Gaberones and Palapye making a total of £1,100,000 of such debentures.

And whereas in the events which have happened the Railway Company is now absolutely entitled to all the rights and interests of the Chartered Company comprised in or agreed to be transferred by the said Agreement of the fourth day of August 1893 and the Chartered Company is bound at any time thereafter at the request and cost of the Railway Company to execute and do all such assurances and things (if any) as may be requisite for enabling the Railway Company to obtain the full benefit of the said Agreement of the fourth day of August 1893.

And whereas by an Agreement dated the twenty-sixth day of May 1893 and made between the Railway Company of the one part and George Pauling of the other part the said George Pauling agreed to substantially and in the best and most workmanlike manner and with the best materials of their respective kinds and workmanship under the immediate inspection and control of the Resident Engineer of the Railway Company and to his entire satisfaction within eighteen months from the date of the now reciting Agreement construct execute and complete the Railway from Vryburg to Mafeking or a point equidistant from Vryburg with stations and other accessories thereto and works of every description as mentioned or shown in or by or to be implied from the now reciting Contract or certain plans sections drawings descriptions and specifications signed by or on behalf of the Railway Company and the Contractor and referred to in the first Schedule to the now reciting Contract and to hand over such Railway to the Railway Company in perfect condition for carrying on the traffic.

And whereas by an Agreement dated the twenty-first day of June 1894 and made between the Honourable Cecil John Rhodes on behalf of the Railway Company of the one part and the Honourable John Frost on behalf of the Government of the said Colony of the Cape of Good Hope of the other part certain provisions were agreed upon between the said parties thereto with respect to the said 2,000 square miles and to the manner in which the same should be dealt with for the benefit of the said parties thereto.

And whereas it has been determined between the said parties hereto that such agreement as is hereinafter contained shall be entered into for the purposes hereinafter appearing.

Now it is hereby agreed and declared by and between the said parties hereto as follows:—

1. The terms words and expressions hereinafter mentioned shall have for the purposes of these Presents the following meanings respectively:

- (a) "British Bechuanaland" means the Colony and the Protectorate of Bechuanaland.
- (b) "The Colony" means the Colony of Bechuanaland.
- (c) "The Protectorate" means the Protectorate of Bechuanaland.
- (d) "The Governor" means and includes the Governor or Officer for the time being administering the Government of the Colony.
- (e) "The Government" means the Government for the time being of the Colony.
- (f) "The Crown Agents" means the persons or person for the time being authorised to act and acting as Crown Agents or Crown Agent in England for the Colony.

- (g) "The Government Engineer" means the person for the time being acting as the Engineer of the Government for the purposes of this Contract.
- (h) "Month" means Calendar month.

2. The Government Engineer may from time to time delegate to any deputy or deputies to be named by the Government Engineer such of the powers discretions and authorities vested in him by this Contract as he with the consent of the Government may think fit and the Railway Company and the Chartered Company shall recognise such deputy or deputies on written notice from the Government Engineer of the appointment of such deputy or deputies and of the powers discretions and authorities respectively delegated to him or them as lawfully exercising for the purposes of this Contract the powers discretions and authorities so delegated.

3. The Railway Company shall construct a Railway (hereinafter called "the Railway") which expression shall (except where the context otherwise requires and subject as hereinafter provided) include the completed and uncompleted portion of the Railway from Mafeking in the Colony to Palapye in the Protectorate. The Railway shall be an extension of the existing Railway at Vryburg and of the Railway now being constructed under the said recited Agreement of the 26th day of May 1893 from Vryburg to Mafeking and shall be connected therewith in such manner as the Government Engineer may approve. The Railway shall be divided into and constructed in two Sections of which the first shall be from Mafeking to Gaberones and is hereinafter referred to as "the First Section" and the second shall be from Gaberones to Palapye and is hereinafter referred to as "the Second Section."

4. The Railway shall be constructed with all such stations sidings passing places warehouses offices fixed machinery telegraphs telephones and other works and conveniences as in the opinion of the Government shall be necessary or expedient and the Railway shall consist of a single line which shall be laid with a gauge of 3 feet 6 inches and shall be furnished with rails of such weight and strength and be laid down and constructed along such route at such gradients and in such manner as the Government shall in writing approve it being hereby agreed that the standard of efficiency shall be similar to that on the Cape Government system of Railways.

5. The Railway Company shall equip the Railway with such rolling stock and other appliances as shall in the opinion of the Government be requisite for the due and proper conduct of the traffic of the Railway. The construction and equipment of the Railway under this Contract shall be carried out in a proper substantial and workmanlike manner and to the entire satisfaction and approval in all things of the Government Engineer.

6. Subject to the provisions of this Contract the survey for laying out the Railway shall be *bona-fide* commenced within three years from the date of this Contract and shall be prosecuted without unreasonable delay or interruption by a sufficient staff of Engineers and assistants to the satisfaction of the Government and the actual construction of the Railway shall be commenced within four years from the same date and shall be diligently continued without unreasonable delay or intermission so that both sections of the Railway may be completed equipped and fit for public traffic in all respects in accordance with the provisions of this Contract and opened within the following times from the date thereof namely the first section within five years and the second section within seven years. Provided always that the Railway Company may from time to time with the consent in writing of the Government postpone the construction of any of the works hereby agreed to be constructed which shall in the opinion of the Government not be immediately necessary for the working of the Railway for such period as the Government may allow but so that it shall be the duty of the Railway Company at the expiration of such period if the time be not again extended in like manner forthwith to construct such works to the satisfaction of the Government Engineer.

7. The Railway Company shall within six months after notice in that behalf from the Government at its own costs and charges erect fences on such parts of the Railway and in such manner as the Government shall require and the Railway Company shall thereafter at its own expense maintain such fences but it shall not be bound to erect in any year a greater length of fencing than the number of miles of Railway constructed in that year.

8. Before commencing the construction of either section the Railway Company shall deposit with the Government a map of the lands intended to be taken for the purposes aforesaid within such section showing the course and direction of the Railway the gradients and curves thereof and prepared on such a scale and in such a manner as the Government shall require.

9. The Railway shall not nor shall any portion thereof be opened for the public conveyance of passengers until one month after notice in writing of the intention to open the same has been given by the Railway Company to the Government and until ten days after notice in writing has been given by the Railway Company to the Government of the time when the Railway or completed portion of the Railway will be in the opinion of the Railway

Company sufficiently completed for the safe conveyance of passengers and ready for inspection and until the Government Engineer shall have certified in writing that the Railway or such portion thereof as aforesaid is fit for traffic.

10. If the Railway or any portion of the Railway be opened without such notice and certificate the Railway Company shall forfeit to the Government the sum of £50 for every day during which the same continues open until the notices have been duly given and have expired and such certificate has been given.

11. The Government upon receiving such notification will cause the section or portion of the Railway proposed to be opened and all bridges culverts tunnels road crossings and other works and appliances connected therewith and also all engines and other rolling stock intended to be used thereon to be examined by the Government Engineer and if he report in writing to the Government that in his opinion the opening of the same would be attended with danger to the public using the same by reason of the incompleteness of the works or permanent way or the insufficiency of the establishment for working the Railway together with the grounds of such opinion the Government and so from time to time as often as the Government Engineer after further inspection thereof so reports may order and direct the Railway Company to postpone such opening for any period not exceeding one month at any one time until it appears to the Government that such opening may take place without danger to the public. Provided always that subject to the exercise of such powers of postponement if the occasion should arise the Government Engineer shall be bound to issue his certificate for the opening of the Railway within 14 days from the end of the month of 10 days mentioned in Clause 9 hereof whichever period shall last terminate.

12. On the expiration of all notices by the Railway Company given by it under Clause 9 and as soon as any Section of the Railway shall be completed and certified to be fit for traffic as aforesaid the Railway Company shall forthwith proceed to open and shall continuously thereafter except when prevented by causes which shall be certified by the Government Engineer to be beyond the Railway Company's control keep open and work the same for public and general traffic with all proper rolling stock and equipment and shall run thereon in each direction at least two trains per week at an average speed of not less than 10 miles an hour (including stoppages) and every such train shall consist of such carriages and shall stop at such places as shall be reasonably required by the Government. Provided that in any case in which in the opinion of the Government it shall by reason of and in grave emergency be necessary for the public interest that additional trains should be run on the Railway the Railway Company will at the request of the Government run such special additional trains on the Railway or any part thereof and in such directions as may be required by the Government at an average speed of not less than 15 miles an hour (including stoppages). Provided that no more than four such additional trains be required to be run in any one year except upon such reasonable terms as to payment therefor as may be agreed upon between the Government and the Railway Company but so nevertheless that the running of such additional trains as the Government may require be not deferred by reason of any dispute or arbitration pending with respect to the payment therefor.

13. The Railway Company shall at all times after the opening of the Railway and the several Sections thereof keep the same and all the bridges level crossings stations permanent way and other works thereon or connected therewith and the rolling stock used thereon in good and proper repair and from time to time renew the same to the satisfaction of the Government Engineer.

14. The Government Engineer whenever he receives information to the effect that any bridge level crossing culvert viaduct tunnel or any other portion of the Railway or any engine car or carriage used or for use on the Railway is dangerous to the public using the same from want of repair insufficient or erroneous construction or from any other cause or whenever circumstances may arise which in his opinion render it expedient may examine and inspect the Railway or any portion thereof or the works connected therewith or the engines and other rolling stock in use thereon or any portion thereof and upon such inspection may condemn the Railway or any portion thereof or any of the rolling stock or other appliances used thereon and with the approval of the Government may require any change or alteration therein or in any part thereof or the substitution of any new bridge culvert viaduct or tunnel or of any material for the Railway and thereupon the Railway Company shall after notice thereof in writing signed by the Government Engineer proceed to make good or remedy to the satisfaction of the Government Engineer the defects in such portions of the Railway rolling stock or appliances as shall have been so condemned and shall make such change alteration or substitution as shall have been so required as aforesaid by the Government Engineer.

15. If in the opinion of the Government Engineer it is dangerous for the trains or vehicles to pass over the Railway or any portion thereof until alterations substitutions or repairs have been made thereon or that any particular car carriage or locomotive should be run or used the Government Engineer may forthwith forbid the running of any train or vehicle over the Railway or such portions thereof as aforesaid or the running or using of any such car carriage or locomotive by delivering or causing to be delivered to the Railway

Company or to any officer having the management or control of the running of trains on the Railway a notice in writing to that effect with his reasons therefor in which he shall distinctly point out the defects or the nature of the danger to be apprehended.

16. If in any case where the Railway Company shall after notice from the Government Engineer fail with all reasonable speed to make good or remedy to his satisfaction any defect in the Railway or the rolling stock or appliances thereof or the works connected therewith which shall in the opinion of the Government Engineer involve danger to human life the Government may by its agents enter upon the Railway and repair and make good such defect to the satisfaction of the Government Engineer and all monies expended by the Government in or about the reparation or making good of such defect together with interest thereon at 5 per cent. per annum from the time of the same having been expended shall (unless the Railway Company shall prove that such defect did not in fact involve danger to human life) be paid by the Railway Company to the Government.

17. The Government Engineer may at all reasonable times enter upon and examine the Railway and the stations fences or gates roads crossings works and buildings and the engines cars and carriages belonging thereto.

18. The Railway Company its agents and officers shall afford to the Government Engineer and his deputy or deputies such information as may be within its knowledge and power in all matters inquired into by them and shall submit to the Government Engineer or such deputy or deputies all plans specifications drawings and documents relating to the construction repair or state of repair of the Railway or any portion thereof whether a bridge culvert or other part.

19. The Government Engineer and any such deputy or deputies shall have the right whilst engaged in the business of such inspection to travel without charge on any of the trains running on the Railway and to use without charge the telegraph wires and machinery in the offices of or under the control of the Chartered Company.

20. The operators or officers employed in the telegraph office of or under the control of the Chartered Company shall without unnecessary delay obey all reasonable orders of the Government Engineer or of any such deputy or deputies for transmitting messages.

21. The Railway Company shall as soon as possible after the occurrence upon the Railway of any accident attended with serious personal injury to any person using the same or whereby any bridge culvert viaduct or tunnel on or of the Railway has been broken or so damaged as to be impassable or unfit for immediate use give notice thereof to the Government and if the Railway Company wilfully omit to give such notice the Railway Company shall forfeit to the Government the sum of £20 for every day during which such wilful omission to give the same continues.

22. No inspection had under this Contract nor anything in this Contract contained or done or ordered or omitted to be done or ordered under or by virtue of the provisions of this Contract shall relieve or be construed to relieve the Railway Company of or from any liability or responsibility resting on them by law either towards the Government or towards any person or corporation.

23. The Railway Company may from time to time make such bye-laws as may in the opinion of the Government be necessary or expedient for regulating the traffic on the Railway or the using or working thereof and may from time to time repeal or alter such bye-laws. Provided that such bye-laws be not repugnant to this Contract or to the laws for the time being in force in British Bechuanaland and that no such bye-laws shall have any effect until they have been approved in writing by the Government.

24. All tolls and rates for the conveyance of passengers animals goods merchandize or other things carried over the Railway shall (but only if and so far as a maximum of each such toll or rate exceeds by 50 per cent. the maximum of the like toll or rate now allowed on the Cape Government system of Railways) be subject in all respects to the approval of the Government and such tolls and rates may be demanded and received for all passengers and goods transported upon the Railway and shall be paid to such persons and at such places and otherwise in such manner and under such regulations as the Railway Company may by any bye-law direct.

25. The Railway Company shall from time to time print and exhibit or cause to be exhibited in the office and in all and every of the places where the tolls are to be collected in some conspicuous place there a written or printed or partly written and partly printed board or paper exhibiting all the tolls payable and particularising the price or sum of money to be charged or taken for the conveyance of any passenger or the carriage of any matter or thing.

26. All tolls and rates shall be subject to revision from time to time by the Railway Company but only with the approval of the Government in any case where such approval would be required under Clause 24.

27. Her Majesty's forces of every description and every other person (whether civil or military) in the service of Her Majesty when travelling on such service and all artillery horses mules ammunition and stores of every description belonging to Her Majesty shall at all times be carried on the Railway at such rates as shall be less by 33½ per cent. than the rates for the time being in force on the Railway and paid to the Railway Company by others for similar fares or freights and so that any military or police forces of Her Majesty and any artillery horses mules ammunition and stores for the use thereof shall if so required by the officer or other person in command of such forces be conveyed with the whole resources of the Railway Company.

28. The Railway Company shall at all times convey on the Railway in such direction as may from time to time be required (a) all mails (which expression shall include letters parcels and all articles of every description from time to time transmissible by post and also mail bags and other receptacles for mails) which shall be delivered to it by any official in the service of Her Majesty and (b) the employes of any post office of Her Majesty in charge of such mails and (c) all officers and persons employed in the administration of any such post office and will at all times provide suitable and proper accommodation on its trains for such mails and persons as aforesaid to the satisfaction in all respects of the Government and will transmit such mails and persons by such trains and at such rate of speed as the Government may from time to time reasonably require. All the services to be rendered by the Railway Company under this Clause shall be rendered free of charge.

29. The Government may at any time cause a line or lines of electric telegraph and telephones to be constructed along the line of the Railway for the use of the Government and for that purpose may from time to time enter upon and occupy so much of the lands of the Railway Company as may be necessary for the purpose without making any compensation therefor but making good all damage done and so constructing the said works as not to interfere with the efficient working of the Railway by the Railway Company and such line or lines may be used for the purpose of transmitting messages by any system or invention now or at any time hereafter in use but in the event of accident to the telegraphic apparatus of the Chartered Company it shall with the consent of the Government be at liberty to use any such line or lines of electric telegraph or telephones for the business of the Railway free from charge during such time as the Government shall allow and the Chartered Company shall be at liberty at any time or times to attach any of its wires to those of the Government wires with the consent of the Government upon such terms as shall be agreed on between the Government and the Chartered Company.

30. So soon as the said Railway from Vryburg to Mafeking shall have been completed under the hereinbefore recited Agreement of the twenty-sixth day of May 1893 and delivered to the Railway Company in perfect condition for carrying on the traffic thereof all the provisions of this Contract which are applicable to the Railway or any part thereof after it has been constructed (including the provisions contained in Clauses 9 to 12 hereof inclusive) shall (except where otherwise expressly provided) apply to the said Railway from Vryburg to Mafeking in all respects as though such Railway were included in the definition of the "Railway" mentioned in Clause 3 hereof. Provided that nothing contained in this Contract shall in anywise diminish or affect any obligation or liability to which the Railway Company is now subject in respect of the said Railway from Vryburg to Mafeking under or by virtue of any Proclamation Law or Ordinance now affecting such Railway or under or by virtue of the said Agreement of the twenty-third day of January 1890 and that in the event of any conflict between the provisions of this Contract and the provisions of any such Proclamation Law or Ordinance or of the last-mentioned Agreement with respect to such Railway the last-mentioned provisions shall prevail but so nevertheless that all rights or powers given to or vested in the Government or any officer thereof by any such Proclamation Law or Ordinance or by the last mentioned Agreement with respect to the said Railway from Vryburg to Mafeking shall be deemed to be in addition to the rights and powers given to or vested in the Government by this Contract.

31. The Railway Company shall from time to time apply to the satisfaction of the Government the net proceeds of all sales of any lands acquired by it under the hereinbefore recited Agreement of the fourth day of August 1893 or any of the Agreements therein mentioned in or towards the redemption of the First Mortgage Debentures of the Railway Company for the time being outstanding and the Railway Company shall cause due provision to be made for the purpose of ensuring that the said net proceeds shall be duly applied in manner aforesaid and (so long as any such Debentures are outstanding) for no other purpose. The Railway Company shall at all times furnish to the Government all such information and evidence as the Government may reasonably require for the purpose of ascertaining that the provisions of this Clause have been duly observed.

32. So soon as the said Railway from Vryburg to Mafeking and the first Section of the Railway shall have been completed and certified to be fit for traffic as aforesaid and shall have been opened for traffic then subject to the proviso hereinafter contained the Government will during the term of ten years thence next ensuing pay to the Railway Company a subsidy at the rate of £10,000 per annum and the Chartered Company will during the

same term pay to the Railway Company a subsidy at the rate of £5,000 per annum. Each such subsidy shall be payable half-yearly the first half-yearly payment to be made on the expiration of six months from the date when the said Railway from Vryburg to Mafeking and the first Section shall be opened for traffic in manner aforesaid. Provided that each subsidy shall cease to be payable during such periods of the said term as the said Railway from Vryburg to Mafeking and the first Section of the Railway shall for any cause (other than a cause which shall be certified by the Government Engineer to be beyond the Railway Company's control) not be kept open and worked by the Railway Company for public and general traffic in all respects in accordance with the provisions of this Contract.

33. So soon as the whole of the Railway shall have been completed and certified to be fit for traffic as aforesaid and shall have been open for traffic then subject to the proviso hereinafter contained the Government will during the term of ten years thence next ensuing pay to the Railway Company a further subsidy at the rate of £10,000 per annum and the Chartered Company will during the same term pay to the Railway Company a further subsidy at the rate of £5,000 per annum. Each such subsidy shall be payable half-yearly the first half-yearly payment to be made on the expiration of six months from the date of the opening of the whole of the Railway for traffic in manner aforesaid. Provided that each such further subsidy shall cease to be payable during such periods of the said last mentioned term as the whole of the Railway shall for any cause (other than a cause certified by the Government Engineer to be beyond the Railway Company's control) not be kept open and worked by the Railway Company for public and general traffic in all respects in accordance with the provisions of this Contract.

34. The Chartered Company hereby charges all the revenues which are now or shall at any time hereafter be derived by it under its said Charter or any lawful authority from any taxes imposts or duties with the due and punctual payment of all moneys payable by it under this Contract by way of subsidy and so that the charge hereby created shall rank as a first charge and the Chartered Company will at its own costs from time to time and at any time hereafter at the request of the Company or Government for the time being entitled to such subsidies execute and do all such acts and things as may be reasonably required for giving effect to such charge. Provided always that if the Chartered Company shall at any time or from time to time make default in the payment of any subsidy payable by it under this Contract or in the performance or observance of any of the other obligations imposed on it by this Contract such default shall not in any way release the Railway Company from any of its obligations to the Government under this Contract or otherwise prejudice or affect its liability to the Government hereunder.

35. So long as the Railway Company shall keep open and work the Railway in accordance with the provisions of this Contract to the reasonable satisfaction of the Government no line of railway parallel to or directly competing with the Railway from Vryburg shall be constructed in the Protectorate and the Railway Company shall (subject as hereinafter mentioned) have the exclusive right of constructing and working in the Protectorate extensions of the Railway other lines connected therewith upon such terms as may be agreed upon between the Railway Company and the Government or in default of such agreement shall be settled by arbitration in accordance with the provisions in that behalf hereinafter contained but so that such terms shall in any case not be less favourable to the Government than the terms which it could have obtained in the open market.

36. If the Government shall at any time require any line or lines of Railway (other than and except any line in the Protectorate parallel to or competing with the Railway from Vryburg) to be constructed and worked in any part of British Bechuanaland either by way of an extension or a branch of the Railway or otherwise and if the Railway Company shall refuse or neglect to construct such line or lines within such time and upon such terms (both as to the construction and subsequent working thereof) as the Government shall consider reasonable or to enter into such Contract as the Government may require with respect to such construction and working then the Government may at its option either itself construct and work such line or lines or may grant a concession for the construction and working thereof to any other company or to any persons upon such terms as the Government may think fit provided that such terms shall not be more favourable to the Concessionaires than the terms upon which the Railway Company was required to construct and work such line or lines.

37. The Railway Company shall permit all necessary junctions and works to be made and executed on the Railway necessary for connecting with the Railway any line or lines constructed under the last preceding Clause hereof (hereinafter referred to as "Branch or Extension Lines").

38. The Government and all companies and persons lawfully using any Branch or Extension Line may upon terms and conditions to be agreed upon between the Government and the Railway Company or in case of difference upon such terms and conditions as may be settled by arbitration in manner hereinafter provided run over and use with their engines and carriages of every description and with their clerks officers and servants the Railway together with the stations booking offices warehouses sidings passing places and other works and conveniences connected therewith respectively.

39. The Railway Company will subject to the due payment to it of the proper tolls forthwith and without unreasonable delay forward over the Railway all passenger goods and merchandise which shall have been carried or be intended to be carried over the line now laid between Kimberley and Vryburg or any parts thereof or any other line for the time being in connection therewith.

40. The Railway Company shall on the requisition of the Government of British Bechuanaland make such arrangements with the Governments of the Cape Colony and of Natal and of the South African Republic and of the Orange Free State or with any of such Governments and every Company for the time being owning or working any Railway in the territory of any such Government or elsewhere in connection with the Railway for the regulation and interchange of traffic passing to and from the said respective Railways and for the working of the traffic over the said Railways respectively and for the division and apportionment of tolls rates and charges in respect of such traffic and generally in relation to the management and working of the said Railways or any of them or any part thereof as will enable the Railway to be worked for the greatest convenience of the public.

41. The Railway Company shall according to its powers afford all reasonable facilities to the Government of the Cape Colony in respect of the Railways of that Government and to the Government Company or persons owning any other Railway for the receiving and forwarding and delivering of traffic upon and from the several Railways belonging to or worked by any such Government Company or persons and for the return of carriages trucks and other vehicles and the Railway Company shall not without the previous consent in writing of the Government give or continue any preference or advantage to or in favour of any particular Government Company or person or any particular description of traffic in any respect whatsoever nor shall the Railway Company (without such consent as aforesaid) subject any particular Government Company or person or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever and the Railway Company shall (except in any case when the Government may approve of the adoption of a different course) afford all reasonable facilities for the receiving and forwarding by the Railway all the traffic arising by any other Railway in connection therewith without any unreasonable delay and without any preference or advantage or prejudice or disadvantage and so that no obstruction may (except as last aforesaid) be offered in the using of the Railway as a continuous line of communication and so that all reasonable accommodation may at all times by the means aforesaid be mutually afforded by and to the Governments and Companies working Railways joining or connected with each other and any agreement made by the Railway Company contrary to the foregoing provisions shall (except in any such case as aforesaid) be unlawful null and void.

42. The Government will use its best endeavours to induce the several Chiefs through whose country the Railway will pass to grant to the Railway Company free of cost such land as may be necessary for the construction and working of the Railway or of any stations or works connected therewith. Provided that any payment which may in the opinion of the Government be necessary for the purpose of obtaining any such grant or for obtaining a grant of or making compensation in respect of any injury to any lands or buildings now occupied otherwise than by natives shall be made by the Railway Company.

43. If the Railway Company shall at any time after the Railway or any portion thereof has been opened for traffic fail for three calendar months to keep open and work the Railway or such portion thereof as aforesaid for traffic to the reasonable satisfaction of the Government then the Government shall be entitled to enter upon seize take possession of the Railway and all the buildings works rolling stock machinery engines plant chattels and things of every description for the time being belonging or appertaining to the Railway or used in connection therewith (all which premises are together with the Railway hereinafter included in the expression "the Railway undertaking") and thereupon the Government shall at its option either become the owner by purchase of the Railway undertaking which shall in such event become the property of the Government at such price as shall be equal to its then actual value such value to be settled on the basis of the price which could be obtained if the Railway undertaking were sold as a going concern and to be ascertained by agreement or in default by arbitration in the manner hereinafter provided or the Government may at its option use and work the Railway undertaking and may appropriate the receipts and profits arising therefrom and may thereout pay all expenses incurred in or about such working or in or about the maintenance or repair of the Railway undertaking or any part thereof and may set apart out of the said receipts and profits such sums as may in the opinion of the Government be necessary to provide for future repairs renewals and other charges usually paid out of revenue and may in the next place pay out of such receipts and profits any principal moneys and interest for the time being payable in respect of any Debentures of the Railway Company then outstanding in accordance with the respective right of the holders of such Debentures and subject thereto shall account to the Railway Company for such receipts and profits. Provided that the certificate in writing of the Colonial Secretary for the time being of the Government shall be conclusive evidence of the amount of such receipts and profits which shall from time to time be available for the payment of such principal moneys and interest or for payment to the Railway Company and

that the Government shall not (except in the event and to the extent mentioned in this Clause) be under any liability whatever to the holders of any of the Debentures of the Railway Company.

44. If the survey for laying out the Railway shall not be *bona fide* commenced within three years from the date of this Contract or if the actual construction of the Railway shall not be *bona fide* commenced within four years from the same date or if the respective sections of the Railway shall not be completed equipped and fit for public traffic and opened in accordance with the provisions of this Contract within the respective times hereinbefore provided it shall be lawful for the Government if it shall think fit to rescind this Contract and thereupon all powers and authorities hereby given to the Railway Company shall absolutely cease and determine and the Government may if it think fit by giving notice in writing to the Railway Company on or at any time within three months after the date of such rescission become the owner by purchase of all the assets and undertaking of the Railway Company in connection with the Railway (including the subsidy lands hereinafter mentioned) which shall accordingly upon the giving of such notice become the absolute property of the Government subject to the payment by it to the Railway Company of the then actual value of the same such value to be ascertained in case the parties differ by arbitration under the provisions in that behalf hereinafter contained but in ascertaining such value no sum shall be included for or in respect of any of the lands which at the date of such rescission have been acquired by the Railway Company by way of subsidy under the said Agreement of the fourth day of August 1893 or under any Agreement therein mentioned and which shall not then have been sold in the manner and for the purpose authorised by Clause 31 hereof but such lands shall remain subject to the payment thereof of all principal moneys and interest owing in respect of any Debentures of the Railway Company charged thereon. Provided that nothing contained in this Contract shall in any event impose any obligation on the Government to undertake the construction and equipment of all or any part of the Railway and Provided always that save as aforesaid the Government shall not have any claim against the Railway Company for damages or otherwise by reason of the non-construction of the Railway.

45. The Government may upon giving twelve months previous notice in writing to the Railway Company determining on or at any time after the expiration of ten years from the date of the last payment by the Government of any subsidy under this Contract purchase the Railway undertaking and accordingly the Government shall on the expiration of such notice become the owner by purchase of the Railway undertaking at such price as is hereinafter provided and thereupon the Railway undertaking shall become the property of the Government. The price to be paid for the Railway undertaking under this Clause shall be made up of such a sum as shall be equal (a) to the original actual costs of so much of the Railway undertaking as shall consist of lands buildings telegraphs telephones permanent way and other immovable works (no allowance being made for repairs or alterations on the one hand or for depreciation on the other hand) and also (b) to the value of so much of the Railway undertaking as shall consist of movables such last-mentioned value to be ascertained by a valuation to be made by two valuers and their umpire in the usual way. For the purposes of this Clause the original actual costs of so much of the Railway undertaking as is to be purchased at such cost shall be ascertained immediately on the opening of the whole of the Railway for traffic but so nevertheless that the Railway Company shall also be entitled on any purchase under this Clause to be paid for the original actual cost of any additional buildings or works (not being by way of alteration or repairs) which may have been constructed since the date of the opening of the Railway for traffic. The Railway Company shall at all times during the continuance of this Contract keep such accounts and in such form and manner as the Government may from time to time direct of all sums expended on the purchase or original construction of so much of the Railway undertaking as is purchasable at its original actual cost under this Clause and shall from time to time and at such time as the Government may direct render copies of such accounts to the Government and shall verify the same in such manner as the Government may from time to time require.

46. The Railway Company may at any time with the previous consent in writing of and upon such terms as shall have been previously approved by the Governor lease or sell the Railway undertaking to the Government of the Cape Colony provided that such last-mentioned Government shall be bound to perform and observe all the obligations imposed on the Railway Company by this Contract and shall be entitled to all benefits thenceforth accruing to the Railway Company under this Contract. Subject as aforesaid no sale assignment lease or other disposition of the Railway undertaking or any part thereof or of the benefit of this Contract shall be made by the Railway Company except in so far as with the previous consent in writing of the Governor any disposition of the Railway undertaking may (subject to the rights of the Government under this Contract) be made for the benefit of the Debenture holders of the Railway Company.

47. No Contract for the construction of the Railway or any part thereof or of any works in connection therewith shall be made except upon such terms as shall have been previously approved by the Government Engineer.

48. The Railway Company shall always be and remain British in character and shall have its principal office in England and the Railway Company's principal representative in

South Africa and all its Directors shall always be natural born British subjects or persons who have been naturalised as British subjects by or under an Act of Parliament of the United Kingdom or of some Colony of British South Africa.

49. So long as the Government remains under any liability (whether present or future) in respect of any subsidy payable by it under this Contract :—

- (a) No money beyond the money secured by the first mortgage debentures of the Railway Company of £1,100,000 shall without the previous sanction in writing of the Government be borrowed by the Railway Company or be raised by it otherwise than by Calls upon its Shares and no increase in the Capital of the Railway Company shall be made without the like sanction.
- (b) From and after the commencement of the term mentioned in Clause 32 hereof and thenceforth until the expiration of the term mentioned in Clause 33 hereof the Railway Company will pay to the Government as soon as practicable after the end of each year the following percentages of the net profits of the Railway Company in respect of such year viz. (1) so long as the Railway shall not have been opened for traffic beyond Gaborones 12½ per cent. of such net profits and (2) when the Railway shall have been opened for traffic beyond Gaborones such percentage of such net profits as shall be determined by agreement between the Government and the Railway Company or in default of such agreement by arbitration in manner hereinafter provided the amount of such last-mentioned percentage to be ascertained by reference to the principle on which the net profits of the Railway up to Gaborones are hereinbefore agreed to be divided.
- (c) The Government may from time to time only while the subsidy is payable appoint any one person either being or not being a shareholder in the Railway Company to be an Official Director of the Railway Company and such person if and when appointed shall rank as and be one of the Board of Directors of the Railway Company and be entitled in all things to act as such and shall not be removable except by the order of the Government but no such Official Director shall be entitled to any remuneration from the Railway Company.
- (d) The Railway Company shall at all times keep such accounts and minute books and in such manner and form as the Government may from time to time direct and shall permit all persons authorised by the Government in that behalf at all reasonable times to have free access to all the books accounts and documents of the Railway Company (except communications between that Company and its legal advisers) and to make copies and extracts from the same.
- (e) The Railway Company shall from time to time and at such times as the Government may require cause the accounts of the Railway Company to be audited by such auditors as shall have been approved by the Government and the certificate of such auditors as to the amount of the net profits of the Railway Company in respect of any year shall for all the purposes of Sub-Section (b) of this Clause be conclusive and binding on the Government and the Railway Company.

50. *

51. All moneys which shall any time be payable by the Railway Company to the Government under this Contract may be deducted by the Government from any moneys payable by it to the Railway Company by way of subsidy hereunder.

52. If at any time the Government shall in the exercise of any of the powers conferred upon it by this Contract become the owner of the Railway undertaking and shall keep open and work the Railway as nearly as may be in the same manner as the Railway Company is liable to work the same under this Contract then the Chartered Company shall from and after the commencement of such ownership on the part of the Government pay to the Government all subsidy which would be payable under this Contract by the Chartered Company to the Railway Company if the Railway Company were then working the Railway and had not made default in the performance or observance of any of its obligations under this Contract.

53. The Railway Company will on the execution of this Contract pay to the Government all costs charges and expenses (including the costs of cablegrams) incurred by or on behalf of the Government or of the Governor in or about the negotiation preparation approval or execution of this Contract.

(*) Clause 50 cancelled by agreement of 12th June, 1895, printed in Schedule to Proclamation 232 B.B., see *British Bechuanaland Proclamations*, Vol. ii, p. 190.

The Agreement was as follows :—

1. The said Clause 50 of the Principal Agreement is hereby cancelled, and the Principal Agreement shall be read, construed and take effect as it would have done if such Clause had been originally omitted therefrom and never inserted in the same.
2. In all other matters and respects whatsoever the Principal Agreement shall remain in force.

54. A certificate signed by the Colonial Secretary or the acting Colonial Secretary of the Government for the time being or of such other official of the Government as may from time to time be appointed in writing for that purpose by the Governor shall be conclusive evidence of every consent expression of opinion or approval requisition request sanction allowance or other act of the Government or Governor mentioned in such certificate and everything done in execution of this Contract by or under the authority of the Crown Agents as expressed in any writing under their hands shall be deemed to have been done by the Government.

55. The Railway Company shall appoint by notice to the Crown Agents and the Governor respectively an office in the City of London or Westminster and also in British Bechuanaland where it may be served with notices under this Contract. And all notices under this Contract shall be deemed duly served if sent by post in the usual way addressed to the Railway Company at one of such offices. All notices to be signed by the Crown Agents shall be deemed sufficiently signed if signed by any one of them and all notices to be signed by the Government shall be deemed to be sufficiently signed if signed by the Colonial Secretary or the Acting Colonial Secretary for the time being of the Government or by such other official of the Government as may from time to time be appointed in writing for that purpose by the Governor.

56. Nothing in this Contract shall be deemed or construed to exempt the Railway or the Railway Company from the provisions of any general Proclamation Ordinance Act or Law relating to Railways which may hereafter be passed or made by the Government or Legislature of British Bechuanaland.

57. Except in so far as is by this Contract otherwise expressly provided nothing herein contained shall in any manner affect the rights of Her Majesty or any person or Corporation.

58. The Governor shall not nor shall any Member or Officer of the Government or any of the Crown Agents be in anywise personally bound for the acts and obligations of the Government under this Contract or answerable for any default or omission in the observance performance or fulfilment of the acts matters or things which are hereby made obligatory on the Government.

59. This Contract shall not be binding on the Government or the Governor until the expiration of thirty days after this Contract shall have been laid upon the Table of the House of Commons in England and the Government may at any time before the expiration of such thirty days by notice in writing to the Chartered Company and the Railway Company rescind this Agreement and in the event of such rescission no party hereto shall have any claim against any other party for damages expenses or otherwise.

60. In case and so often as any dispute difference or question shall arise between the said parties hereto or any Government person or corporation claiming through or under them respectively or between any of such Governments persons or corporations concerning or relating to the Railway or any part thereof or any works connected therewith or the construction meaning or effect of this Contract or any Clause or thing herein contained or the rights or liabilities of any party hereto or of any such Government person or corporation as aforesaid under this Contract (except as to any matter for which other provision is hereinbefore made) the subject of every such dispute difference or question shall in every case on the demand in writing of either party be referred to the arbitration and award of an umpire if the parties can agree to an umpire and in case they cannot so agree then of three arbitrators one to be appointed by each party to the reference and the third by the two arbitrators so appointed. The decision of such umpire or arbitrators or of any two of such arbitrators as the case may be shall be final and without appeal and binding upon all parties. If either party to any such dispute difference or question make default in appointing an arbitrator within 14 days after the other party has given him or them notice to appoint the same the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference and his award shall be final and binding on all parties and all the provisions herein contained with reference to the proceedings of two arbitrators and an umpire shall *mutatis mutandis* be applicable to such sole arbitrator.

61. The arbitrators and umpire shall have full power to make if they or he may think fit several awards instead of one award and every such award though not on the whole matter shall be final so far as it extends as if the matter awarded on were the whole matter referred.

62. The arbitrators and umpire shall have full power to proceed in the absence of both or either of the parties after giving to both parties such notice as the arbitrators or umpire may think sufficient of their or his intention to proceed.

63. The arbitrators and umpire shall have full power to inspect the books documents and accounts of both parties and examine on oath or affirmation or on statutory declaration in lieu of oath the officers agents servants and witnesses of the parties respectively.

64. The costs of the reference and the awards shall be in the discretion of the arbitrators and umpire and such costs may be awarded as between solicitor and client.

65. The marginal notes hereto are for the sake of convenience only and shall not affect the interpretation or construction of this Contract.

In Witness whereof the said Sir Montagu Frederick Ommaaney and Ernest Edward Blake have hereunto set their hands and seals and the Chartered Company and the Railway Company have caused their respective common seals to be affixed the day and year first above written.

M. F. OMMANNEY (LS)
E. E. BLAKE (LS)

Signed sealed and delivered by the above named Montagu Frederick Ommaaney and Ernest Edward Blake in the presence of

HERBERT B. RENDALL,
3 and 4, Gt. Winchester St.,
London, E.C.,
Solicitor.

The Common Seal of the British South Africa Company } (The Common Seal of the
was affixed hereto pursuant to a Resolution of the Board of } British South Africa
Directors } Company.)

GIFFORD } Directors.
A. BEIT, }
HERBERT CANNING, Secretary.

The Common Seal of the Bechuanaland Railway } (The Common Seal of the
Company Limited was affixed hereto pursuant to a } Bechuanaland Railway
Resolution of the Board of Directors } Company, Limited.)

A. BEIT } Directors.
R. MAGUIRE, }
HERBERT CANNING, Secretary.

PROVISIONAL SUPPLEMENTARY AGREEMENT

made at Cape Town this 18th day of October 1895 between the Governor of British Bechuanaland and Her Majesty's High Commissioner for South Africa of the one part the British South Africa Company of the second part and the Bechuanaland Railway Company Limited of the third part.

Whereas an agreement dated August 3rd 1894 has been entered into between the Governor of British Bechuanaland and Her Majesty's High Commissioner for South Africa the British South Africa Company and the Bechuanaland Railway Company Limited for the construction of a line of Railway from Mafeking in British Bechuanaland to Palapye in the Bechuanaland Protectorate.

And whereas it is expedient to define more particularly the terms "the Government" "the Governor" "the Government of British Bechuanaland" "the Legislature of British Bechuanaland" and "the Colonial Secretary" in the said agreement with regard to the rights and powers conferred and liabilities imposed thereunder in respect to that portion of the said railway which shall be constructed within the Bechuanaland Protectorate.

Now it is hereby agreed and declared by and between the said parties as follows:—

Notwithstanding anything in the said agreement of August 3rd 1894 contained wherever in the said agreement the terms "the Government" "The Governor" "the Government of British Bechuanaland" "the Legislature of British Bechuanaland" and "the Colonial Secretary" occur the said term shall with regard to the rights and powers conferred and liabilities imposed in respect of that portion of the said line of railway which shall be constructed within the Bechuanaland Protectorate mean Her Majesty's High Commissioner for South Africa; provided that nothing in this supplementary agreement contained shall be taken to affect the meaning of the terms "the Government of the Cape Colony" "the Government of Natal" "the Government of the South African Republic" "the Government of the Orange Free State" occurring in the said agreement of August 3rd 1894.

In witness whereof the parties hereto have hereunto affixed their respective signatures at the place and on the date first above written.

HEROULES ROBINSON,

Governor of British Bechuanaland and Her Majesty's High Commissioner for South Africa.

C. J. RHODES, for
British South Africa Company.

C. J. RHODES, for
Bechuanaland Railway Company, Limited.

As witnesses:

GRAHAM BOWER,
J. A. STEVENS.

(G.)—*PROCLAMATION by His Excellency the Right Honourable Hercules George Robert Robinson, Baron Rosmead of Rosmead in the County of Westmeath, and of Tafelberg, in South Africa, in the Peerage of the United Kingdom, and a Baronet, a Member of Her Majesty's most Honourable Privy Council, Knight Grand Cross of the most distinguished Order of St. Michael and St. George, Governor and Commander-in-Chief of Her Majesty's Colony of the Cape of Good Hope in South Africa, and of the Territories and Dependencies thereof, and Her Majesty's High Commissioner, &c., &c.*

Whereas an agreement was entered into between Her Majesty's High Commissioner for South Africa and Governor of British Bechuanaland of the one part, the British South Africa Company of the second part, and the Bechuanaland Railway Company of the third part, dated August 3rd, 1894, for the construction and working of a railway by the said Railway Company from Vryburg, in British Bechuanaland, to Palapye, in the Bechuanaland Protectorate: and whereas a Supplementary Agreement between the same parties was subsequently entered into on October 18th, 1895, which Agreements form the Schedule to Proclamation No. 227 of British Bechuanaland:

And whereas the said Railway Company has constructed the said line of railway from Vryburg to Mafeking, and from Mafeking to the Southern Border of the Bechuanaland Protectorate, in accordance with certain plans lodged with the Government of British Bechuanaland:

And whereas the said line of railway is now being constructed through the Bechuanaland Protectorate, from the Southern Border thereof, to a point at or near Palapye, and plans showing the route thereof are in course of preparation, and will shortly be lodged in the Office of the Resident Commissioner of the Bechuanaland Protectorate:

And whereas it is expedient to confirm and confer upon the said Company the title, rights, powers, and privileges necessary for the efficient construction, maintenance, and working of the said line of railway from the Southern Border of the said Protectorate to a point at or near Palapye, subject to all lawful obligations imposed by this Proclamation, and by the Agreement in this preamble referred to:

Now, therefore, under and by virtue of the powers, jurisdiction and authorities in me vested, I do hereby proclaim, declare and make known as follows:

I. The Bechuanaland Railway Company shall be and is hereby authorised and empowered to construct, equip, maintain and work, subject to the provisions of the Agreement of August 3rd, 1894, as amended by the Supplementary Agreement, the portion of the Railway referred to in the said Agreement, between the point upon the southern boundary of the Bechuanaland Protectorate to which the said railway has been constructed, under the provisions of Proclamation No. 227 B.B., 1895, and a point at or near Palapye, in the said Protectorate; the course of the said line of railway between the said points to be more particularly defined and determined by plans to be lodged in the office of the Resident Commissioner of the said Protectorate.

II. The said Railway Company may by any person thereto authorised in writing, enter upon any land for the purpose of surveying the same, and of probing and boring in order to ascertain the nature of the soil, or of setting out the line of railway between the said points, provided that compensation shall be made to the owner of any land so dealt with which is included within the limits of a grant which has been approved of by Her Majesty's Secretary of State.

III. The said Railway Company shall have the power to enter upon, take possession of, hold and retain for the purposes of this Proclamation, land required for the said line of railway between the points aforementioned, of a uniform width throughout of one hundred yards, and such land in addition as may be required for all junctions, sidings and stations, and for all other works and approaches. The said Company shall not be bound to pay compensation in respect of any land so taken, save in respect of actual improvements, or of land included within the limits of a grant which has been approved by Her Majesty's Secretary of State.

IV. For the purpose of construction, maintenance and working of the said line of railway the said Company shall have all the rights and powers, and be subject to all the duties and obligations which a Divisional Council, by the law of the Colony of the Cape of Good Hope, has and exercises or is subject to under the provisions of Sections 146 and 147 of the Act No. 40 of 1889 of the said Colony, for the purposes of Section 111 of the said Act: Provided that publication of Notice in the *Gazette* shall be deemed to be sufficient notice to any proprietor who shall be absent, or whose place of residence shall not be known.

V. The provisions of Sections 204 and 205 of the said Act No. 40 of 1889 of the said Colony shall, *mutatis mutandis*, apply in respect of the said line of railway as though the same were a public road, the said Company being deemed and taken to be referred to in the said sections in place and stead of the Divisional Council.

VI. The settlement of questions of compensation that may arise in consequence of any exercise by the said Company of rights and powers, in accordance with this Proclamation, shall not delay such exercise, but such questions shall, as soon as may be, be determined, in the absence of agreement, in accordance with the provisions of the "Lands and Arbitration Clauses Act, 1882," of the said Colony.

VII. At all places where the line of the said railway or any deviation thereof shall intersect or cross the line of any street or road it shall be lawful for the said Company to make and carry the said railway across such street or road either by means of a level crossing or by means of a sufficient bridge or viaduct over or under the said street or road; and the said Company shall be bound to make all such cuttings, embankments and approaches, with all such culverts and drains and all such repairs as may be requisite to make good the street or road across or over or under the said railway, at gradients not exceeding one foot in twenty feet; and shall also be bound to maintain and keep in repair all such crossings, bridges, viaducts, cuttings, embankments and approaches, culverts and drains as aforesaid.

VIII. Nothing in this Proclamation contained shall prevent any streets or public roads hereafter to be constructed under lawful authority from being made and carried across the said railway at all requisite and convenient places: Provided that as little damage and inconvenience as possible shall be caused to the said railway by such crossings.

IX. Upon completion of the said railway, or any portion thereof, the said Company shall enjoy all the privileges and be subject to all the conditions contained in the following Acts of the Cape Colony, viz.: Act No. 19 of 1861, entitled "The Regulation of Railway Act, 1861," as amended by Act No. 19 of 1877; Act No. 6 of 1889; and Act No. 35 of 1894, save and except Sections 29 and 30 of the said Act No. 19 of 1861; provided that no portion of the said railway shall be deemed to be completed until the same has been certified by the Government Engineer to be fit for traffic.

X. The provisions of the Act No. 37 of 1879 of the said Colony shall apply, *mutatis mutandis*, to opening gates or leaving the same unclosed or unfastened, whether the same be done by the owners or occupiers of land adjoining the railway or by any other person.

XI. Subject to the provisions of this Proclamation, the terms, conditions, and stipulations of the said Agreements, which are annexed as a Schedule to Proclamation No. 227 B.B., 1895, are herewith incorporated and shall extend and apply to the railway hereby authorised to be constructed as if the said Agreements had been included in this Proclamation.

XII. This Proclamation shall take effect from the date of its publication in the Gazette.

GOD SAVE THE QUEEN.

Given under my hand and seal at Cape Town this 23rd day of November, 1896.

ROSMEAD, High Commissioner.

By command of His Excellency the High Commissioner.

GRAHAM BOWER, Imperial Secretary.

(II.)—*AGREEMENT entered into with the Bechuanaland Railway Company for the Working of the Line of Railway from Vryburg to Buluwayo by the Cape Government Railway Department.*

AGREEMENT entered into this the 28th day of May, 1897, between the Hon. Sir James Sivewright, K.C.M.G., Commissioner of Public Works, and as such representing the Colony of the Cape of Good Hope, and the Right Hon. Cecil John Rhodes, Managing Director of, and acting for, the Bechuanaland Railway Company, Limited.

Whereas the Bechuanaland Railway Company, Limited, has built a line of Railway from Vryburg to Mafeking, and is now continuing the same to Buluwayo in the province of Rhodesia, and is willing that the Cape Government should work for the time being the whole of the said line; and whereas the Government of the Cape Colony is willing, subject to the approval of Parliament, to undertake the said working:—

Now these presents witness:—

I. The Cape Government agrees to work and maintain the line of railway, belonging to the Bechuanaland Railway Company, from Vryburg to Buluwayo, as the sections of such line may be certified to the satisfaction of the Cape Government to be in a fit and proper state for the conveyance of traffic, at cost price, *i.e.*, the Cape Government will provide the staff for the traffic, maintenance and locomotive purposes, together with everything necessary for working the traffic and maintaining the line between Vryburg and Buluwayo at actual cost price; and the books of the Cape Government Railway Department shall be open to the inspection of the Company, so that it can satisfy itself that the actual cost has been charged.

II. For supervision by the Traffic, Maintenance and Locomotive Departments of the Cape Government Railways, as well as for charges of a general nature, other than the specific payments made for the actual working between

Vryburg and Buluwayo, the proportion due by the Company shall be arrived at on the basis of the train miles actually run between Vryburg and Buluwayo, as compared with the train miles run on the Cape Government Railways.

III. The Cape Government shall supply the rolling stock necessary for working the traffic on the following terms:—

Engine Hire.

To cover ordinary wear and tear— $3\frac{1}{2}$ d. per train mile.

To cover depreciation—7 per cent. per annum on the value of each engine.

To cover hire—4 per cent. per annum on the value of each engine.

The value to be fixed by the Railway Department.

Carriage Hire.

To cover all expenses— $\frac{3}{4}$ d. per axle per hour.

Truck Hire.

To cover all expenses— $\frac{1}{2}$ d. per axle per hour.

IV. In the event of the Cape Government ceasing to work the line belonging to the Bechuanaland Railway Company from Vryburg to Buluwayo, the Bechuanaland Railway Company agrees if called upon to take over the rolling stock that may have been actually supplied by the Cape Government for the purpose of the line, at cost price, less an allowance for fair wear and tear.

V. The Government and the Company shall each fix the rates applicable to its own lines, and the rates for "through" traffic, unless otherwise mutually agreed upon, shall be the sum of the rates charged by the two parties to this agreement. The Bechuanaland Railway Company, however, hereby agrees that during the period of this agreement no higher rate shall be charged on the lines belonging to them for the conveyance of Cape Colonial produce than are for the time being charged for the conveyance of the same on the lines of the Cape Government Railways.

VI. The Bechuanaland Railway Company agrees to erect at Mafeking suitable workshops for ordinary running repairs of the rolling stock required for the working of its lines; the erection of such workshops, as well as of a new Station there, to be taken in hand at once and carried to completion with the least possible delay.

VII. This agreement shall be terminable, provided that at least six months' notice be given by either party to the other of its intention to terminate the agreement.

VIII. Any difference that may arise in connection with this agreement shall be settled by arbitration in the usual way, each party to the agreement nominating one arbitrator, and they, in the event of their not being able to agree, will nominate an umpire, whose award shall be final.

(Signed) J. SIVEWRIGHT,
Commissioner of Public Works.

(Signed) C. J. RHODES,
Managing Director of the
Bechuanaland Railway Company, Limited.

As Witnesses:—

(Signed) LEWIS MANSERGH.
" R. A. HEMMENS.

J.)—CONVENTION between the Government of Natal and the Government of the Orange Free State, entered into on the 12th and 24th June, 1890, for the construction, equipment, working, and maintenance of a Line of Railway within the Orange Free State, from Van Reenen's Pass to the Town of Harrismith.

Whereas the Volksraad of the Orange Free State, by resolutions respectively of the 17th and 18th of January, 1889, and of the 18th of June, 1889, has authorised and empowered the President of that State to enter into and conclude a Convention or Agreement with the Governor of Natal for the construction, equipment, working, and maintenance of a Line of Railway within the Orange Free State, from a point commencing by a junction with a Natal Line of Railway at or near Van Reenen's Pass, and terminating at the town of Harrismith :

And whereas by Law No. 12, 1889, entitled Law "to authorise the Governor of Natal to enter into and conclude a Convention with the Orange Free State for the construction of a Railway," the Governor of Natal is authorised to enter into and conclude a Convention as aforesaid :

And whereas the said Law No. 12, 1889, provides that the conditions set forth in the Schedule of the said Law shall, as near as may be, form the basis of the terms, conditions, and stipulations to be adopted and enacted in such Convention to be mutually agreed upon between the contracting parties :

And whereas the Governor of Natal has been authorised and empowered for and on behalf of Her Majesty to enter into and conclude a Convention :

Now, therefore, the Governor of Natal, authorised and empowered as aforesaid, acting for and representing the Government of the Colony of Natal, and the President of the Orange Free State, acting for and representing the Government of the Orange Free State, have agreed upon and concluded the following Articles :—

PART I.

CONSTRUCTION, WORKING, AND MAINTENANCE.

ARTICLE I.

A. "Natal Government" shall mean the Government of the Colony of Natal.

B. "Free State Government" shall mean the Government of the Orange Free State.

C. The Railway shall, unless otherwise specifically mentioned, mean the Line of Railway with sidings and other accessories thereto, and works of every description from the boundary of the Colony of Natal, at or near Van Reenen's Pass, on the Drakensberg Mountains, to the town of Harrismith, according to surveys heretofore made under order of the Free State Government, subject to such alterations as may be mutually agreed upon.

ARTICLE II.

The Free State Government agrees to grant, and does hereby grant, to the Natal Government, the exclusive right to construct, equip, maintain, and work the Railway, and, so long as the Railway shall be worked by the Natal

Government, will not allow any competing line of Railway to be constructed between the town of Harrismith, within the Orange Free State, and the border of the Colony of Natal.

ARTICLE III.

The Natal Government agrees to construct, equip, maintain, and work the Railway, at its own risk and cost, without any guarantee of interest on the part or on behalf of the Free State Government; such construction, equipment, and maintenance to be in all respects of equality, as regards stability and efficiency, with those of the best constructed lines of Railway, for the time being, under the control and management of the Natal Government, within the Colony of Natal. The Natal Government further agrees to work the same to the reasonable satisfaction of the Free State Government, and to receive and convey passengers, goods, animals, articles and things, and to regulate the traffic, so as to develop the same with due regard to the mutual interests of both Governments.

ARTICLE IV.

The Railway shall be a single line of Railway, with the necessary sidings, stations, goods sheds, signal stations, platelayers' cottages, residences for Railway servants, watering places for Railway purposes, and other appurtenances (including engines and rolling stock) of a well equipped Railway, and shall be fenced throughout its entire length, provided that all plans and estimates of the Railway, and the number and locality of its sidings, stations, goods sheds, signal stations, platelayers' cottages, residences for Railway servants, watering places for Railway purposes, as also number and specifications of all other appurtenances (including rolling stock) shall be submitted for the approval of the Free State Government.

ARTICLE V.

The Natal Government shall be bound to provide new engines and rolling stock for the Railway according to the specifications contained in the Schedule referred to in the following Article (Article VI). The engines and rolling stock of the Railway shall, as far as practicable, be used for the conveyance of traffic between the Orange Free State and Natal, and within the Orange Free State. In the event of the Railway being extended, this Article shall be subject to revision by mutual agreement.

ARTICLE VI.

Two duly qualified Engineers shall be appointed, one by the Free State Government and the other by the Natal Government; such Engineers shall jointly examine the surveys already made, and shall make such other surveys as may be required to enable them to report as to the best route to be adopted for the Railway, and they shall thereafter frame an estimate of the cost of the construction and equipment complete in every respect of the Railway; such estimate shall, subject to the approval of the two Governments, be taken as the maximum prime cost of the Railway and its equipment, and shall be appended to, and regarded as part of, this Convention, and shall form Schedule A thereto.

ARTICLE VII.

The Free State Government undertakes from time to time, and when called upon to do so by the Natal Government, and at the cost of the latter when compensation has to be paid, to provide all such land, including land required for the raising and carrying of materials, sites for stations, goods

sheds, signal stations, platelayers' cottages, residences for Railway servants, sidings, watering places for Railway purposes, and otherwise as may be deemed requisite, convenient and necessary for the construction, working and maintenance of the Railway, and the proper equipment in all respects of the Railway, and of all accessories thereto, it being understood that the amount of any compensation paid by the Free State Government for land so acquired shall be refunded by the Natal Government, and shall form part of the capital cost of construction of the Railway.

ARTICLE VIII.

The gauge to be adopted upon the Railway shall be the gauge of three feet six inches.

ARTICLE IX.

The rails to be used in the construction of the Railway shall be of steel, the rails weighing not less than sixty pounds per yard. The sleepers to be used in the said construction shall, unless otherwise mutually agreed upon, be either of steel or wrought iron.

ARTICLE X.

The Natal Government undertakes to have the Railway opened for public traffic within three years from the date of the turning of the first sod of the Ladysmith-Harrismith Railway (7th November, 1889), provided that, in the event of the line not being completed within the period abovementioned, and in the event of the Free State Government preferring any claim against the Natal Government for such non-completion, such claim shall be referred to arbitration in terms of Article I., Part VII. Provided further, that if, by reason of any unforeseen event beyond the control of the Natal Government, such as unusual floods causing destruction of bridges or otherwise, wrecks of vessels containing Railway materials for the Railway, or act of God generally, the Natal Government shall not be in a position to complete the Railway as aforesaid, within the time above specified, such further time shall be granted to that Government for such completion as may be decided upon by agreement between the two Governments, or in case of difference, by arbitration, as herein provided under Article I., Part VII.

ARTICLE XI.

Before the Railway is open for traffic the Natal Government shall be required to erect along the line of Railway a proper and substantial line of Telegraph similar to that employed on the Natal Railways, as specified and provided for in the estimate to be framed under Article VI., to be used for the purposes of, and in connection with, the Railway, but not otherwise, excepting where specially required by the Free State Government, in which case the Natal Government shall be obliged to make provision for the transmission of messages at the rates for the time being ruling in the Orange Free State, and subject to further regulations to be agreed upon by the said Governments; the proceeds of such messages to be carried to the revenue account of the Railway.

ARTICLE XII.

The Free State Government shall have the right to appoint, from time to time, as may be thought fit, a duly qualified Engineer or other official, to inspect and approve of the construction, maintenance, materials, rolling stock and manner of working of the Railway; and in case such Engineer or other official shall object to any part of such construction, or maintenance, material, manner of working, and rolling stock, the Free State Government shall be

entitled to call upon the Natal Government to remedy any defect, specifically referred to by a notice in writing from such Engineer, or other official, and in the event of the Natal Government refusing to remedy such defect within a reasonable time, the matter shall be referred to arbitration in manner provided in Article I., Part VII.

ARTICLE XIII.

The estimate set out in Schedule framed under Article VI. shall serve as a guide to the requirements for the construction of the Railway, but shall not necessarily bind all the parties so as to exclude the necessity for the construction of other and further needful works as may be mutually agreed upon.

ARTICLE XIV.

The Natal Government undertakes to use its best efforts to maintain and work the Railway to the satisfaction of the Free State Government, and to provide, where necessary, officials who shall understand both English and Dutch languages, and all time-tables, notices, and other printed matter affecting the public shall be printed in both languages.

PART II.

EXTENSIONS IN CONNECTION WITH OTHER LINES.

ARTICLE I.

As soon as the Free State Government shall be authorised to extend the Railway in any direction, or to make any connection with the Railway, while the same shall be under the control of the Natal Government, the latter Government shall have the option to construct, equip, maintain, and work such extension or connection upon the same terms and conditions as those contained in this Convention, with such variations as altered circumstances may require, and may be agreed upon between the said Governments; provided, however, that the option so to construct, equip, maintain, and work such extension or connection shall not be deemed as granted further in a westerly direction than to the first point of junction, to be decided upon with the extension of either the Cape or Transvaal systems of Railways; and it is further agreed that whilst the Railway, or any extension thereof or connection therewith, shall be under the control or management of the Natal Government, no higher tariff shall be charged on, and no regulations for working shall be made for, any extension northward beyond the said point of junction, than that provided by this Convention, except on agreement with the Natal Government.

ARTICLE II.

The Natal Government shall, whilst working the Railway, permit any other line to connect with it when so required by the Free State Government at the cost of such line; the Natal Government giving the same every facility required for the proper working of passenger and goods traffic; any difference on this point to be referred to arbitration in the manner provided by Article I., Part VII., of this Convention.

PART III.

TARIFFS.

ARTICLE I.

All materials requisite for the construction, equipment, working, and maintenance of any Railways in the Orange Free State, shall be carried over the Railway lines under the control and management of the Natal Government at a rate not exceeding three pence per mile per ton of 2,240 lbs., and the fares charged for the conveyance over these Railway lines of officers and men required for the said Railways shall be calculated at a reduction of 50 per cent. upon the ordinary passenger fares charged upon the Railway lines of the Natal Government.

ARTICLE II.

The ordinary rates and fares to be charged upon goods, passengers, animals, articles, and things on the Railway, that is to say, from any station within the Orange Free State to any other station within the said State, and to any station on the Natal Government Railways, and *vice versa*, shall be in accordance with the tariff of the Natal Government Railways, dated August, 1889, as set forth in Schedule B, hereunto annexed, and subject to the limitations therein provided for, it being understood that the rates for through up-country traffic, and down through colonial produce traffic, that is, traffic conveyed from Point, Durban, and Pietermaritzburg to the terminus of the Railway, and *vice versa*, respectively, shall be proportionate, according to mileage, to the similar rates chargeable for conveyance of the said traffic by the Natal Government Railways tariff, dated August, 1889. It being further understood that, as soon as any extension of the Railway from Harrismith shall be made, the tariff on the Railway, and any extension thereof, shall be subject to readjustment.

ARTICLE III.

In case it shall at any time be thought desirable to make any alterations of the Tariff as contained in Schedule B under Article II., Part III., of this Convention, such alterations shall be decided upon by agreement between the Natal Government and the Free State Government, or, in case of any difference between said Governments, by arbitration as provided by Article I., Part VII., of this Convention.

ARTICLE IV.

The Natal Government undertakes to convey over the Railway all letters, newspapers, parcels, and other postal matters usually conveyed through the post, at a fixed rate of £7 10s. per annum per mile, which rate shall be charged to the Free State Government from the date on which such letters, newspapers, and other postal matters aforesaid, shall first be conveyed over the Railway, and such rate of £7 10s. per mile per annum shall figure in the account of receipts as part of the earnings of the Railway. When it becomes necessary to run a postal van upon the Railway, the said rate shall be increased to £12 per mile per annum.

ARTICLE V.

In case the Free State Government should take over the Railway, all and singular the provisions of this Convention relating to the obligation to receive and convey passengers, goods, animals, articles and things, and to the fixing of through rates for goods conveyed over the Railway systems of both the Colony of Natal and the Orange Free State, shall apply, subject to such alterations as may be mutually agreed upon.

ARTICLE VI.

As between the said Colony and the said State, no higher Railway fares or rates shall be charged upon passengers, goods, animals, articles, or things coming from either the said Colony or the said State than are charged for the time being upon the same class of passengers, goods, animals, articles or things within the Colony and State into which or through which such passengers, goods, animals, articles, and things may pass.

PART IV.

ACCOUNTS.

ARTICLE I.

The Natal Government shall keep all necessary books and accounts setting forth the cost of construction and the revenue and working expenditure of the Railway, in the same way as the accounts of the Natal Government Railway Department are kept, and such accounts shall at all times be open to the inspection of any person appointed in writing for that purpose by the Free State Government, who may take extracts from such books and accounts as he may think proper. The Natal Government shall also furnish to the Free State Government monthly returns of approximate receipts for publication in the *Government Gazette* of the said State. The gross revenue of the Railway shall be ascertained and determined as follows, namely:—

A. The receipts derived from all traffic which both arises and terminates upon the Railway, shall be credited to, and reckoned as, the revenue of the Railway.

B. The receipts derived from through traffic passing from the Railway to the Natal Government Railways, or *vice versa*, shall be apportioned rateably according to the mileage over which such traffic shall pass on the said Railway and the Natal Government Railways.

ARTICLE II.

With the view of saving complicated book-keeping, it is agreed that the expense of management, working, and maintenance of the Railway shall be determined by assuming the same in each half year to be equal to 55 per cent. of the gross revenue derived from the said Railway as in Article I. of this Part.

ARTICLE III.

On or before the 1st day of March and the 1st day of September in each year, after the opening of the Railway for traffic, the Natal Government shall furnish the Free State Government with a full and true account for the half-year ending 31st December and 30th June in each year respectively, showing all receipts and expenditure in connection with the Railway, as defined in Articles I. and II. of this Part; and all data relating to the said accounts shall be open to the inspection of any person appointed in writing by the Free State Government to examine and audit the said accounts.

ARTICLE IV.

In the accounts to be furnished as provided by Article III. of this Part, there shall from time to time be included to the debit of the Revenue

account of the Railway interest calculated at a rate not exceeding 4 per cent. per annum upon the capital sums up to that time expended by the Natal Government upon construction of the Railway. The profits, if any, shall be divided annually between the Natal Government and Free State Government in equal shares. In case there shall be no profits, the loss, if any, shall be borne by the Natal Government solely, provided always that in case there shall have been a loss upon the working in any one or more years, no profits upon the working of any succeeding year shall be payable until the loss in the previous year or years has been recouped.

ARTICLE V.

In the event of the Free State Government desiring to subscribe to any portion of the loan required by the Natal Government for the construction of the Railway, the first-mentioned Government shall be at liberty to do so in manner to be agreed upon between the Natal Government and the Free State Government, such amount of the Free State Government's subscription to be taken as a set-off against the cost of the construction of the Railway in the event of that Government taking over the Railway, as hereinafter provided in Article I., Part VI.

PART V.

LEGISLATION, REGULATION, AND LAW SUITS.

ARTICLE I.

The Free State Government undertakes to submit to the Volksraad of the Orange Free State such legislation as may be requisite to carry into effect the objects and purposes of this Convention, and more especially:—

A. To authorise such surveys as may become necessary.

B. To provide for the regulation and management of the Railway, so that the Natal Government may be enabled fully to manage and control the same.

ARTICLE II.

Copies of all ordinary passenger time tables and all regulations for the Railway affecting the public shall be forwarded immediately on publication to the Free State Government, and such time tables and regulations shall be subject to the provisions of Article XII., Part I., of this Convention.

ARTICLE III.

The Natal Government undertakes to submit to the Legislative Council of the Colony of Natal all such legislation as may be necessary to empower that Government to carry out the provisions of this Convention.

ARTICLE IV.

In any action, suit, or proceeding, by or against the Natal Government in any Court of the Orange Free State, and arising within the said State, the Natal Government may sue and shall be capable of being sued in the name of the General Manager of the Natal Government Railways for the time being, and if necessary the Free State Government undertakes to submit to the Volksraad of the Orange Free State any legislation which may be requisite for carrying into effect this purpose.

The Natal Government shall have *domicilium citandi et executandi* at the office of the Railway at Harrismith, where also all necessary notices may be served.

PART VI.

TAKING OVER OF THE RAILWAY BY THE ORANGE
FREE STATE.

ARTICLE I.

Whenever the Free State Government shall deem it expedient to assume the ownership of the Railway and work and maintain the same at its own risk and expense, the Government of Natal shall, upon the expiration of six months' notice to that effect, given in writing by the Free State Government, hand over to the Free State Government in good and full working order, condition, and repair, and the Free State Government shall be bound to take over at the expiration of the said six months' notice, provided the same be in good and full working order and repair, the Railway and all buildings and appurtenances, including engines and rolling stock to be set forth in Schedule A, referred to in Article VI., Part I., of this Convention, and every other article or thing belonging to or connected with the said Railway: Provided that the Free State Government shall not be at liberty to take part of the Railway only.

ARTICLE II.

On taking over the Railway as aforesaid, the Free State Government shall pay to the Natal Government the actual cost of the Railway, that is to say, the original cost of construction and equipments as agreed upon under Article VI., Part I., of this Convention, together with any further capital expenditure for additional accommodation and equipment which may have been agreed upon between the respective Governments.

ARTICLE III.

In the case the Free State Government shall take over the Railway as herein provided for, and in case that Government should thereafter deem it expedient to dispose of the Railway, the Free State Government undertakes to make the first offer of such disposal to the Natal Government, such conditions to be binding upon the Free State Government for a period not exceeding 10 years after such State shall have taken over the Railway as aforesaid.

ARTICLE IV.

At any time when it shall so desire the Free State Government shall have the right to take temporary possession, for urgent State purposes, to be certified to His Excellency the Governor of the Colony of Natal by His Honour the President of the Orange Free State, of the whole or any part of the Railway, including rolling stock, buildings, and everything connected therewith, but shall, in such case, compensate the Natal Government to the full amount of all damage proved to have been directly sustained in consequence of such action; in case of difference such amount shall be settled by arbitration in terms of Article I., Part VII., of this Convention.

PART VII.

ARBITRATION.

ARTICLE I.

Any dispute or question between the Natal Government and the Free State Government arising out of the construction, equipment, working, or maintenance of the Railway under this Convention shall be referred to arbitration, each Government to appoint one arbitrator, and the two arbitrators so appointed to appoint a third, and if the said two first arbitrators shall not agree upon the selection of a third arbitrator, then it shall be competent for the High Court of the Orange Free State, on application made by either party to the dispute, to appoint such arbitrator, the award of the majority to be final.

Given under my hand and the Public Seal of the Colony of Natal, at Pietermaritzburg, this Twelfth day of June, One Thousand Eight Hundred and Ninety.

C. B. H. MITCHELL,
Governor of Natal.

Given under my hand and the Great Seal of the Orange Free State, at Bloemfontein, this Twenty-fourth day of June, One Thousand Eight Hundred and Ninety.

F. W. REITZ,
State President of the Orange Free State.*

(K.)—*AGREEMENT dated the Third day of February, Eighteen Hundred and Ninety-four, between Jacobus Stephanus Smit, Esq., Government Commissioner for Railways in the South African Republic; Gerrit Adriaan Arnold Middelberg, Esquire, Director of the Netherlands South African Railway Company; Maximiliaan Emile Hubert Breuning, Esquire, Chief Engineer of the Netherlands South African Railway Company, Members of a Committee appointed by the Government of the South African Republic, and representing as such the aforesaid Government, and the Honourable Thomas Keir Murray, Minister of Lands and Works of the Colony of Natal; and David Hunter, Esq., General Manager of the Natal Government Railways, Delegates of the Government of the Colony of Natal:*

Whereas the Government of the South African Republic and the Government of the Colony of Natal, are mutually desirous of immediately extending the Railway communication now terminating at Charlestown, in the Colony of Natal, to Johannesburg and Pretoria, in the South African Republic:

And whereas an Agreement was on the 25th day of November, 1892, entered into between the Government of the South African Republic and the Government of the Colony of Natal, providing for the survey of the said Railway Extension:

And whereas the detailed survey of the said Railway Extension has been completed:

* For authority for this Convention see *Minutes of the Honourable the Volksraad*, 18th January, 1890, Subject: Railways, Ways and Means of Construction, motion proposed by Mr. H. Klijnveld; and Natal Law No. 12, 1889.

And whereas the Honourable the First Volksraad of the South African Republic did, by resolution on the 25th day of August, 1893, approve of the building and construction of the said Railway Extension, and authorise the Government, with the advice and consent of the Executive Council, to take steps for the carrying out of such Resolution :

And whereas the Government of the South African Republic, with the advice and consent of the Executive Council as aforesaid, did, on the 4th day of January, 1894, finally decide upon the construction of the said Railway Extension :

Now therefore it is hereby agreed as follows :

ARTICLE I.

That the Government of the Colony of Natal shall immediately extend its line of Railway from Charlestown to the boundary between the Colony of Natal and the South African Republic.

ARTICLE II.

That the Government of the South African Republic shall, with all possible speed, construct, equip, and work, or cause to be constructed, equipped and worked, a line of Railway from the terminus of the Natal Government Railway on the boundary *via* the towns of Volksrust, Standerton, and Heidelberg, to the station at Elsburg, or to such other point of the line of Railway between Vereeniging and Elandsfontein, as may be chosen by the Government of the South African Republic, provided always, that the through distance to Johannesburg and Pretoria as already surveyed, shall not be materially increased.

ARTICLE III.

That the construction and the equipment of the lines of Railway referred to in Articles 1 and 2, shall be in all respects of equality as regards stability and efficiency with the best constructed lines of Railway in the Colony of Natal and the South African Republic, and serviceable for the conveyance of a heavy and fast traffic.

ARTICLE IV.

That the work of constructing the line of Railway referred to in Article II shall be commenced from the Volksrust and Johannesburg ends immediately, and that in order to accelerate the completion of the work the line of Railway from Delagoa Bay shall be utilised to convey the rails and other materials necessary for the construction from Delagoa Bay to the point of junction on the line of Railway from Vereeniging to Elandsfontein as soon as such Railway is sufficiently completed to permit of this being done, and it is hereby further agreed that the aforesaid line of Railway from Volksrust shall be completed and opened for public traffic to Johannesburg and Pretoria if possible by 31st July, 1895, but not later than 31st December, 1895, and that as soon as the line can possibly be made fit for traffic it shall be opened in sections from Volksrust to Standerton and Heidelberg respectively in anticipation of the opening of the line throughout.

ARTICLE V.

That the Government of the Colony of Natal binds itself not to construct or work any extension of the line of Railway from Ladysmith to Harrismith which joins on any point to the north of Kroonstadt of the now existing line of Railway through the Orange Free State.

ARTICLE VI.

That near the boundary there shall be provided a joint station where the service of the Natal Government Railways Administration shall terminate and the service of the South African Republic Railway Administration shall commence, the site of this station to be in the option of the Government of the South African Republic, and the plans to be designed by one or other of the Administrations as may be arranged in conjunction with the other.

ARTICLE VII.

That the two contracting Governments bind themselves to promote in every way the practical and expeditious working of the through traffic from places in the Colony of Natal to places in the South African Republic, and from places in the South African Republic to places in the Colony of Natal, and to grant to each other all usual and useful facilities for the interchange, development, and satisfactory working of the traffic.

ARTICLE VIII.

That in order to promote efficient co-operation an agreement shall be entered into between the two Railway Administrations, subject to the approval of the respective Governments, having regard to the following points:—

- (a) The conditions for the use of the one Administration of the line of Railway from the boundary to the joint Station near the boundary, and for the common use of the said Station.
- (b) Regulations for the interchange of rolling stock and goods in through traffic, payment for hire of rolling stock, the through traffic in passengers, goods, animals, articles and things, the facilities for the loading, unloading, collection and delivery of goods, the system of dividing and accounting for the proportions of fares and freights due to the respective Administrations, and all other practical details which are necessary to secure efficient and economical working.
- (c) The harmonising of the Systems, whereby the rolling stock of the respective Administrations, with their continuous break and other appliances, may conveniently couple and interchange with each other.
- (d) The mutual assistance to be rendered by the one Administration to the other in the matter of staff, labour and other matters in which such mutual assistance would be possible and beneficial.

ARTICLE IX.

That the running of the trains on both lines of railway shall be so regulated as to avoid unnecessary delay, and so as to afford the best possible through service.

ARTICLE X.

That the consignment notes for through traffic shall be drawn up by both Railway Administrations in conjunction with each other, and shall be printed in both the Dutch and English languages.

ARTICLE XI.

That the Railway Administration of each Government shall fix the rates applicable to its own line, and in the case of the route *via* Volksrust, the through rates for goods traffic from Port Natal to Johannesburg and Pretoria shall be the sum of the two Administration rates, provided always that the rates for ordinary goods per mile and per ton of 2,000 lbs. shall not exceed

6d. per mile and per ton, and shall not be lower than 3d per mile and per ton, and that the rates for rough goods (that is to say, coal, quartz, of less value than £45 per ton, stone, unmanufactured wood, &c., in quantities of at least five tons) shall not exceed 3d. per mile and per ton, and shall not be lower than 1½d. per mile and per ton.

ARTICLE XII.

That if the through rates from Port Natal to Johannesburg and Pretoria upon the aforesaid basis shall become higher than the rates from Delagoa Bay to Johannesburg and Pretoria, in proportion to the mileage of the lines of both Administrations, then the through rates from Port Natal to those places shall after consultation between the two Railway Administrations be reduced to the proper proportions, but neither of the two Administrations shall be bound to accept lower rates than the minimum rates specified in Article XI, and the rates from Port Natal to Johannesburg shall not in any case be more than 20 per cent. higher than the corresponding rates from Delagoa Bay to Johannesburg, and the rates from Port Natal to Pretoria shall not in any case be more than 40 per cent. higher than the rates from Delagoa Bay to Pretoria.

ARTICLE XIII.

That should any circumstance arise which may necessitate reconsideration of the rates and other arrangements herein set forth in connection with the promotion of the traffic, either Administration may at any time call upon the other Administration for consultation, with a view to making the necessary alterations.

ARTICLE XIV.

That the Government of Natal binds itself to fix the rates to be charged on its lines of Railway in the Colony of Natal, and (subject always to its existing obligations) on Railways worked by it in other States, in such manner that the sum of the rates charged by the Railway Administrations of Natal and the South African Republic shall not be lower than the rates per mile and per ton on the traffic between Delagoa Bay and Johannesburg and Pretoria.

ARTICLE XV.

That the rates for the conveyance of passengers over the lines of both Railway Administrations, shall not exceed the following:—First class 3d. per mile, lowest class 2d. per mile.

ARTICLE XVI.

That the Government of the Colony of Natal binds itself not to charge on goods from Foreign ports and destined for places in the South African Republic dues which are higher than the transit duties which are now in force, or lower than the transit duties at Delagoa Bay, and the Government of the South African Republic shall afford to the Government of Natal all trade facilities which may have been or may be granted to any other Government.

ARTICLE XVII.

That the two contracting Governments bind themselves to co-operate in every way to ensure the substantial and speedy construction of the line of Railway referred to in Article II., and the Government of the Colony of Natal shall convey over its existing lines all materials, goods, or things necessary for the construction and working of the aforesaid Railway, with the least possible delay, at the rate of one penny and one halfpenny per ton and per mile, and shall pass all such materials free of all Customs and transit dues.

ARTICLE XVIII.

That in the event of it being found that either of the routes *via* Delagoa Bay or Charlestown is carrying a share of the gross goods traffic from the seaboard to Johannesburg and Pretoria which shall exceed one-half or to be less than one-third of such gross goods traffic, the two contracting Governments agree that upon the application of either, a further Conference shall take place for the purpose of reconsidering the rates, and making such re-adjustment thereof as shall be calculated to bring about a more equitable division of the traffic carried by both routes.

ARTICLE XIX.

That it shall be understood between the two contracting Governments that they shall work together in a spirit of amity and friendship for the promotion of the traffic between the South African Republic and the Ports of Delagoa Bay and Natal, and all the provisions of this Agreement shall be construed in the sense of the said understanding.

ARTICLE XX.

That any dispute or question arising out of this Agreement shall be referred to arbitration, each Government to appoint one arbitrator and the two arbitrators so appointed to appoint a third, and if the said two first arbitrators shall not agree upon the selection of a third arbitrator, then the Chief Justice of the South African Republic, upon application made by either party, shall appoint such third arbitrator, and the award of the majority shall be final.

ARTICLE XXI.

This Agreement is subject to the approval of the Government of the South African Republic.

ARTICLE XXII.

This Agreement is subject to the approval of the Government of the Colony of Natal, on or before the 20th February, 1894.

J. S. SMIT,

Government Commissioner for Railways in the South African Republic.

G. A. A. MIDDELBERG,

Director of the Netherlands South African Railway Company.

M. BREUNING,

Chief Engineer of the Netherlands South African Railway Company.

THOS. K. MURRAY,

Minister of Lands and Works of the Colony of Natal.

DAV. HUNTER,

General Manager of the Natal Government Railways.

The Government of the South African Republic hereby signifies its approval of the foregoing Agreement.

S. J. P. KRUGER,

State President of the South African Republic.

C. v. BOESCHOTEN,

Acting State Secretary of the South African Republic.

Pretoria, 3rd February, 1894.

The Government of the Colony of Natal hereby signifies its approval of the foregoing Agreement.

By command of His Excellency the Governor in Council.

JOHN ROBINSON,

Pietermaritzburg, 12th February, 1894.

Prime Minister.

(L.)—*AGREEMENT between the Railway Administration of the Government of the South African Republic for the time being, the Netherlands South African Railway Company, represented by Maximilian Emile Hubert Breuning, Esquire, Engineer-in-Chief, and the Railway Administration of the Government of the Colony of Natal, represented by David Hunter, Esquire, General Manager of the Natal Government Railways.—12th February, 1894.**

Whereas an agreement entered into upon the Third day of February, 1894, between the representatives appointed by the Government of the South African Republic and Delegates of the Government of the Colony of Natal providing for the immediate extension of Railway communication now terminating at Charlestown, in the Colony of Natal, to Johannesburg and Pretoria, in the South African Republic, has been approved by the Governments of the South African Republic and the Colony of Natal respectively: and

Whereas it is expedient that a further agreement should now be entered into between the Railway Administrations of the Government of the South African Republic and the Governments of the Colony of Natal, for the proper carrying out of the provisions of the aforesaid Agreement:

Now, therefore, it is hereby agreed as follows:—

DEFINITIONS.

- “The Administration” shall mean the Railway Administration of the Government of the South African Republic.
- “Contractor” shall mean the Railway Administration of the Government of the Colony of Natal.
- “The Engineer-in-Chief” shall mean the Engineer-in-Chief of the Railway Administration of the Government of the South African Republic.
- “The Resident Engineer” shall mean the Chief Engineer in charge of Construction appointed by the Railway Administration of the Government of the Colony of Natal.
- “The Engineer” shall mean the Sectional Engineer entrusted with the execution and supervision of the work.
- “The Railway” shall, unless otherwise specifically mentioned, mean the Line of Railway with Sidings and other accessories thereto, and works of every description, from the boundary of the South African Republic at or near Volksrust, to the point of junction with the Line of Railway from Vereeniging to Elandsfontein.

ARTICLE I.

That the Administration entrusts to Contractor, and Contractor hereby undertakes to carry out, the construction of the Railway from the boundary of the South African Republic, near Volksrust, to the point of junction with the Line of Railway from Vereeniging to Elandsfontein as shall be determined by the definitive plans, provided always that, in order to expedite the completion of the Railway, it shall be competent for the Administration and Contractor to agree that the portion of the Railway between the said point of junction and Heidelberg shall be constructed by the Administration.

* Published in the *Natal Government Gazette* (Govt. Notice No. 119, 1894), 29th March, 1894.

ARTICLE II.

That the Survey of the Railway carried out in terms of the Agreement, dated the 25th day of November, 1892, between the Government of the South African Republic and the Government of the Colony of Natal, shall be the basis of the construction of the Railway, subject to such modifications and improvements as may be found expedient.

ARTICLE III.

That the Construction of the Railway shall be carried out by Contractor in terms of the Agreement, dated the 3rd February, 1894, between the Government of the South African Republic and the Government of the Colony of Natal, and that the work shall be executed in the same manner in every respect as if it were being done in the interests of Natal.

ARTICLE IV.

That the work to be undertaken by Contractor shall consist of the preparation of plans, the construction of the earthworks, masonry, stone-facings and stone-slopings, the ballasting of the Line, the laying of the Rails, the construction and erection of all Station Buildings, Railway Servants' Cottages, and Locomotive and Goods Sheds, the erection of the super-structures of Bridges, the laying of Pipes for carrying off Water, the fixing of Signal systems and appliances for supplying Water, the erection of Telegraphs, and generally the performance of all the work implied in Railway construction, which definition shall be held to include the supplying of the necessary Engineering, Clerical, and Supervising Staff, skilled and unskilled labour, implements, utensils, building and all other material (excepting such as shall be furnished by the Administration according to Article IX), the transport of all building material and plant, the delivery of beacon posts, mile-posts, fittings, and everything required in surveying and setting out the earth, masonry, and iron works, and for the satisfactory completion of the works.

ARTICLE V.

That in preparing the plans of Station Yards, Buildings, Houses, Culverts, Bridges, and such like, the adopted types of the Administration shall be followed as closely as possible.

ARTICLE VI.

That the railway shall be constructed according to the normal transverse section to be fixed by the Administration.

ARTICLE VII.

That in case Contractor shall decide to give out to a Contractor or Contractors any part of the work, the subject of this Agreement, such work shall be put up to public tender, under conditions to be approved by the Engineer-in-Chief, and the lowest tenderer shall be entrusted with the work, unless the Resident Engineer and the Engineer-in-Chief decide that, in the best interests of the work, another tender shall be accepted.

ARTICLE VIII.

That for the purpose of carrying out the work, the Engineer-in-Chief and Resident Engineer shall divide the Railway into approximate sections. Before commencing the construction of a section, Contractor shall lay out the Line, prepare a ground plan in the Dutch and English languages, with longitudinal sections thereof, and, if required, also transverse sections and

estimates, and obtain the approval thereof of the Engineer-in-Chief, which shall be given with the least possible delay.

ARTICLE IX.

That the Administration shall deliver free of charge to Contractor at the landing wharf at Port Natal, or at the junction between Vereeniging and Elandsfontein, referred to in Article I (for the portion of the Line which may be constructed from that end of the Railway), all the necessary rails, sleepers, and points, with accessories, the iron work of the bridges, the material for the telegraph, pipes, signals, mile-posts, water appliances, furniture and rolling stock, and such material shall be delivered by the Administration to Contractor, so that no delay shall be caused to Contractor in carrying out the work; provided always that the actual cost of all such material shall be paid for to the Administration by Contractor, and shall be recovered by Contractor from the Administration, as provided for in Article XV.

ARTICLE X.

That the works entrusted to Contractor shall be handed over complete to the Administration on or after the 31st July, 1895, but not later than the 31st December, 1895; provided always that if by reason of any unforeseen event beyond the control of the two contracting parties, such as unusual floods causing destruction of bridges or otherwise, wrecks of vessels containing Railway materials for the Railway, or act of God generally, Contractor shall not be able to complete the Railway within the specified time, such further time shall be granted to Contractor for the completion as may be decided upon by agreement between the two contracting parties, or in case of difference, by arbitration as provided for in Article XVII; provided further, that if without the intervention of such special causes Contractor shall fail to complete the aforesaid works before the 31st July, 1896, the Administration may then, without further notice, take over the works and complete them by its own staff and means.

ARTICLE XI.

That Contractor and the Administration shall co-operate so that the use of the Railway for public traffic from the Colony of Natal to Standerton and Heidelberg, respectively, or from the point of junction with the line of Railway from Vereeniging to Elandsfontein to Heidelberg, and *vice versa*, may be assured at the earliest possible date, in anticipation of the opening of the Railway throughout to Johannesburg and Pretoria.

ARTICLE XII.

That the execution of the works shall be carried out in accordance with the specification hereto annexed, which, after being adjusted between Natal and the Administration, and in token thereof signed by the Engineer-in-Chief and Resident Engineer, shall be held to be a part of this Agreement.

ARTICLE XIII.

That so far as may be reasonable or possible under the Law of the South African Republic, the Administration shall obtain and afford to the Engineers, Surveyors, Contractors, and other Officers, and to the other members of the Staff employed by Contractor upon the work of Construction, every facility for entrance upon land, and shall place Contractor, without loss of time, in possession of all land required for the purpose of this Agreement, including land required for the raising and carrying of Materials, sites for Stations, Goods Sheds, Signal Stations, Platelayers, Cottages, Residences

for Railway Servants, Sidings, Watering Places for Railway purposes, and otherwise, as may be deemed requisite, convenient, and necessary for the Construction and proper equipment of the Railway and all accessories thereto, and the Administration shall further give to Contractor all other usual and useful facilities for carrying out the work of Construction.

ARTICLE XIV.

That all tents and other equipments, Instruments, Horses, Mules, Oxen, Carts, Wagons, and other materials used for the purposes of Construction of the Railway shall be allowed to pass into and through the South African Republic free of all Customs Duties.

ARTICLE XV.

That Contractor shall accept as payment for the Construction of the Railway, including the salaries and wages paid, materials supplied, payments to Contractors and all other charges, the actual amount expended without adding any profit whatsoever, and such amount shall be refunded to Contractor by the Administration, at the option of the latter, either in cash or in Debenture Bonds bearing interest at the rate of Four per centum per annum, redeemable within Forty-five years, the interest and redemption of which shall be directly guaranteed by the Government of the South African Republic, in manner following, that is to say :—

On the first day of each month, the Resident Engineer and the Engineer-in-Chief shall agree upon and certify a statement setting forth the value of materials provided and work done during the preceding month : such certificates shall be as closely approximate as possible and represent in globular sums the value due to Contractor, and upon receipt of such statement, duly certified as aforesaid, the Administration shall either pay to Contractor the amount in cash, or issue the aforesaid Debenture Bonds of One Hundred Pounds Sterling each for every Ninety-five Pounds Sterling of the amount payable to Natal, the interest upon such Bonds being payable half-yearly, and the interest being calculated from the fifteenth day of the month during which the expenditure by Contractor was incurred.

ARTICLE XVI.

That the Administration shall within six months from the date of this Agreement notify in writing to Contractor the total amount of money which Contractor will be required to advance against the Debenture Bonds referred to in Article XV, but the amount of money to be so advanced by Contractor shall not in any case exceed One Million Two Hundred and Fifty Thousand Pounds Sterling ; provided, further, that in the event of the Administration desiring within six months from the date of this Agreement to redeem any Bonds which may have been issued during that period, under the provisions of Clause XV, such Bonds shall be exchanged by Contractor for the sum advanced by Contractor thereupon, with the addition of interest at the rate of Four per centum per annum.

ARTICLE XVII.

That any dispute or question arising out of this Agreement shall be referred to Arbitration, each Administration to appoint one Arbitrator, and the two Arbitrators so appointed to appoint a Third, and if the said two first Arbitrators shall not agree upon the selection of a third Arbitrator, then the Chief Justice of the South African Republic, upon application made by either party, shall appoint such third Arbitrator, and the award of the majority shall be final.

[G. 81—'98.]

DD

ARTICLE XVIII.

This Agreement is subject to the approval of the Netherlands South African Railway Company.

ARTICLE XIX.

This Agreement is subject to the approval of the Government of the South African Republic.

ARTICLE XX.

This Agreement is subject to the approval of the Government of the Colony of Natal.

M. BREUNING,
Engineer-in-Chief of the Netherlands South
African Railway Company.

DAV. HUNTER,
General Manager of the Natal Government
Railways.

The Netherlands South African Railway Company hereby signifies its approval of the foregoing Agreement.

G. A. A. MIDDELBERG,
Director.

Pretoria, 13th March, 1894.

The Government of the South African Republic hereby signifies its approval of the foregoing Agreement.

S. J. P. KRUGER,
State President of the South African Republic.

DR. W. J. LEYDS,
State Secretary of the South African Republic.

Pretoria, 19th March, 1894.

The Government of the Colony of Natal hereby signifies its approval of the foregoing Agreement.

By Command of His Excellency the Governor in Council.

JOHN ROBINSON,
Prime Minister.

Pietermaritzburg, March 28th, 1894.

Pretoria, February 7th, 1894.

COPY.]

SIR,—With reference to the desire of the Government of the South African Republic, to establish Railway communication between the Main Line of the Natal Government Railways and Vryheid, we have now the honour to state, on behalf of the Government of Natal, that when the Government of the South African Republic shall be prepared to construct the said Railway in its own Territory, the Government of the Colony of Natal will undertake to construct at its own expense, that portion of the said

Railway within the Colony of Natal, and to bear one half of the expense of the Bridge to carry the said Railway over the Buffalo River. This undertaking is subject to the approval of the Agreement, dated 3rd February, 1894, by the Government of Natal.

We have, &c.,

(Sgd.) THOS. K. MURRAY, Minister of Lands and Works.	} Natal Delegates.
(Sgd.) DAVID HUNTER, General Manager of Railways.	
J. S. SMIT, Esq., Chairman of the Railway Commission, Pretoria.	

(M.)—*AGREEMENT between the Railway Administration of the Government of the Colony of Natal, represented by David Hunter, Esquire, General Manager of the Natal Government Railways, and the Railway Administration of the Government of the South African Republic, represented by Gerrit Adriaan Arnold Middelberg, Esquire, Director of the Netherlands South African Railway Company.—25th April, 1894.*

WHEREAS, under the agreement dated the Third day of February, 1894, between the Government of the Colony of Natal and the Government of the South African Republic, it was provided by Article VIII as follows:—

ARTICLE VIII.—“ That in order to promote efficient co-operation an agreement shall be entered into between the two Railway Administrations, subject to the approval of the respective Governments, having regard to the following points:—

“(a) The conditions for the use by the one Administration of the Line of Railway from the boundary to the joint Station near the boundary, and for the common use of the said Station.

“(b) Regulations for the interchange of Rolling Stock and Goods in through traffic, payment for the hire of Rolling Stock, the through traffic in Passengers, Goods, Animals, Articles, and Things, the facilities for the loading, unloading, collection and delivery of goods, the system of dividing and accounting for the proportions of Fares and Freights due to the respective Administrations, and all other practical details which are necessary to secure efficient and economical working.

“(c) The harmonising of the systems whereby the Rolling Stock of the respective Administrations, with their Continuous Break and other appliances, may conveniently couple and interchange with each other.

“(d) The mutual assistance to be rendered by the one Administration to the other in the matter of Staff, Labour and other matters in which such mutual assistance would be possible and beneficial.”

Now, THEREFORE, it is hereby agreed as follows:—

DEFINITIONS.

- “Natal” shall mean the Railway Administration of the Government of the Colony of Natal.
- “The Administration” shall mean the Railway Administration of the Government of the South African Republic.
- “Through Traffic” shall mean Passengers, Goods, Animals, Articles and Things passing over portions of the Lines of both Railway Administrations.
- “Local Traffic” shall mean Passengers, Goods, Animals, Articles and Things passing over the Lines of only one Administration.
- “Up Trains” shall mean Trains from the Colony of Natal.
- “Down Trains” shall mean Trains from the South African Republic.
- “Mileage Charges” shall mean the Rates per Mile to be paid to the owning Administration for the running of their vehicles over the Lines of the other Administration.
- A “Train” shall mean an Engine with or without Vehicles attached.

ARTICLE I.

That the boundary Station of Natal shall be at Charlestown, and the boundary Station of the Administration shall be at Volksrust, and that the Main Line of Railway between the two boundary Stations shall be used in common by both Administrations for the interchange of Traffic, subject to working regulations to be agreed upon between the two Administrations, provided always that each Administration shall maintain, repair and keep in good working order the portion of Railway on its own side of the boundary, and shall be responsible for the Vehicles composing the Train coming from its Line until they have been accepted by the other Administration at the boundary Station.

ARTICLE II.

That the distance from Charlestown Station to the boundary shall be reckoned as Two Miles and Three Quarters ($2\frac{3}{4}$), and the distance from Volksrust Station to the boundary shall be reckoned as Three-quarters ($\frac{3}{4}$) of a Mile.

ARTICLE III.

That all Up Trains conveying Traffic for the South African Republic shall be worked by Natal Engines and Staff (viz., Engine Drivers, Firemen, Guards, Conductors and the like) to Volksrust, where all Traffic with the relative Waybills, Invoices and other documents shall be handed over by the Guard or Conductor to the Administration, and in like manner that all Down Trains conveying Traffic for the Colony of Natal shall be worked by the Engines and Staff of the Administration to Charlestown, and the charge to be made by the one Administration for working a Train over the Line of the other shall be at the rate of TENPENCE per Train Mile run, and the working back of the Engines and Staff from the one boundary Station to the other,

after completing the journey, shall be arranged by the local officers of the two Administrations.

ARTICLE IV.

That any Shunting necessary in dealing with the Through Traffic at either boundary Station shall, if required, be performed by the Engine and Staff of either Administration without charge to the other, provided always that if it should appear after a period of trial that undue advantage is gained by one Administration over the other by this arrangement, it shall be competent for either Administration to call upon the other to further consider it, with a view to an equitable readjustment.

ARTICLE V.

That Water, Coal, and other Stores shall be supplied, if required in emergency, by the one Administration to the Engines of the other, at the following rates, viz. :—Water, Two Shillings and Sixpence per Tank; Coal, One Shilling and Sixpence per Hundredweight; and Oil, Tallow and other Stores at cost price.

ARTICLE VI.

That in case of accident or breakdown in the neighbourhood of the boundary, each Administration shall assist the other with Engine power, Rolling Stock, Staff, and appliances, and the Administration so assisting shall be repaid the actual expense incurred by the Administration assisted, it being understood that train mileage shall be paid for at the rate of Tenpence per Mile, and in case of Shunting, other than for Through Traffic, as provided for in Article III., at the rate of Six Shillings per hour.

ARTICLE VII.

That in the event of one Administration requiring to borrow from the other Engine power, Rolling Stock, or plant for local purposes, such may be done subject to special arrangements as to terms.

ARTICLE VIII.

That the arrangements for the interchange of Through Traffic shall specially include the running of Passenger Carriages of a superior type, with lavatory and sleeping accommodation, and Luggage Vans, between Durban and Johannesburg and Pretoria, and that any wagon loaded with Through Traffic to half its carrying capacity shall be run through to its destination without transhipment.

ARTICLE IX.

That each Administration shall hand over to the other in good and safe running order all Vehicles conveying Through Traffic, and any defect or damage appearing on examination at the boundary Station where the Train is handed over, shall be pointed out by the Clearing Officer at the boundary Station to, and noted by, the Guard of the Train, who will also record the same in his Train Journal for the information of his superior Officers, provided always that any vehicle which may be considered unfit to travel may be detached from the Train by either Administration.

ARTICLE X.

That each Administration shall be responsible for damage to Rolling Stock occurring whilst in its possession, and the owning Administration shall be entitled to recover from the other the actual cost of repairing damage proved as in Article IX., plus 10 per cent. for supervision, in all cases when such cost shall exceed FIVE POUNDS STERLING.

ARTICLE XI.

That at each of the boundary Stations there shall be appointed an independent Clearing Officer, one appointed by Natal, the other by the Administration, who shall record the numbers and description of all Vehicles, loaded or empty, passing from the line of one Administration to the other, and the hour of their arrival, with all damages or defects which may be discovered by the Carriage and Wagon examiners, the Clearing Officer at Volksrust recording the Vehicles brought by all "Up Trains," and the Clearing Officer at Charlestown recording the Vehicles brought by all "Down Trains."

Such Clearing Officers shall be appointed and paid jointly, and shall forward to each Administration Monthly Returns, according to the forms supplied, and joint instructions given from time to time.

ARTICLE XII.

That in the event of a Vehicle belonging to one Administration being damaged on the line of the other, such damage shall be made good by the latter, so far as to enable it to be returned without delay to the owning Administration, which shall forward free of cost upon application such parts or portions of Vehicles as may be necessary, and broken or damaged portions of Vehicles shall in like manner be returned to the owning Administration.

ARTICLE XIII.

That the Rates to be charged by the one Administration against the other in respect of Vehicles of the one passing over the lines of the other, or detained thereupon, as the case may be, shall be as under:—Passenger Carriages and Vans, 1d. per hour and per axle; all other Vehicles, $\frac{3}{4}$ d. per hour and per axle.

NOTE.—No charge shall be made upon spare or Reserve Vehicles of one Administration, which by mutual arrangement are kept upon the Line of the other Administration, nor upon Vehicles which may have been detained by accident, for repairs, or some unavoidable cause explained satisfactorily to the owning Administration.

ARTICLE XIV.

That the Vehicles of one Administration shall not be employed upon the Lines of the other Administration for local Traffic, without the permission of the owning Administration, provided, however, that Vehicles returning to the Line of the owning Administration may be loaded to any Station on the Main Line route of return.

ARTICLE XV.

That the working of the Vehicles of the one Administration over the Lines of the other, shall be regulated as far as possible so as to avoid money

payments; but should one Administration be unable to furnish its quota of Rolling Stock, the other Administration may arrange to supply the deficiency, and in such case mutual arrangements shall be made for periodical payment to the latter of the charges provided for in Article XIII.

ARTICLE XVI.

That the Through Rates for ordinary Goods shall include loading and unloading, and that the expense of such loading and unloading shall be borne without addition to the Through Rate by the forwarding or receiving Administration, as the case may be: provided always that the contract price for collection or delivery (as the case may be), where such service is given, shall be matter of agreement between the two Administrations.

ARTICLE XVII.

That further details having reference to Train Service, Passenger Accommodation, Fares to be charged, Rates for Parcels and other Traffic conveyed by Passenger Trains, the classification, collection, and delivery of goods and other Traffic, shall be arranged from time to time by correspondence or conference between the Administration and Natal.

ARTICLE XVIII.

That Through Tickets for Passengers and Through Waybills, or Invoices for Goods, Animals, Articles, and Things, shall be issued between any Station of the one Administration to any Station of the other Administration, as may be arranged from time to time, and that the division of the receipts for "Through Traffic" between the two Administrations shall be arranged upon a "Clearing" System of Accounts, and a Through Mileage Table of Distances, to be adjusted between the two Administrations, which latter shall be based upon the distances from the boundary where the Lines of the two Administrations join; providing always that in calculating "Through Rates" upon the said Mileage Table, fractions of a Mile under a quarter of a Mile shall not be reckoned, and those over a quarter of a Mile shall be reckoned as a whole Mile.

ARTICLE XIX.

That monthly Accounts of Through Traffic and other matters, the subject of this Agreement, shall be rendered by each Administration to the other not later than the TWENTIETH of the succeeding month, and that settlement thereof shall be made within one Calendar Month thereafter, provided always that any errors or omissions in the said Accounts detected by the Accounting Officers of the respective Administrations shall be notified each to the other, and adjusted in the next Account, to the intent that the Accounts as rendered may be paid without alteration, deduction, or addition.

ARTICLE XX.

That the arrangements for dealing with the Goods Traffic at the intended Temporary Termini at Standerton and Heidelberg shall follow the practice hitherto adopted in Natal, of providing Shed Spaces, which may be let to the Forwarding Agents, and that with a view to make the arrangements work smoothly, Natal shall supply for temporary service to the Administration, and at the expense of the latter, an Officer acquainted with the methods of working hitherto pursued in dealing with the Through Traffic at the Natal Termini.

ARTICLE XXI.

That should the Administration so desire, Natal should work by its own Engines, Rolling Stock, Enginemen and Guards, either wholly or partially, the Traffic to and from Standerton, upon the opening for public Traffic of the first section of the Railway from Volksrust to Standerton, and in such event timeous arrangements as to terms and other details shall be made between the two Administrations.

ARTICLE XXII.

That at Johannesburg and Pretoria the Administration shall provide adequate Goods Shed accommodation for Traffic from Natal, and shall include in their collection and delivery arrangements the traffic to and from Natal, and give in every respect the same facilities thereto as may have been, or may be given to the similar Traffic by other routes, and that all cranes, platforms, loading banks, and other appliances and conveniences necessary for dealing with special classes of Traffic shall, in like manner, be provided by the Administration.

ARTICLE XXIII.

That the responsibility for any loss or damage to life, limb, or property occurring upon the Line of one or other of the Administrations, or in the case of the Common Line between Charlestown and Volksrust, through the fault of any Employé of such Administration shall be borne by such Administration, provided always that in cases where loss, damage, or delay to Goods, Animals, Articles, or Things in Through Traffic in which it is not possible to fix the whole blame upon one Administration, after enquiry and correspondence, any compensation paid to the public shall be borne by both Administrations in the proportion of the freight received by each, provided further that the particular Administration against which such a claim for compensation may be made in respect of Through Traffic may, in its discretion, settle such claim, if not exceeding TWENTY POUNDS in amount, and advise the other Administration thereof.

ARTICLE XXIV.

That in order to facilitate the interchange of the Rolling Stock of the respective Administrations Natal shall gradually adopt the Standard Pipe and Coupling of the Automatic Vacuum Break now in use by the Administration, and shall, until the Rolling Stock has in this respect been completely assimilated, furnish the Brass Rings necessary to enable the present arrangements to couple, a supply of which the Guards of both Administrations shall carry as part of their kit, and it is further agreed that the shorter links necessary to enable the Rolling Stock of the respective Administrations to couple together, shall be supplied by Natal to the Administration at cost price; a supply of these being also a part of the kit of the Guards of both Administrations.

ARTICLE XXV.

That in case modification of any of the arrangements herein set forth may be necessary through alteration in circumstances, it shall be competent for either Administration to claim reconsideration thereof, and any alteration that may be deemed desirable shall be agreed upon mutually between the two Administrations.

ARTICLE XXVI.

This Agreement is subject to the approval of the Government of the Colony of Natal.

ARTICLE XXVII.

This Agreement is subject to the approval of the Government of the South African Republic.

(Signed) DAVID HUNTER,
General Manager of the Natal
Government Railways.

(Signed) G. A. A. MIDDELBERG,
Director of the Netherlands South
African Railway Company.

The Government of the Colony of Natal hereby signifies its approval of the foregoing Agreement.

By command of His Excellency the Governor in Council.

(Signed) JOHN ROBINSON,
Prime Minister.

Pietermaritzburg, 27th April, 1894.

The Government of the South African Republic hereby signifies its approval of the foregoing Agreement.

By order of His Honour the State President of the South African Republic.

(Signed) DR. W. J. LEYDS,
State Secretary of the South African Republic.

Pretoria, 12th June, 1894.

(N.)—*SUPPLEMENTARY AGREEMENT between Portugal and the South African Republic (Lorenço Marques Railway, &c.)—Lisbon, May 17, 1884.**

[Ratifications exchanged at Lisbon, February 4, 1886.]

(Translation.)

His Excellency the President of the South African Republic and His Majesty the King of Portugal and the Algarves, having agreed that it is expedient to make, in some respects, such modifications in the Treaty of Friendship and Commerce of the 11th December, 1875,† and in the Protocol of the same date,‡ as may tend to improve the relations existing between both countries, and in particular to facilitate the construction and working of the railway which is to connect the Province of Mozambique with Pretoria, have resolved to conclude an Agreement for the completion of that Treaty, and have for that purpose nominated as their Plenipotentiaries :

His Excellency the President of the South African Republic, Gerard Jacob Theodoor Beelaerts van Blokland, Esq., Knight of the Order of the Netherland Lion, &c. ;

His Majesty the King of Portugal and the Algarves, M. Eduardo Montufar Barreiros, Director of Consulates and of Commercial Affairs in the Department of the Minister of Foreign Affairs ;

Who, after having reciprocally acknowledged each other as invested with full powers for concluding this Agreement, have agreed upon the following stipulations :—

* Sir Hercules Robinson, the High Commissioner for South Africa, was directed, on the 17th October, 1884, to inform the Government of the South African Republic that Her Majesty's Government sanctioned this Agreement.

† See Section I (C), p. 6 *supra*.

‡ See p. 14 *supra*.

ART. I. The provisions of Articles VII, VIII, IX, and X of the Treaty of the 11th December, 1875,* shall continue in force for the entire period of the concession which will be granted by the Government of the South African Republic for the construction and working of a railway from the Portuguese frontier to Pretoria. It is, however, understood that, in case this Concession shall be extended for a longer period than 99 years, the period during which these same provisions shall continue in force shall be limited to 99 years, reckoning from the 1st February, 1883.

II. With reference to raising the import duties from 3 per cent. to 6 per cent. mentioned in Article VIII of the same Treaty,* it is understood that, in case the Republic grants no subsidy to the railway from Lourenço Marques to the frontier of the Republic, other improvements for the advantage of the commerce of both countries shall not be brought into account for this raising of duties, until after these improvements shall have been made in pursuance of a general and complete scheme to be communicated to the Government of the Republic, which has the power to notify its remarks thereon to the Portuguese Government within six months.

III. Article II of the same Treaty* is superseded by the provisions of clauses 42, 43, 44, 45, 46, 47, and 48 of the Customs Tariff of the Province of Mozambique as promulgated by Decree of the 30th July, 1877.†

IV. It is understood that all facilities, advantages, and favours granted to a third country with respect to transit shall be included in the most-favoured-nation treatment, defined in Article XIV of the said Treaty.

V. The Government of the South African Republic declares that it grants the Portuguese Government all facilities, in accordance with the laws of the Republic, for the construction and working of a railway which is to run from a point to be determined on the line of railway from Lourenço Marques to Pretoria to the Portuguese territory to the north of the Limpopo.

VI. The importation, duty free, of all material and rolling stock to be used in the construction and working of the extension of the railway in the territory of the South African Republic, referred to in the Protocol of the 11th December, 1875,‡ annexed to the Treaty of the same date, shall be accorded for a period equal to that defined in Article I of this Agreement respecting Articles VII to X of the Treaty,* and shall include the material and rolling stock, the engines, and implements of all kinds destined for the construction and working of the railway from the frontier to Pretoria and of its branches.

VII. His Majesty the King of Portugal binds himself to grant a Concession similar to that mentioned in the previous Article for all the material and rolling stock for the construction and working of all tramways allowed by the Government of the South African Republic as serviceable for the construction and working of the railway from Lourenço Marques to Pretoria.

VIII. This Agreement shall become definitive from the moment that there shall have been fulfilled, on the part of the South African Republic towards Great Britain, the provisions of Article IV of the Treaty concluded between those countries on the 27th February, 1884,§ and it shall take effect one month after those legal formalities have been completed to which Conventions of this nature are subject in both countries.

In faith of which the Plenipotentiaries have signed this and affixed their seals thereto.

Done at Lisbon, in duplicate, on the 17th May, 1884.

(L.S.) G. J. TH. BEELAERTS VAN BLOKLAND.
(L.S.) EDUARDO MONTUFAR BARREIROS.

* See Sect'o I (C), p. 8 *supra*. † See Hertael's *State Papers*, Vol. LXXIII, p. 374. See also Decree of 29th January, 1891. *Ibid.* Vol. LXXXIII, p. 894. ‡ See p. 14 *supra*. § Page 26 *supra*.

(O.)—*CONDITIONS of the Concession granted by the Transvaal Government for the Construction and Working of a Railway in the South African Republic from the Portuguese Frontier to Pretoria, Barberton, Johannesburg, and the Vaal River.*

PART I.

THE LINE TO BE CONSTRUCTED.

ARTICLE I.

This Concession comprises the construction and working:—

- a.* Of a Railway commencing from the termination of the line from Delagoa Bay on the frontier of the Portuguese territory, and running thence in the direction of the Crocodile River to Nelspruit
- b.* Of a Railway joining the line mentioned in (*a*) to Pretoria, Johannesburg, and the Vaal River.
- c.* Of a Railway from Barberton joining the Railway mentioned in (*a*).

ARTICLE II.

The exclusive right is granted to the Concessionary to construct and work on the conditions of this Concession, when the Volksraad resolves that such shall or may be constructed, Railways or steam tramways in the South African Republic, which either join Foreign railways or steam tramways, navigable rivers, or the sea, and which may be deemed to compete with the lines already conceded to the Company or portions thereof.

This right is forfeited in the case of those railways or steam tram lines the construction and working of which shall be undertaken by the State.

If the Government, during the existence of this Concession, should decide to entrust the working of such a railway line to others, the Concessionary shall be charged therewith on the conditions of this Concession, unless it shall be otherwise mutually agreed. The Concessionary shall be bound, within three months after the resolution shall have been passed by the Volksraad, to declare whether he will avail himself of his right.

ARTICLE III.

The gauge shall be 1.067 m. (3 feet 6 inches, English measure).

If, however, another gauge be adopted for the railway or tramway on Portuguese territory, then the same shall be compulsory for the line herein referred to.

ARTICLE IV.

With the exception of necessary sidings with double rails, the railway and the earthworks and artificial works belonging thereto shall be built as for a single line.

ARTICLE V.

The direction of the railway between the points mentioned in Article I, and the places where the stations and stopping places shall be built, and also the works required for the free flow of water, and the free passage of traffic on the existing roads, shall be determined by the Concessionary in consultation with the Commissioner of the Government. Where the Concessionary deems it advisable or necessary, in the interests of the undertaking, he may

construct the line entirely or partly on existing roads and streets, provided he leaves sufficient space for ordinary traffic, to the satisfaction of the Government Commissioner.

ARTICLE VI.

All land required for the railway, the stations, stopping places, plate-layers' cottages, dwellings and premises for the staff, and other appurtenances, or establishments; for obtaining ballast, stones and limestone, or other similar materials, for cutting wood, the removal of materials and earth, for the deviation of roads, rivers, spruits and water-leavings, and generally for the construction and working of the railway, shall be placed at the disposal of the Concessionary gratis and timely by the Government, but the Concessionary shall compensate it for the price paid by it in those cases in which expropriation may be unavoidable; and while the Concession is in existence, this land shall be ceded to the Concessionary for temporary use, with the exception of such land as is not required for the working of the line.

In determining the limits of this land, the necessary space for constructing a double line and for other extensions, and also for the prevention of grass and forest fires, shall at that time be taken into consideration.

ARTICLE VII.

The Concessionary shall be exempt from paying customs dues on all material, machinery, raw material, &c., required for the construction and working of the railway.

ARTICLE VIII.

If the Government orders or permits the construction of roads, canals, &c., which intersect or join the railway referred to in the Concession, the same cannot be prohibited by the Concessionary.

All necessary arrangements shall be made by the Government in consultation with the Concessionary in order that thereby no impediment resulting in extra cost to the Concessionary may be caused to the traffic or railway service.

If the extra cost is unavoidable, as also in case of permanent increase of expenditure for the maintenance of the line or the railway service, a lump sum of equal amount shall be paid to the Concessionary.

ARTICLE IX.

The railway works shall be commenced within one year after the acceptance of the Concession by the Concessionary, or so much later as the necessary land shall have been placed at the disposal of the Concessionary, and the line from Delagoa Bay to the frontier of the Portuguese territory shall have been so far completed that it was possible to commence carrying materials over that line for the railway referred to in this Concession.

The railway mentioned in Article I (a.) shall be completed and in working order within the period of four years after the commencement of the works.

If the provisions contained in the two preceding paragraphs of this Article, as regards the commencement and completion of the railway, are not complied with, the Government shall have the right to seize all the property of the Concessionary, on payment to the Company of the sum required for the complete liquidation of the Company, and on returning 90 per cent. of the paid up capital of the Company.

ARTICLE X.

If notice has been given by the Concessionary of the intention to extend the railway to Pretoria, this extension and also the whole line to the Vaal River shall be completed and in working order within the period of ten years after the completion of the railway to Nelspruit.

If this latter obligation is not fulfilled, or if the extension of the railway is not commenced within a period of five years after the completion of the railway to Nelspruit, the Government shall have the right to seize all the property of the Concessionary on payment to the Company of the sum required for the complete liquidation of the Company, and on repaying the paid up capital of the Company.

The Concessionary undertakes speedily to complete the railways mentioned in Article I, and unless unforeseen circumstances occur, they shall be opened for traffic on or before the 31st December, 1894, with the exception of the section which connects Pretoria and Johannesburg with the Vaal River, upon which traffic shall commence six months after it shall be possible that traffic on the Free State railway to and beyond the Vaal River can take place, or six months after the traffic on the railway from Delagoa Bay to Pretoria shall have commenced, if this should occur at an earlier date, and for each day's delay a fine will be incurred, in the first case of fifty pounds and in the second case of twenty-five pounds. The Railway Company shall be charged in its books with the amount of these fines.

PART II.

SUPERVISION OF THE WORKS.

ARTICLE XI.

The Government has the right to cause the construction of the works and the working of the line to be supervised.

For this purpose it may, at all times, have the condition of the works and the material inspected.

Its officers charged with such inspection shall have access to all premises intended for the public and the service.

ARTICLE XII.

The existing laws, or those still to be framed, on the Railway policy in the South African Republic, are applicable to the railway referred to in this Concession, but the Government shall not thereby prejudice the rights granted by this Concession to the Concessionary.

PART III.

THE WORKING OF THE LINE AND THE MATERIALS.

ARTICLE XIII.

Steam shall be the locomotive power employed.

ARTICLE XIV.

The Concessionary is bound, during the existence of the Concession, to maintain the railway and everything belonging to it in good order, and not

o discontinue the service except when compelled to do by sheer force of circumstances.

ARTICLE XV.

The carriages shall be fitted up for at least two classes of travellers.

ARTICLE XVI.

The Concessionary is bound to lay down regulations for his service, and to submit these for the approval of the local Government Commissioner in order that the latter may convince himself that nothing occurs therein which is in conflict with the conditions of this Concession, and with the common law of the country.

These regulations are also binding on third parties.

The service shall not be commenced before these regulations have been approved of.

If, within three months after they have been submitted to him, the Government Commissioner has not dealt therewith, he shall be considered to have approved thereof.

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PART IV.

TARIFFS AND CONVEYANCE.

ARTICLE XVII.

The Concessionary may demand payment to be fixed by him for the conveyance of persons, goods, cattle, &c., and also for unloading, loading, delivery, and all similar services, for wagon hire, &c.,

The import, export, and transit duties due to the Portuguese Government for the goods conveyed by the railway (and also for cattle), shall be collected by and on behalf of the Concessionary, according to rules to be laid down in consultation with the Government Commissioner in accordance with the instructions of the Government.

The tariff for the conveyance of persons and goods shall, however, without previous consent of the Government, never exceed :—

For persons—first class, 3d. per mile ($1\frac{7}{8}$ d. per kilometer). Lowest class, 2d. per mile ($1\frac{1}{4}$ d. per kilometer).

For ordinary freight goods — 6d. per ton per mile ($3\frac{3}{4}$ d. per kilometer), with a minimum of £1 per consignment.

For rough goods (coal, ores of not greater value than £45 per ton, stones, unsawn wood, &c., in quantities of at least 5 tons), 3d. per ton per mile ($1\frac{7}{8}$ d. per kilometer), with a minimum of £1 per consignment.

ARTICLE XVIII.

To all tariffs and amendments thereto the necessary publicity shall be given, before they are carried into effect, and no tariff shall be amended before it shall have been in operation at least three months.

ARTICLE XIX.

The Concessionary shall be bound to convey, without distinction and without partiality, whatever shall be offered for conveyance, subject to the general exceptions provided for.

ARTICLE XX.

The Concessionary shall be bound to convey gratis all sealed post parcels which may be delivered at the stations by the Postal Administration.

For the conveyance of State Post carriages, 8d. per mile (od. per kilometer) shall be paid to the Company.

ARTICLE XXI.

The Concessionary is also bound to undertake the Telegraph service along the railway line gratis for the Government, and on payment from the public.

ARTICLE XXII.

When there is danger of war, in time of war, or in case of internal troubles, the Government may, in the interests of defence or of the public peace, dispose of the railway and of everything required for the use thereof, and may cause the ordinary traffic to be discontinued entirely or partly, and may order all measures to be taken which to it appear necessary, subject to compensation to the Concessionary.

ARTICLE XXIII.

The Concessionary is bound at all times to grant free access to the rooms in the station intended for the public and the service, and, if necessary to the railway, to the officers of the Police and of the Customs Department in the discharge of their duties.

PART V.

THE ACCEPTANCE AND LAPSE OF THE CONCESSION.

ARTICLE XXIV.

The Concession is accepted by the Concessionary as soon as a capital of five million guilders shall have been obtained in shares and debentures, and the conveyance over the Portuguese territory shall have been arranged to the satisfaction of the Concessionary.

ARTICLE XXV.

The Concession may be withdrawn :—

- (a) If the Guarantee Capital mentioned in Article XXXVI shall not have been placed at the disposal of the Government within the stipulated time by the Concessionary.
- (b) If the Concessionary does not comply with the provisions of Article XXVIII.

The Government is moreover competent to withdraw the Concession if it shall not have been accepted within six months after the Concessionary has received notice to do so, referring to this Article.

ARTICLE XXVI.

The provisions contained in Articles IX, X, and XXV shall not apply if the Concessionary shows that the delay or neglect was caused by main force or by acts or neglect of the Government or its officers.

The Government is moreover competent to extend all the periods fixed in this Concession at the request of the Concessionary.

The Concessionary shall be considered to be in default, simply by the expiration of the periods fixed, and without it being necessary that this should appear by any act.

ARTICLE XXVII.

The Government has the right to appropriate the railway, provided it also appropriates all the property of the Concessionary, 20 years after the railway shall have been brought into working order, and thereafter at the expiration of every 10 years, provided that at least one year previously notice be given to the Company in Holland of the intention to appropriate.

The Government shall then pay the amount required for the complete liquidation of the Company, together with a sum equal to twenty times the average dividend which has been paid out to the shareholders during the three last years of the working of the line, with a minimum of twenty times the interest guaranteed to each of the shareholders, and at least at par, after the deduction of the fine mentioned in Article X.

PART VI.

GENERAL AND FINANCIAL PROVISIONS.

ARTICLE XXVIII.

The Concessionary is bound, within six months after the Concession shall have been accepted by him, to establish a "Joint Stock Mercantile Company" in Holland, named the "Netherlands South African Railway Company," and to make over to this Company the Concession gratis, *in toto*, and without reservation, and at least half of the number of Directors of this Company shall be Hollanders.

ARTICLE XXIX.

The Company shall not deal with any undertakings other than those mentioned in this Concession, except with the consent of the Government of the Republic.

This consent is now given for the construction and working, or the working of a railway or tramway, on Portuguese territory, from Delagoa Bay to the frontier of the Republic, which, according to Article I, must be joined by the railway mentioned in this Concession.

ARTICLE XXX.

The Company is bound to liquidate in case the Government avails itself of the right of appropriation reserved to it in this Concession.

ARTICLE XXXI.

For constructing and bringing into working order the railways mentioned in Article I, and whatever belongs thereto, including the cost of acquiring, if necessary, the Concession for the line Delagoa-Bay-Transvaal Frontier, all additional costs of construction, temporary works, management, obtaining or making over money, and also paying for account of the Republic of the redemption and interest guaranteed by it on behalf of those railways, the Company shall be entitled, subject to the provisions hereinafter contained, to

issue to an amount of £9,600 per mile (£6,000, or seventy-two thousand guilders per kilometer), shares and debentures bearing the counter-signature of the Government Commissioner in Holland, and which are thereby, by virtue of Article XXXII, directly guaranteed by the South African Republic.

Of this amount one-fourth at most shall be obtained by issue of shares. The rate of interest of the debentures shall in future not amount to more than 4 per cent.*

The Company may exceed the amount of £9,600 per mile, if under control, and with the cognizance of the Government Commissioner, with the consent of the Government, with advice and consent of the Executive Council, if this shall appear to be necessary for the completion of the railways under construction.

The rate of interest, the currency, the time and the further conditions of issue or sale by the Company of the shares and debentures mentioned in this Article, and also the proportion of the amount of the shares to that of the debentures, shall be determined by the Company in consultation with the Government Commissioner in Holland, who, on instruction of the Government, shall countersign the documents in proof also of this consultation having taken place.

If this consultation has not led to agreement, the issue shall take place on the conditions desired by the Government Commissioner in Holland, in accordance with his instructions, but the shares or debentures not placed shall then be taken by the Government. The Government shall have the right of option when the shares are issued on fixed conditions.

For the issue of shares or debentures, for purposes other than the above-mentioned, the express consent of the Government of the South African Republic, with advice and consent of the Executive Council, is also required.

ARTICLE XXXII.

The South African Republic guarantees directly to the holders of all shares countersigned by the Government Commissioner in Holland, the interest therein expressed, calculated on the nominal amount of the Company's capital paid up by them, and to the holders of all debentures, countersigned by the Government Commissioner in Holland, the redemption and interest, in accordance with the conditions of issue.

In the meantime the Company binds itself, while any line or any part of a line the construction of which the Company is bound to commence, has not yet been brought into working order, and it has sufficient means for the purpose at its disposal, to advance to the Republic what it, for the reasons aforesaid, shall appear to owe in interest during that time to the holders of shares and debentures issued for the construction of that line, or of any section of that line.

The amount of this advance, for which the Republic shall be charged in the books of the Company, may be called up when the Republic avails itself of its right to appropriate, or when the Company is in liquidation for other reasons.

ARTICLE XXXIII.

In order to ascertain what the Republic, by virtue of the preceding Article, may become indebted for, or may have to pay in any year, the Company shall open an account which shall be closed on the 31st December of

* Amended by resolution of the Hon. Volksraad, May 8th, 1891.

each year, on which account are brought as assets all receipts without distinction belonging to the revenue account, and as liabilities :—

- (1) All expenditure, except such as belongs to the construction and capital account, and except such as has been incurred for the guaranteed interest and redemption.
- (2) Ten per cent. of the gross receipts of the working of the line for the reserve fund mentioned in Article XXXV.

This account shall be framed in consultation with the Commissioner of the Government of the South African Republic in Holland.

The amount of the redemption and interest guaranteed in the first section of the preceding Article, reduced by the balance of this account, shall be the amount which the Republic, in accordance with the provisions of the second section of Article XXXII, shall have to pay annually to the Company in Holland within three months, at the latest, after the account has been tendered to the Commissioner. The amount which the Company may receive from this source from the Republic, the Company shall not be liable to refund to the Republic.

If the Company neglects to pay out the redemption and interest guaranteed to the share and debenture holders by Article XXXII, and the Republic is compelled to pay this directly to the share and debenture holders, the amount of this payment shall be deducted from the first payment above mentioned due to the Company by the Republic.

ARTICLE XXXIV.

If the balance of the account mentioned in the preceding Article amounts to more than the guaranteed interest and redemption, 85 per cent. of the surplus shall be paid to the Republic, and 5 per cent. to the management and staff of the Company.

The payment to the South African Republic shall take place at the office of the Company, in that country, within three months at the latest after the account shall have been tendered to the Commissioner of the Government of the South African Republic in Holland.

ARTICLE XXXV.

The reserve fund mentioned in Article XXXIII shall serve as far as possible to defray costs of repairs of extraordinary damage done to the line, works and rolling material, and generally the costs of all necessary renovations and extensions of the railways worked by the Company. This fund shall be administered and invested separately, the interest being annually added to the capital.

As soon as, and as long as, a sum equal to forty-two hundred guilders (£350) per kilometer, or £560 per mile in working order, has been reached, then the contributions otherwise destined for it shall be used for the redemption of loans.

This fund shall be considered to belong to the property of the Company mentioned in Articles IX, X and XXVII.

ARTICLE XXXVI.

As guarantee for the observance of the conditions of this Concession, the Concessionary, on accepting this Concession, shall pay to the Treasury of the South African Republic the sum of 100,000 guilders, which shall be

refunded to the Company one year after the railway shall have been brought in working order to Nelspruit, or, if the Concessionary constructs the extension line to Pretoria, as soon as the line shall be in working order to that place, or so much longer previously as the Republic shall avail itself of its rights to appropriate.

On the guarantee fund 5 per cent. interest shall be annually paid to the Company from the date of payment to the date of repayment, payable in Holland on or before the 15th January of each year.

ARTICLE XXXVII.

The Government of the South African Republic shall appoint a Commissioner and a deputy in the South African Republic, and also with the Company in Holland.

The Government Commissioners, or in the event of their inability, their deputies, shall have the right to be present at all meetings of the Company; the local Commissioner or his deputy, in the case of the Transvaal Republic and the Government Commissioner or his deputy in the case of meetings of the shareholders in Holland, and shall have the right to an advising voice in these meetings. They shall exercise an unlimited control over and superintend all matters pertaining to and transactions of the Company, and shall also have the right of access to the offices, to inspect the books, and to verify the accounts.

ARTICLE XXXVIII.

All disputes about the provisions of this Concession, and the way in which it is carried into effect, between the Government of the South African Republic or its officers, and the Company or its officers, which cannot be settled amicably, shall be decided by two arbitrators, and when these do not agree in their award, by an umpire, who shall, as good men, without formality, pronounce judgment in the last resort. Each of the parties shall appoint one of these Arbitrators, and these two arbitrators shall, before proceeding to deal with the dispute, appoint a third who shall be umpire on all points upon which the two arbitrators cannot agree.

If the two arbitrators cannot agree on the selection of an umpire, the appointment of that umpire shall be made by the High Court of the South African Republic, if a local matter is the subject of dispute, and otherwise by the Court of Justice in Amsterdam.

ARTICLE XXXIX.

In all cases in which consultation between the Company and the Government of the South African Republic or its Commissioner is required, dispute shall be considered to have arisen, if an agreement cannot be arrived at between them.*

* This Concession was approved of by resolution of the Honourable Volksraad of 26th June, 1896, and serves to replace the Concession granted by the Government of the South African Republic, empowered thereto by the Honourable Volksraad by resolution of 27th May, 1885, with the amendments introduced therein by resolution of the Honourable Volksraad of 12th July, 1888.

ANNEXURES TO SECTION III.

(I.)—*MEMORANDUM OF AGREEMENT between the Colonial Government, represented by the Commissioner of Crown Lands and Public Works, of the one part, and the Honourable CECIL JOHN RHODES, M.L.A., representing the British South Africa Company, under Royal Charter, of the other part, in the matter of the said Company's proposal to construct a line of Railway through Colonial Territory from the present terminus at Kimberley viâ Fourteen Streams to the boundary of British Bechuanaland, and from thence through the Territory of British Bechuanaland to a terminal point at or near Vrijburg.**

I. This Agreement is based upon the letter dated Cape Town, 24th October, 1889, addressed by the said Cecil John Rhodes to the Prime Minister, and the Prime Minister's answer thereto of 26th October, copies of which are hereunto annexed.

II. The Colonial Government consents to the said Company's proposal of constructing, at its (the said Company's) own risk and expense, the said line from the Kimberley Terminus to a point on the North Bank of the Vaal River, near Fourteen Streams, including a Bridge over the Vaal River, and for that purpose agrees to place the said Company in possession of the powers granted to the said Government, under and by virtue of Section 2 of Act 20 of 1888, for the due construction of the said railway, and for expropriation of the land required for such construction; and in regard to further extension from a point on the North Bank of the Vaal River through Colonial territory to the boundary of British Bechuanaland, and from thence through the territory of British Bechuanaland to a point at or near the town of Vrijburg, the said Colonial Government promises to give to the said Company every facility in its power; provided, always, that the said Company shall, at its own risk, obtain or secure the concurrence, if required, of the Government for the time being of British Bechuanaland for the construction of such portion of the said line of railway as passes through the said territory of British Bechuanaland.

III. The said railway is to be constructed in every respect as regards gauge, weight of rails, gradients, curves, buildings necessary for the safe working of the line, and general efficiency, equal to the existing Colonial Government railways.

IV. The line of survey from the Kimberley Terminus to Fourteen Streams, made by Mr. Dalton, to be followed as far as practicable; and Mr. Dalton's survey, with plans and indent of bridge over the Vaal River, to be placed at the disposal of the said Company, the said Company paying the expenses thereof.

V. The Company aforesaid to have the use of the line of main road, as far as it is already constructed from Kimberley to Warrenton, for the purposes of the said railway; the said Company paying into the Colonial Treasury the actual amount of expenditure already incurred and to be incurred in the construction of the said main road up to the 30th November, 1889.

VI. The work of construction of the said railway to be done under the inspection and to the satisfaction of the General Manager of Railways of the Cape Colony, or such other officer as he may appoint to represent him.

* This Agreement has been determined by the fulfilment of its provisions on either side, but is printed together with the correspondence explanatory of it, to complete the documents relating to the Bechuanaland Railway.

VII. The Colonial Government aforesaid shall have the right at any time, during or after construction, to take over the said line, or any portion thereof, subject to the provisions of the next succeeding section of this Memorandum of Agreement, on payment to the said Company of the actual cost incurred by the said Company in construction of the said line or portion of the said line, the term "actual cost" to mean the capital sum expended on construction, certified to by the General Manager of Railways as per Section VI, including so much interest on the capital sum, not exceeding three and three-quarters per centum per annum, reckoned from the respective dates of the raising of the sums necessary from time to time for the construction of the said line to the day of its being taken over by the said Colonial Government, as shall not have been paid out of net earnings, it being understood that the said interest shall be the first charge against the net earnings; and the term "actual cost" shall not include any loss or deficiency arising from the working and maintenance of such line or portion of such line while in the hands of the said Company or the said Company's representatives, such loss or deficiency being borne entirely by the said Company.

VIII. If the said Colonial Government, by virtue of the reservation of right of taking over the said line or any portion thereof, shall, at any time before the completion of the said line of railway from the terminus at Kimberley to the terminus at or near Vrijburg, require the said Company to hand over to the said Colonial Government that portion of the line from Kimberley terminus to a point on the North Bank of the Vaal River, as described in Schedule B to Act No. 20 of 1888, the said Colonial Government, having taken over the said portion of the said line, shall not any longer have the option of refusing to take over the remaining portion of the said line when completed and declared open for traffic to the terminus at or near Vrijburg, under the conditions set forth in the preceding section of this Memorandum of Agreement.

IX. In the event of the Colonial Government taking over the said line or any portion thereof, on the aforesaid conditions, payment shall be made to the said Company either in Colonial Debentures bearing interest at three and three quarters per centum per annum, or in cash payable at the Colonial Treasury, Cape Town, at the option of the Colonial Government.

X. The traffic rates on any portion of the said line within the Cape Colonial boundaries shall be in conformity with the existing Colonial tariff in every respect, and in the same proportion of mileage, unless otherwise agreed upon by mutual consent; the same shall apply to the extra-Colonial portion of the said line; provided, however, that the said Company (at its own risk) shall obtain or secure any concurrence which may be required on the part of the Government for the time being of British Bechuanaland.

XI. As soon as the said line or any portion thereof is declared open for traffic the Colonial Government will, if so desired, undertake to work the same in conjunction with the Colonial Government Railway, Western and Midland Systems, on such conditions as may then be agreed upon between the parties, and subject to notice of termination on either side at not less than six months, or on the part of the said Colonial Government at one month's notice in the event of the said Colonial Government deciding upon taking over the said line or portion of line, as provided for in Sections VII and VIII of this Memorandum of Agreement.

XII. A formal contract on the lines herein set forth is to be drawn up in due legal form, and the agreement herein accepted by both parties is considered to be from this date binding upon both parties, subject, however, as far as the Government of the Colony is concerned, to the approval and sanction of both Houses of Parliament, which will be asked for during next Session of Parliament.

Dated at Lourensford, Somerset West, this 29th day of October, 1889, in the presence of the subscribed witnesses.

(Signed) F. SCHERMBRUCKER,
Commissioner of Crown Lands and Public Works.

(Signed) C. J. RHODES,
For British South Africa Company.

Witnesses :

(Signed) J. SIVEWRIGHT.

(Signed) C. B. ELLIOTT.

Copy.]

October 24th, 1889.

Cape Town.

DEAR SIR GORDON SPRIGG,—Before proceeding to England some months ago, for the purpose of obtaining the charter now granted to the British South Africa Company, I obtained certain servitudes over the country lying between Kimberley and the border of British Bechuanaland, with the intention of laying a private line of railway, in case the Cape Government should decide not to proceed with the Kimberley Extension authorized by Parliament last year.

Having these servitudes, I gave a pledge to Her Majesty's Government, before obtaining the promise of the charter, that I would proceed with the Kimberley Extension, if it lay in my power to do so. It was upon the strength of this pledge that my application was favourably regarded by Her Majesty's Government and that the British South Africa Company has been granted a charter for the development of the countries to the north of British Bechuanaland and the Transvaal.

Before, however, proceeding with the construction of the line, I am anxious in every way to co-operate with your Government. I would point out to you that I can secure a connection between the Kimberley line and the border by means of my own line, independently of any action that can be taken by your Government; that you have made a hard road over this route at considerable expense, and that experience is showing that, owing to the sandy nature of the country, it is almost impracticable to keep the road in any state of repair to meet the demands of the present transport.

I will admit that the route I shall have to take will necessitate a deflection of about two miles from the direct route before I can join and run alongside of your hard road, which would mean an unnecessary expenditure of some £12,000.

At the same time, I would point out that the construction of my line would render the expenditure already incurred upon this road practically useless.

I feel that it is clearly a case for arrangement, and I am only too anxious to meet the wishes of your Government in this matter, as I feel that co-operation between your Government and the Chartered Company is eminently desirable upon many grounds, which I need not now dwell upon.

In case your Government see their way to discuss the question with me, I may state I am prepared to repay the money expended on the road, and, as far as the railway is concerned, to agree to all reasonable conditions as to tariffs, traffic, and other matters.

I shall be glad to learn your views on the matter as early as possible, as I feel bound to redeem the pledges I have given, by losing no time in the prosecution of the work.

Yours faithfully,
(Signed) C. J. RHODES.

Copy.]

Prime Minister's Office,
26th October, 1889.

DEAR MR. RHODES,—I have to acknowledge your letter of 24th instant, informing me that it is the intention of the British South Africa Company, of which you are a director, to construct a line of railway from Kimberley across the Vaal River, and that you have obtained certain servitudes over the country lying between Kimberley and the border of British Bechuanaland, enabling you to lay the rails and construct generally the works of the proposed line.

At the same time you intimate your anxiety to co-operate in every way with the Government in carrying out this work, which it is manifest will be of great advantage to the people of this Colony.

In reply I have to state that, having thoroughly satisfied myself of the position held by you and the company you represent, and that you are determined to proceed with the work immediately, I am prepared, on behalf of the Government, to afford you facilities for the economical construction of the line, in anticipation of the intention of the Government to purchase the line upon its completion.

I agree, upon the grounds laid down in your letter and for other reasons into which it is not necessary now to enter, that the matter under consideration is eminently one for arrangement. The details of such arrangement, embracing the conditions upon which the Government are prepared to afford you the facilities referred to, properly belong to the Department of the Commissioner of Crown Lands and Public Works, and I have to request you to put yourself into communication with Colonel Schermbrucker, who is empowered to discuss and conclude with you such agreement as may be necessary to carry out the object sought to be attained.

Yours, &c.,
(Signed) J. GORDON SPRIGG.

Copy.]

Prime Minister's Office,
17th January, 1890.

Minute.

Ministers have the honour to acknowledge the Minute No. 3 of the 16th instant of His Excellency the Governor and High Commissioner respecting the Bechuanaland Railway proposals.

To avoid misunderstanding, Ministers think it desirable to review the proceedings which have led to the present Minute.

On the 4th instant the Prime Minister received a semi-official note from the Governor, enclosing a letter from Mr. Rhodes, informing him that if the Colonial Government decided to exercise this year their power of purchasing the Railway from Kimberley to Vrijburg, there would be no necessity for a second concession of land being granted to the Chartered Company. The semi-official note also enclosed a copy of the following cablegram, which the Governor was sending on the Monday following (6th) to the Secretary of State :—

“ Referring to your telegram of 22nd December, 1889, in anticipation of and in reliance upon an early settlement of concessions in British Bechuanaland, Chartered Company have commenced Railway from Kimberley to Vrijburg. I understand Cape Government have acquired right to purchase the same, subject, as regards British Bechuanaland Territory, to sanction of Her Majesty's Government; Cape Government, however, unrestricted as to time of purchase, and are doubtful when they will exercise their right.

“ I therefore recommend that concession of 6,000 square miles and share in minerals be at once granted to company. If Cape Government purchase Railway this year the concession will be available for Vrijburg to Mafeking section, and no further concession will then be necessary; but, in event of Cape Government not signifying their intention to purchase this year, I then recommend that second concession of 6,000 square miles be granted, on undertaking by Chartered Company that, if Cape Government purchase at any subsequent period, the purchase money for section through British Bechuanaland Territory to Vrijburg be applied, at option of Her Majesty's Government, for further extension towards Shoshong, any further land concession to promote such object being subject to future arrangement between Her Majesty's Government and the Chartered Company.

“ I presume share of minerals to be the same as that referred to in Sir H. Robinson's despatch of the 27th February, and also that Her Majesty's Government will not object to purchase by Cape Government of Railway to Vrijburg.”

Ministers regarded this act of courtesy on the part of the Governor as being in accordance with paragraph 6 of the confidential despatch of the Secretary of State of 4th November, 1889, which says that “ Her Majesty's Government will, as hitherto, leave to the Cape Ministers full freedom of action in regard to matters for which those Ministers are responsible, paying at the same time due regard to the views of the Colonial Government in respect of external affairs affecting the Colony.”

The enterprise of the Chartered Company undoubtedly materially affects the Cape Colony, and Ministers considered that they were invited to express their views upon the message to be sent to the Secretary of State. A request was therefore preferred that the transmission of the message should be delayed till the 7th instant, to enable Ministers to meet and consider the terms of the message.

That request was readily acceded to. In the afternoon of the 6th a semi-official note was addressed by the Prime Minister to the Governor, stating that the question of the construction of a Railway in Bechuanaland and certain concessions proposed to be given by Her Majesty's Government in consideration of such construction, had assumed a complexion that rendered it desirable to have a somewhat clearer understanding than at present existed upon that important subject.

With this object in view the Governor was requested to transmit a cable message to the Secretary of State embodying the following request for information :—

“As Her Majesty's Imperial Government seems prepared to give to the Chartered Company of South Africa or to a Railway Company certain concessions in Bechuanaland with a view to the construction of a Line of Railway from the Colonial boundary to Vrijburg, the Colonial Ministers would be glad to know whether Her Majesty's Government will be prepared, in the event of an agreement being concluded between the Cape Government and the Chartered Company to the effect that the Colonial Government shall at once construct the line to Vrijburg, if approved of by Parliament, to grant the same concessions to the Colonial Government.

“In case Her Majesty's Government should accede to what obviously is the preferential claim of the Colonial Government, Ministers have reason to think that the Chartered Company will be perfectly willing that the Colonial Government shall construct the line to Vrijburg.

“They are further anxious to know distinctly what are the concessions Her Majesty's Government propose to give to the Chartered or any other Company in view of the extension of the line from the Colonial boundary to Vrijburg.”

In reply to that note, the Governor said, in a semi-official note to the Prime Minister, that as the Chartered Company were in communication with Her Majesty's Government with regard to the construction of the railways in Bechuanaland and concessions in connection therewith, he thought it right that Mr. Rhodes should be acquainted with the inquiry Ministers desired to be made of Her Majesty's Government, and he wished to know whether there was any reason to the contrary.

In reply, the Prime Minister said that, as the Government were working harmoniously with the Chartered Company, he thought it only right that Mr. Rhodes should be made acquainted with what was proposed.

Since then, personal communications have occurred between the Governor, the Prime Minister, and Mr. Rhodes, but no reply having been received from the Secretary of State, the Prime Minister, on the 16th instant, stated in a semi-official note to the Governor that he had been in communication with Mr. Rhodes on the subject of the construction of the Bechuanaland Railway, and the result was that he found it impossible to come to any decision upon the matter in the absence of a reply from the Secretary of State to the question cabled to him on the 6th instant.

He would therefore be glad if the Governor would inform the Secretary of State that Ministers were anxiously awaiting a reply to their question, so as to enable them to consider the expediency of an agreement into which they proposed to enter with the Chartered Company for the purchase of the line of railway.

In reply to that note the Minute now under consideration was received, in which the following questions are asked :—

- (a) Are the Cape Government prepared to guarantee the construction of a railway to be completed to Mafeking within two years?
- (b) Are Ministers prepared to contribute a sum of £360,000 towards an extension from Mafeking towards Shoshong?

Their reply to these questions is that, if the Governor will state the concessions to be given and the conditions to be made, they will be prepared to give a definite answer; but they would say now, generally, that upon certain conditions they would undoubtedly give an affirmative answer to both questions. With respect to the observation contained in the Minute that the present negotiations have been greatly protracted to the manifest injury of important interests, Ministers desire to remark that the facts disclosed above clearly show that the responsibility for delay does not rest with Ministers, who have been hourly expecting an answer to an important question.

From the time of its being announced that a Royal Charter was to be granted to the British South Africa Company, Ministers have been in entire accord with Mr. Rhodes, the Managing Director of the Company in this country. They have been in constant personal communication with him, and have assisted him to the utmost of their power, believing that the enterprise in which he is engaged will confer incalculable benefits upon this colony and South Africa generally.

Ministers desire that the Bechuanaland Railway shall be pushed forward with all possible celerity, and that the funds of the Chartered Company now invested in the railway shall as soon as possible be released and applied to other purposes in the north, and it is because they apprehend that considerable delay may be occasioned unless a definite arrangement can at once be made between the Cape Government and Mr. Rhodes, that they have felt the necessity of agreeing upon a basis upon which what is desired by all parties may be fulfilled.

With that object in view Ministers have, in conjunction with Mr. Rhodes, as representing the Chartered Company, formulated certain heads of agreement, which they now respectfully submit in the form of the following memorandum :—

“The Railway to Vrijburg to be built on the following terms :—

“The Cape Government to raise and advance to Mr. Rhodes the necessary money on the same terms as they raise it.

“The Cape Government to hold as security the line of railway in addition to the 6,000 square miles in Bechuanaland, which shall be duly hypothecated.

“In case the Cape Government shall take over the line on or before the 31st July, 1891, they shall be entitled to share in the proportion of two to one with Mr. Rhodes in the proceeds of all lands that may have been realized, and to be a partner in the proportion of two to one in whatever lands may at the date of purchase remain unsold.

“It is understood that all lands sold must be subject to a substantial quitrent of not less than per thousand acres.

“Any lands unsold at the date of taking over the Railway shall be jointly dealt with in the aforementioned proportion, it being understood that for a period of twelve months after the date of purchase of the Railway neither party shall sell his share of the land without first giving the refusal

to the other party, and in the event of this right of pre-emption not being acted upon, any lands sold subsequently shall be subject to the same substantial quitrent.

“In the final liquidation of the account, either party shall have the right to purchase all the quitrents accruing to the other on a basis of (20) years' purchase.

“It is further understood that Mr. Rhodes binds himself to proceed with the extension of the Railway from Vrijburg to Mafeking, provided the Cape Government purchases the Kimberley-Vrijburg section on the foregoing terms.”

Ministers believe that the proposal now submitted offers the best solution of a question which is surrounded with difficulties, and, if the Governor will give his assent to it, the Government and the Chartered Company are prepared to carry it out.

(Signed) J. GORDON SPRIGG.

Copy.]

Prime Minister's Office,
23rd January, 1890.

Minute.

In acknowledging His Excellency the Governor and High Commissioner's Minute No. 4 of to-day's date, Ministers have the honour to transmit, for His Excellency's information, copy of an Agreement* entered into this day between Sir Gordon Sprigg, on behalf of the Government of the Colony, and Mr. Cecil Rhodes, as representing the British South Africa Company, with reference to Railway Extension from Kimberley through British Bechuanaland.

(II.)—*MEMORANDUM of a Conference between His Honour the President of the Free State and the Hon. the Commissioner of Crown Lands and Public Works of Cape Colony, held at Bloemfontein on Tuesday, September 20th, 1892.*†

I. The permanent bridge over the Vaal River at Vereeniging.—Dr. Leyds, the State Secretary of the Transvaal, being present, it was, after the representation of His Honour the President, agreed that the half cost of this bridge should be paid by the Cape Government in the first instance to the Government of the South African Republic, upon the usual certificates that the work has been duly performed at a fair and reasonable cost. The amount thus paid to form an additional charge to the capital account over and above that named in the Convention.

II. The question of arranging a time table in such a manner that the three capitals, Pretoria, Bloemfontein, and Cape Town should be served in a way that would admit of the trains arriving and departing at a reasonable hour was discussed, and the Commissioner promised to take the matter in hand without delay, and have a time table framed, meeting as far as possible the views which had been given expression to.

* See Section III (E) *supra*.

† 't' though this Agreement has been almost completely superseded, it is printed as a sequel to the first Railway Convention, and as now being very difficult of access.

III. Dr. Leyds then withdrew, and Mr. Paul Botha, M.V. for Kroonstad, with Mr. Border and Mr. Blignaut, as a deputation from Kroonstad, next interviewed His Honour the President and the Commissioner.

The question of carrying goods for Potchefstroom, Klerksdorp, and the districts of the Transvaal south of Johannesburg at in transit rates to the stations in the Free State was discussed at length. The President held strongly to the view that "through rates" and "in transit" rates practically meant the same thing, both for the Free State and the South African Republic. On being assured that a lower rate is required "as a matter of fair competition," so as to secure the trade of the towns and districts named over the railway passing through the Free State, His Honour consented to a reduced rate being introduced for either one or all of the following stations: Kroonstad, Heilbron Road, and Viljoen's Drift. Exact particulars regarding the reduced rate to be furnished as soon as possible.

IV. His Honour the President next brought under discussion the rate which is at present being charged in terms of the Convention of March, 1889, for the conveyance of live stock and vehicles in the Free State. The same is fixed at 6d. per ton per mile, but the Commissioner agreed that, for the future, the same rate should apply, not exceeding this amount, in the Free State as applies over the system of the Cape Colonial railways.

V. Coal Rates.—The question of a coal rate from the Vaal River across the Free State was next discussed, and the Commissioner, upon the urgent representations of His Honour the President, finally agreed to a rate of 1d. per Colonial ton per mile from the Vaal River, or from any station in the Free State south of the Vaal River to any other station in the same State, for the conveyance of coal to be used in the Free State, and added, at the same time, that he would endeavour to arrange, as far as possible, for the coal coming in bulk, if need be, so as to avoid the necessity of bagging.

His Honour the President consented to coal required by the Cape Colonial Railway exclusively for railway working passing over the line from Vaal River to Norval's Pont at actual working cost, on the understanding that such coal was carried in trucks which would otherwise return empty, and that no other charge which could be debited to the working of the line is incurred in connection therewith.

VI. The question of the conveyance of salt at a reduced rate was likewise discussed, and the Commissioner pointed out that salt direct from the pans was carried in the Colony, and would be carried in the Free State, at the minimum rate of $1\frac{1}{2}$ d. per ton per mile.

VII. The President drew the Commissioner's attention to the fact that representations had been made that the classification for the conveyance of rice, coffee, sugar, candles and soap had been altered so far as the Transvaal was concerned, and that this was in violation of the existing Conventions. The Commissioner expressed his regret that the President had not been consulted and the matter fully explained to him before the step was taken, but he showed that under the Convention of December, 1890, Part III, Article III, it was optional for the Cape Government to make whatever reduction was necessary as a matter of fair competition, so long as the total charge from Colonial ports to any station in the Free State, or beyond, is not less than that from either the port of Natal or Delagoa Bay to the same station, and that under that article either a special second-class reduced rate for the items named would have to be established, or, what practically amounted to the same thing, they would be carried at third-class rates.

VIII. Fencing of the Line.—The President asked that the details for which he had already asked the Resident Engineer should be supplied as soon as possible, and the Commissioner promised that this would be seen to.

IX. The Commissioner promised to enquire into the representations made by the President, that the platform at the Bloemfontein station should be asphalted, like the Kimberley one.

X. The Commissioner informed the President in reply to his enquiry, that the subject of workshops had that morning been receiving his attention, with the Resident Engineer and the Locomotive Superintendent, and that the work would be taken in hand after his return to Cape Town. He, however, promised to enquire into the representations which had been made as to the inferiority of rolling stock and the delay of local trains in the Free State.

XI. The President asked when the accounts would be in such a condition that an investigation could be made, and an understanding come to, as to the capital cost, under the Conventions, and the sum which the Free State would, in terms of these, have to pay in the event of their exercising their right of taking over the line, the Commissioner replied that he would have enquiry made on his return from Cape Town and communicate further, promising to do everything to expedite the work, and expressing as his opinion that a commencement might be looked for in January next.

XII. Rates over the section north of Bloemfontein, as far as Viljoen's Drift.—The Commissioner promised to have a communication addressed to the President on the subject, and submit a scale in terms of the Convention.

XIII. In reply to the enquiry put by the President as to when the line would be completed to Viljoen's Drift in the sense of the Convention, the Commissioner said that he was not in a position to give an answer right off, but that it would be a matter for subsequent adjustment between the officers appointed by the two Governments to inquire into the matter.

XIV. The Commissioner informed the President that, in accordance with the resolution of the Legislature during the past session, free passes will be sent to the members of the O.F.S. Volksraad, authorising them to travel over all railways the property of the Colonial Government, and by any train. He further added that, while the resolution was before the House of Assembly he communicated with the Netherlands South African Railway Company, and received the assurance that these passes would be available over the railways of the S.A. Republic as well.

XV. The President laid before the Commissioner two letters, one from Mr. Anderson, of Edenburg, complaining that the trains do not stay long enough to enable passengers to patronise his refreshment establishment. To this the Commissioner answered that he could hold out very little hope of the slightest alteration, or any redress being granted in that respect. The other letter was from Mr. Levisseur, a merchant of Bloemfontein, complaining that he cannot get receipts from the railway authorities within a reasonable time for goods forwarded.

The Commissioner promised to have the matter enquired into.

NOTE TO SECTION III.

The Beira Railway Company (Registered in England, Limited by Guarantee, and not having a capital divided into shares), was incorporated 12th July, 1892, "to construct or procure the construction of a railway from Pungwe on the South-east coast of Africa, to the Eastern boundary of the British sphere of influence in South Africa, in satisfaction of the obligation of Portugal under a Convention with Great Britain, dated 11th June, 1892 (see Section I (L), Article XIV, p. 47 *supra*), and of the obligation of the Companhia de Mozambique, under Royal Decrees of Portugal, dated the 11th February, 1891, and 30th July, 1891; and to construct or procure the construction of any other railways, tramways, and roads in connection with such railway, or which may seem calculated directly or indirectly to feed or develop such railway, or capable of being profitably worked, and for this purpose to take over and acquire all the rights and interests of Henry Theodore Van Laun, under two agreements made by him with the Companhia de Mozambique, dated respectively the 12th September, 1891, and the 8th February, 1892, sanctioned by the Portuguese Government by Royal Decrees dated respectively the 10th October, 1891, and 3rd March, 1892."

SECTION IV.—CUSTOMS.*

(A.)—CUSTOMS UNION CONVENTION between the Cape Colony and the Orange Free State.—March–April, 1889.

His Excellency the Governor of the Colony of the Cape of Good Hope, and His Honour the President of the Orange Free State, mutually, on behalf of their respective Governments, admitting that the said Colony and the said State are respectively entitled to a share in duties of Customs collected on goods imported through either and consumed in the other Colony or State, and that it is desirable that there should be a general Customs Union between all the Colonies and States of South Africa on the basis—firstly, of a uniform tariff on all imported goods consumed within such Union, and of an equitable distribution of the duties collected on such goods amongst the parties to such Union; and, secondly, of free trade between the Colonies and States in respect of all South African products imported overland; and being desirous, pending the establishment of such a general Customs Union, of entering into a preparatory Customs Union between the said Colony and State, have agreed, on behalf of their respective Governments, upon the following articles:—

ARTICLE I.†

The following and none other shall be the duties of Customs upon goods imported into any place within the said Colony or State, and the Governments thereof respectively shall be bound to levy and collect within their respective jurisdictions the said duties upon all goods so imported from outside the limits of the said Union:—

* A New Convention, including Natal, was signed at Cape Town on May 6; Bloemfontein, May 11; Pietermaritzburg, May 12, 1898, to supersede the Convention and Protocols here printed except (G) and (H). The new Convention has not yet (September, 1, 1898) been ratified by the Cape Colony.
For text, see Section VIII, Part IV.

† Amended by Protocol of 28th March, 1889. See (B) *infra*.

		£	s.	d.
Ale and Beer	per Imperial gallon	0	1	3
Agricultural Implements (Kafir hoes and picks excepted)	per £100	10	0	0
Axles, Bushes, Springs and Lamps for Carts, Carriages and other wheeled vehicles	„ £100	10	0	0
Bacon and Hams	„ lb.	0	0	2
Bags for Flour, Grain, Coal and Wool	„ £100	5	0	0
Beads	„ lb.	0	0	2
Butter	„ lb.	0	0	3
Candles	„ lb.	0	0	2½
Carriages, Carts, Wagons and other wheeled vehicles, including wheelbarrows	„ £100	20	0	0
Cement	„ 400 lbs.	0	2	0
Cheese	„ lb.	0	0	3
Chicory	„ 100 lbs.	0	16	8
Cider	per Imperial gallon	0	1	0
Coals, Coke, and Patent Fuel	per ton	0	2	0
Cocoa and Chocolate	per 100 lbs.	0	16	8
Coffee	„ 100 „	0	12	6
Confectionery : Jams, Jellies, Bottled and Tinned Fruits and Manufactured Sweets not being medicated or properly classed as Apothecary- ware, but including Sweetmeats of all sorts, and other Articles with which Sugar is largely com- pounded for preserving purposes	per 100 lbs.	0	16	8
Corks and Bungs	„ £100	10	0	0
Corn and Grain, of all kinds	„ 100 lbs.	0	2	0
Dynamite	„ lb.	0	0	3
Dates	„ lb.	0	0	2
Fish, preserved or pressed, in pots, bottles, tins or wood	„ lb.	0	0	2
Fruits, dried	„ lb.	0	0	2
Flour, Wheaten or Wheaten Meal	„ 100 lbs.	0	5	0
Ginger, dry, Chow-Chow and other similar preserves	„ lb.	0	0	3
Gunpowder	„ lb.	0	0	6
Guns and Gun Barrels	„ barrel	1	0	0
Hops	„ £100	10	0	0
Iron, Bar, Bolt and Rod	„ £100	10	0	0
Lard	„ 100 lbs.	0	12	6
Marble	„ £100	10	0	0
Matches, viz. :—				
Wooden, in boxes or other packages containing not more than 100 matches	per gross	0	2	0
Wooden, in boxes or other packages containing more than 100 and not more than 200 matches	„ gross	0	4	0
Wax, Vestas, and Fusees, in boxes or other packages containing up to 50 Vestas or Fusees	„ gross	0	2	0
In boxes or other packages containing up to 100 Vestas or Fusees	„ gross	0	4	0
(And at the same rate for every additional 50 Vestas or Fusees)				
Meats, Salt and Preserved, in tins, cases or otherwise Metal, Composition and Sheathing	per lb.	0	0	2
Mules	„ £100 each	10	0	0
Oils of all descriptions, other than Chemical, Essential and Perfumed	per Imperial gallon	0	1	0
Oils, Chemical, Essential and Perfumed	per £100	15	0	0
Paddy (known in Natal as Coolie Rice)	„ 100 lbs.	0	1	6
Pistols or Pistol Barrels	each	0	5	0
Picks and Hoes (Kafir)	each	0	0	6
Pickles and Sauces	per lb.	0	0	2
Rice	per 100 lbs.	0	3	6
Rosin	„ £100	10	0	0
Salt, Rock	„ ton	0	2	0
Salt, all other descriptions	„ ton	0	5	0
Soap, Common, Brown, Blue, Yellow or Mottled	„ 100 lbs.	0	4	2
Soda, Caustic	„ £100	10	0	0
Spirits, of all sorts, not exceeding the strength of proof by Sykes' hydrometer, and so on in pro- portion for any greater strength	per Imperial gallon	0	10	6

		£	s.	d.
Spirits (sweetened or perfumed), Liqueurs and Cordials	per Imperial gallon	0	10	6
Sugar of all sorts (including Molasses and Concrete)	„ 100 lbs.	0	6	3
Staves	„ £100	5	0	0
Tallow	„ 100 lbs.	0	4	2
Tamarinds	„ lb.	0	0	2
Tea	„ lb.	0	0	8
Tin, viz. : Plate or Sheet	„ £100	5	0	0
Tobacco, not Manufactured	„ lb.	0	1	0
Do. Manufactured, not Cigars or Snuff	„ lb.	0	2	0
Cigars	„ lb.	0	4	0
and for every £100 value	„ £100	10	0	0
Cigarettes	„ lb. gross	0	2	0
Snuff	„ lb.	0	4	0
Turmeric	„ lb.	0	0	3
Turpentine	„ gallon	0	1	0
Varnish	„ gallon	0	1	0
Vegetables, preserved or pressed, in pots, bottles, tins or wood	„ lb.	0	0	2
Vinegar	„ Imperial gallon	0	0	6
Wine in Bottles, each of not greater content than 6 to the Imperial Gallon	„ dozen bottles	0	12	0
Wine in Bottles, each of not greater content than 12 to the Imperial Gallon	„ dozen bottles	0	6	0
Wines in other Bottles or in Wood	„ Imperial gallon	0	6	0
Wood, Unmanufactured, other than Teak	„ cubic foot	0	0	2
Wood, other than Teak, planed or grooved	„ cubic foot	0	0	3
Teak	„ cubic foot	0	0	4
Goods not above enumerated or described, nor otherwise charged with the duty, and not prohibited to be imported or used in either such State or Colony as aforesaid	„ £100	12	0	0

Free.

All raw produce of South Africa, imported overland.

All goods grown, produced or manufactured within the said Colony or State, imported overland, excepting Flour manufactured from other than South African Wheat.

All articles of Military, Naval, or Volunteer Uniforms, or appointments imported for the use of Her Majesty's Imperial or Colonial Forces, or Forces of the said Colony or State.

Animals Living (excepting Mules).

Anchors and Chain Cables for Ships' use.

Bones.

Bottles of Common Glass imported full of Wine, Beer, or other Liquid liable to Customs Duty.

Books, Printed, not being Foreign Reprints of British or South African Copyright Works.

Bullion or Coin.

Carriages, Carts, Wagons, and other Wheeled Vehicles, the manufacture of South Africa, imported overland.

Cotton in its raw state.

Diamonds or other Gems in their rough state.

Feathers, Ostrich, Undressed.

Fencing Wire, Iron Standards, and all other Materials intended to be used solely for the purpose of Wire Fencing.

Fish not specially rated.

Flowers of Sulphur.

Fruit, Green, including Cocoa Nuts.

Guano and other Manures.

*Hair, viz., Angora.

*Hides, Ox and Cow.

*Horns, Ox and Cow.

*Horns, Wild Animals.

Ice.

*Ivory.

Machinery and the component parts thereof, viz. : — for Agricultural, Mining, Sawing, or Manufacturing purposes.

Maps and Charts.

Materials for use in construction of Railways or Tramways within the Union, such materials to mean as follows:—Rails, Sleepers, Fastenings for Rails or Sleepers, Iron Girders, Iron Bridge work, Culvert Tops, Locomotives, Tenders, Ballast Trucks, Goods Wagons, Railway Carriages, Engine Watertanks, Turn Tables, and Railway Signals.

Materials for use in construction of Telegraph Lines within the Union.
 Paper for Newspaper and Book Printing purposes.
 Photographs.
 Pig Iron.
 Printers and Bookbinders' Materials.
 Provisions or other Stores for the Regular Forces in the service of Her Britannic Majesty,
 and the said State or Colony.
 Seeds, Bulbs or Plants (Garden).
 Sheep Dip.
 *Skins, Goat.
 * Do., Seal.
 * Do., Sheep.
 * Do., Wild Animals.
 Specimens illustrative of Natural History.
 Tobacco, the produce of South Africa, imported overland.
 Wine imported or taken out of bond for the use of Military Officers serving on full pay
 in the Regular Land and Sea Forces of Her Britannic Majesty, and the said State
 or Colony, and also for the use of Officers of Her Majesty's Navy serving on board
 any of Her Britannic Majesty's Ships; subject, however, to such regulations as
 may be made, and provided that if any such wines shall be subsequently sold,
 except for the use and consumption of any such Officers serving as aforesaid, the
 same shall be forfeited and liable to seizure accordingly.
 *Wool, viz.: Sheep's.

Notwithstanding the provisions of this Article, and in lieu of the duty upon other spirits thereby imposed, the said State shall, by way of import duty collect upon all spirits distilled from the produce of and in the South African Republic which may be imported into the said State overland from the said Republic a duty equal to the duty imposed by the said Republic upon any spirits distilled from the produce of and in any part of the Union, which may be imported into the said Republic; and if any such spirits so imported into the said State shall be therefrom exported into the said Colony, the said State shall collect a further duty thereon equal to the difference between the duty of 10s. 6d. (ten shillings and sixpence) established by this Article and the duty levied as aforesaid by the South African Republic: provided that if at any time the Government of the South African Republic shall have reduced the duty of Customs chargeable on spirits distilled from the produce of and in the said Colony and the said State to the rate of 2s. (two shillings) per gallon, the said Colony and the said State, or either of them, shall be at liberty similarly to reduce its duty of Customs on spirits distilled from the produce of and in the said Republic or of and in any part of South Africa and imported overland, to 2s. (two shillings) per gallon; and provided also that if the said Colony or the said State shall avail itself of this liberty it shall at the same time reduce to 2s. (two shillings) per gallon its duty of Customs on spirits distilled from the produce of and in any part of the Union.

ARTICLE II.

The above-named Colony and State shall be bound to collect the duties of Customs payable on all goods imported within the borders of one of them from outside of the limits of the Union for exportation from such collecting State or Colony into the other of them, and to recover for and pay over to the Government of such other State or Colony as aforesaid three-fourths of the duty so collected by it on goods imported into and passing through one of them for export to and consumption in the other of them, unless such goods are under the tariff provided by Article I duty free.

ARTICLE III.

All goods upon which three-fourths of the duties of Customs have to be paid over by either of the parties hereto to the other, shall be subject to such

* Not manufactured but in the raw state.

Customs regulations as may be mutually agreed upon by the Governor of the Cape Colony and the President of the Orange Free State for the purpose of securing their respective interests.

ARTICLE IV.

Every Colony and State belonging to the Union shall be at liberty to pass through any part thereof, under such regulations as may be agreed upon, goods intended for consumption outside the Union, duty free, or at such rate as the interest of the forwarding State may demand.

ARTICLE V.

All accounts as between the said Colony and State shall be made up to the last day of each quarter of the calendar year, and all such accounts shall be adjusted and settled within two months from that date.

ARTICLE VI.

Under such local regulations as may be prescribed in that behalf by either such Colony or State as aforesaid, a rebate of Duty of Customs may be allowed to the wholesale consumers of Sugars for the manufacture of Jams, Preserves, and Confectionery.

ARTICLE VII.

All articles the importation whereof shall, at the date of the execution of this Convention be, by law, prohibited in either State or Colony, shall remain so prohibited in that State or Colony, unless the prohibition be repealed by its legislature, and such prohibition may be extended to the other State or Colony by the legislature of such other.

The Governments of the said State or Colony may by agreement cause to be prohibited the importation into the Union or any part thereof of any articles the importation whereof shall, at the date of the execution of this Convention, be prohibited by either State or Colony, or of any other articles not already so prohibited, and such prohibition shall thereupon remain in force until repealed by joint consent.

Articles the importation whereof is prohibited in either State or Colony and not in the other shall be allowed to pass through the prohibiting Colony or State to the other not so prohibiting, subject to payment of the *ad valorem* rate of 12 per cent. imposed under this Convention, and to such regulations as may be agreed upon between the respective Governments.

ARTICLE VIII.

The principles laid down in this Convention are acknowledged as being of lasting force and effect, and its provisions shall come into operation on the 1st day of July, 1889, and shall continue until the 30th day of June, 1893; and thereafter until the expiration of twelve months from the date of notice given by either party hereto to the other of its wish to terminate this Convention.

ARTICLE IX.

Except in cases of duty paid in excess or error no rebate or refund of any sum in respect of duty paid, or bounty or gratuity in respect of any dutiable article, shall be allowed or granted by either the said Colony or the said State, except upon grounds contained in the articles of this Convention, or by mutual agreement.

ARTICLE X.

It shall be competent at any time during the existence of the Union for any other South African State, Colony, or Territory, having a civilized Government, to apply to be included as a party thereto; and upon the parties hereto signifying their joint assent to such admission and mutually agreeing to the terms of such admission, such South African State, Colony, or Territory shall be admitted, provided it pass the requisite legislation to give effect to the terms of such admission: Provided, further, that such application, unless made on or before the 1st day of June, 1889, shall be made six clear months before the admission to the Union of any such State, Colony, or Territory can take effect, and that no such admission can operate prior to the first day of January, or July, in any year, as the case may be.

ARTICLE XI.

Should the provisions of this Convention be found in practice to require amendment, it may be effected with the joint assent of the Governments of the said Colony and State; and in the event of any Conference being hereafter convened for the discussion of any matters or questions arising out of this Convention, each of the said Governments shall, if it nominate more than one delegate, designate to the Conference the delegate through whom its vote shall be cast.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Cape Town, this Fifth day of April, One Thousand Eight Hundred and Eighty-nine.

HERCULES ROBINSON,

Governor.

Given under my hand and the Public Seal of the Orange Free State, at Bloemfontein, this 28th day of March, One Thousand Eight Hundred and Eighty-nine.

F. W. REITZ,

State President.

(B.)—*PROTOCOL to the Customs Union Convention entered into between His Excellency the Governor of Colony of the Cape of Good Hope, and His Honour the President of the Orange Free State, and given under their hands and Public Seals of the said Colony and State on the 5th day of April, 1889, and the 28th day of March, 1889, respectively.—April, 1889.*

His Excellency the Governor of the Colony of the Cape of Good Hope, and His Honour the President of the Orange Free State have agreed to the following clauses which shall be read and construed together with the said Convention as though the effect of the said clauses were therein embodied.

I. In the Tariff of Duties of Customs contained in Article I of the said Convention shall be inserted the following item, to wit:—“Spirits distilled from the produce of and in either the said Colony or State (other than Spirits distilled from the produce of vines grown in the said Colony or State), and imported over any of its borders into the other, not exceeding the strength of proof by Sykes' hydrometer and so on, in proportion for any greater strengthper Imperial gallon £0 2s. Cd.”

II. At the end of the second paragraph in the list set forth in Article I of the said Convention of articles to be imported free of duty, after the word

“wheat” shall be added the words, “and excepting spirits upon which the duty of 2s. (two shillings) per Imperial gallon is imposed by the above Tariff.”

III. The concluding proviso set forth in the last paragraph of Article I of the said Convention shall be omitted.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Cape Town, this 30th day of April, One Thousand Eight Hundred and Eighty-nine.

HERCULES ROBINSON,
Governor.

Given under my hand and the Public Seal of the Orange Free State, at Bloemfontein, this 24th day of April, One Thousand Eight Hundred and Eighty-nine.

F. W. REITZ,
State President.

(C.)—*PROTOCOL to the Customs Union Convention, made and entered into by and between the Governments of the Colony of the Cape of Good Hope and of the Orange Free State, and given under the hand of His Excellency the Governor, and under the Public Seal of the said Colony at Cape Town, on the 5th day of April, 1889, and under the hand of His Honour the President, and under the Public Seal of the said State at Bloemfontein, on the 28th day of March, 1889, on behalf of the said Governments respectively.—July, 1890.*

Whereas, under Article XI of the Customs Union Convention, subsisting between the Governments of the Colony of the Cape of Good Hope and of the Orange Free State, the provisions of the said Convention may be amended with the joint assent of the said Governments.

And whereas it has been found in practice expedient so to amend or add to the provisions of the said Convention as to authorise under proper regulations and restrictions the removal in bond from any Colony or State, at any time a party to the said Convention, to any other Colony or State, also a party thereto, of goods to be entered in bond in such last-mentioned Colony or State either for consumption in such last-mentioned Colony or State or for further removal therefrom under rebate to places beyond the limits of the Union.

Now, therefore, His Excellency the Governor of the Colony of the Cape of Good Hope, on behalf of the Government of the said Colony, and His Honour the President of the Orange Free State, on behalf of the Government of the said State, have given their joint assent to the following Articles of a Protocol, which shall be of equal force with and shall be read and construed as part of the aforesaid Customs Union Convention:—

ARTICLE I.

Notwithstanding anything to the contrary contained in Articles I, II, and IX of the Customs Union Convention, but subject to provisions of Article VII thereof, every Colony or State belonging to the Union shall permit goods, imported thereinto from any place beyond the limits of the Union, and duly warehoused in such Colony or State in accordance with the

laws of Customs and regulations in force therein, to be removed overland under bond, without payment of duty to, and to be rewarehoused in bonded warehouses hereafter duly appointed and mutually agreed upon in any other Colony or State belonging to the Union, subject, however, to the laws of Customs in force in such first-mentioned Colony or State with regard to the removal of goods in bond, and subject to such regulations with regard thereto as may be mutually agreed upon.

ARTICLE II.

Every Colony or State belonging to the Union to which any goods are removed under Article I of this Protocol shall be bound to require that all such goods so removed in bond shall be duly rewarehoused in some such bonded warehouse as in the said Article defined, according to the quantities and values of the said goods as advised after their first warehousing within the Union, and shall grant and forward to the Collector or other principal Officer of Customs in the Colony or State, from which the said goods were so removed, certificates under the hand of a duly appointed officer of Customs of the Colony or State to which the said goods are so removed, setting forth that the said goods have been there so duly warehoused.

ARTICLE III.

Every Colony or State belonging to the Union to which any goods may be removed under Article I of this Protocol shall, as soon as the said goods shall be rewarehoused therein, collect the duties thereon according to the quantities and values of the said goods as advised after their first warehousing within the Union, and pay over to the Colony or State from which the said goods were so removed, its share of such duties in manner following:—

- (a) On all goods which may be delivered from any bonded warehouse in such first-mentioned Colony or State for consumption, such Colony or State shall collect the full Customs Union duties, and shall be accountable for and pay over to the Colony or State from which the said goods were removed one-fourth of such duties.
- (b) On all goods which may be delivered from any bonded warehouse in such first-mentioned Colony or State for removal to places beyond the limits of the Union, such Colony or State shall collect and be accountable for, and pay over to the Colony or State from which the said goods were removed, the full Customs Union duties, less only such rebate of duties as may be granted on such goods on account of such removal under the regulations which may be from time to time agreed upon by and between the Colonies and States belonging to the Union.

ARTICLE IV.

Every Colony or State belonging to the Union which shall collect the duties on any goods which have been removed out of one State into another in terms of Article I of this Protocol, and which shall in terms of Article III pay over such duties to the Colony or State from which the said goods were so removed, shall, in consideration of such collection and paying over, be entitled to receive from the Colony or State to which such duties are paid over in manner aforesaid, repayment of whatever expenses or costs such Colony or State so collecting and paying over shall incur by the employment of one or more officials solely and exclusively charged with the collecting of the aforesaid duties.

The amount of such expenses and costs shall from time to time be mutually agreed upon between the States or Colonies which are parties to the collecting and receiving of the duties as aforesaid.

ARTICLE V.

Every Colony or State belonging to the Union to which any goods may be removed under Article I of this Protocol and from any bonded warehouse in which the said goods may be again delivered for further removal to any place beyond the limits of the Union shall at the time of delivery, and subject to such regulations as may be mutually agreed upon, take bond from the persons removing such goods for the due removal thereof to some place beyond the limits of the Union.

ARTICLE VI.

The Government of every Colony or State belonging to the Union to which any goods may be removed under Article I of this Protocol shall render to the Government of the Colony or State from which such goods were so removed a quarterly statement, which shall set forth under suitable and distinct heads the quantities and values as advised after their first warehousing, within the Union, of all goods liable to the various rates of duties of Customs under the Customs Union Convention, which have been delivered from any bonded warehouse in the Colony or State rendering such statement, either for consumption within such Colony or State or for removal beyond the limits of the Union, and shall, when requested, render, in addition to such statement, duly certified copies of all warrants on which any such goods have been delivered from any such warehouse, and from which the duties accruing to any Colony or State belonging to the Union may be determined.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Cape Town, on this Third day of July, One Thousand Eight Hundred and Ninety.

(Signed) HENRY B. LOCH,
Governor.

Given under my hand and the Public Seal of the Orange Free State, at Bloemfontein, on this the Twelfth day of July, One Thousand Eight Hundred and Ninety.

(Signed) F. W. REITZ,
President.

(D.)—*PROTOCOL. Admission of British Bechuanaland into the Union.—*
June, 1890.

Protocol to the Customs Union Convention entered into between His Excellency the Governor of the Colony of the Cape of Good Hope and His Honour the President of the Orange Free State, on behalf of their respective Governments, and given under their hands and the Public Seals of the said Colony and State, on the 5th day of April, 1889, and the 25th day of March, 1889, respectively :—

His Excellency the Governor of the Colony of the Cape of Good Hope and His Honour the President of the Orange Free State, mutually on behalf of their respective Governments, having regard to the application made by, or on behalf of, the Government of the Territory of British Bechuanaland to be included as a party to the subsisting Customs Union between the said Colony and State, and having regard to the Articles of the subsisting Customs Union Convention entered into in the year 1889, between His

Excellency the Governor of the Colony of the Cape of Good Hope and His Honour the President of the Orange Free State, on behalf of their respective Governments, do hereby signify their joint assent, in terms of Article X of the said Convention, to the admission of the aforesaid Territory of British Bechuanaland as a party to the said Customs Union, subject to the terms and conditions following, that is to say:—

I. The admission of the said Territory to the said Customs Union shall take effect and operate on and after the 1st day of July, 1890,* provided that the Government of the said Territory shall, before that date, have passed the legislation requisite to give effect to the terms and conditions of this Protocol relative to its admission as a party to the said Customs Union.

II. His Excellency the Governor of British Bechuanaland shall, at the foot or end of this Protocol, signify, on behalf of Her Majesty's Government, his assent to this Protocol, and to the terms and conditions herein contained relative to the admission of the aforesaid Territory as a party to the said Customs Union.

III. So soon as the aforesaid Territory shall be admitted as a party to the said Customs Union, the Government of the said Territory shall become, be and continue bound by the provisions of the aforesaid Customs Union Convention and of this Protocol thereto, and the terms of the said Convention shall *mutatis mutandis* be read and construed as though the said Territory were a third party thereto, the Government thereof having all the rights, and being bound by all the obligations with regard to the respective Governments of the Colony of the Cape of Good Hope and the Orange Free State, to which the said Governments are mutually entitled, and by which they are mutually bound under the said Convention with regard to each other.

Provided always that—

- (a) With regard to Articles III, IV, VII, X, and XI of the said Convention, the mutual agreement or joint assent of the two Governments last mentioned shall be required and shall be sufficient to carry out the several purposes of the said Articles from time to time;
- (b) The Government of the said Territory shall be deemed to have agreed and consented to any proposal, matter or thing approved or resolved on, in terms of any of the said Articles, by the mutual agreement or joint assent of the aforesaid two Governments;
- (c) No amendment of the provisions of the said Convention shall be made under Article XI thereof, before consultation with the Government of the said Territory;
- (d) No agreement, rule, or regulation made by the mutual agreement or joint assent, in terms of Paragraph (a) of this Proviso, of the two Governments therein referred to shall at any time be deemed or taken to be applicable to and binding upon the said Territory, or the Government thereof, unless such agreement, rule, or regulation shall be also applicable to and binding upon the Orange Free State and the Government thereof, or unless the Government of the said Territory shall directly express to the said two Governments its assent to such agreement, rule, or regulation.

IV. The Protocol to the said Customs Union Convention entered into between the Governor of the Colony of the Cape of Good Hope and the President of the Orange Free State, on behalf of their respective Govern-

* Amended by supplement. See (E) *infra*.

ments, and given under their hands and the Public Seals of the said Colony and State, on the 30th day of April, 1889, and the 24th day of April, 1889, respectively, shall be deemed for the purposes of this Protocol, to form portion of the said Customs Union Convention.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Cape Town, this Fourth day of June, One Thousand Eight Hundred and Ninety.

(Signed) HENRY B. LOCH,
Governor.

Given under my hand and the Public Seal of the Orange Free State, at Bloemfontein, this Nineteenth day of June, One Thousand Eight Hundred and Ninety.

(Signed) F. W. REITZ,
State President.

On behalf of Her Majesty's Government of the Territory of British Bechuanaland, I hereby signify my assent to the above Protocol and to the terms and conditions therein contained, relative to the admission of the said Territory as a party to the Customs Union subsisting between the Colony of the Cape of Good Hope and the Orange Free State.

Given under my hand and the Public Seal of the Territory of British Bechuanaland, at Cape Town, this Fourth day of June, One Thousand Eight Hundred and Ninety.

(Signed) HENRY B. LOCH,
Governor.

(E.)—SUPPLEMENT to the foregoing Protocol.—September, 1890.

The Contracting Parties to the foregoing Protocol to the Customs Union Convention, acting for and on behalf of the respective Governments of the Colony of the Cape of Good Hope, the Territory of British Bechuanaland, and the Orange Free State, hereby consent and agree that the admission of the said Territory to the said Customs Union shall take effect and operate, in terms of the aforesaid Protocol, on and after the First day of January, 1891, and not on the First day of July, 1890, as provided in the said Protocol.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Cape Town, this Twenty-second day of September, 1890.

(Signed) HENRY B. LOCH,
Governor of the Colony of the Cape of Good Hope.

Given under my hand and the Public Seal of the Territory of British Bechuanaland, at Cape Town, this Twenty-second day of September, 1890.

(Signed) HENRY B. LOCH,
Governor of the Territory of British Bechuanaland.

Given under my hand and the Public Seal of the Orange Free State, at Bloemfontein, this Eleventh day of September, 1890.

(Signed) F. W. REITZ,
State President.



(F.)—*PROTOCOL to the Customs Union Convention between the Governments of the Colony of the Cape of Good Hope and the Orange Free State, given under the hands of His Excellency the Governor of the said Colony and His Honour the President of the said State, and the Public Seals of the said Colony and State on the 5th April, 1889, and 25th March, 1889, respectively, and to the Further Protocol and Supplement thereto, the said Protocol being signed and sealed as aforesaid by His Excellency the Governor of the said Colony and His Honour the President of the said State on the 4th day of June, 1890, and the 19th day of June, 1890, and assented to by His Excellency the Governor of British Bechuanaland on the 4th day of June, 1890, and the said Supplement being signed and sealed by His Excellency the Governor of the said Colony and His Excellency the Governor of British Bechuanaland on the 22nd day of September, 1890, and by His Honour the President of the Orange Free State on the 1st day of September, 1890.—November 21, 1890.*

Whereas in terms of the further Protocol and Supplement thereto hereinbefore mentioned it was agreed between His Excellency the Governor of the Colony of the Cape of Good Hope and His Honour the President of the Orange Free State, and assented to by His Excellency the Governor of British Bechuanaland, that the Territory of British Bechuanaland should, on and after the 1st day of January, 1891, be admitted as a party to the Customs Union then subsisting between the said Colony and the said State, upon certain terms and conditions in the said Protocol and Supplement contained :

And whereas thereafter the said Governor of the said Colony, and the said President of the said State did agree under their hands and the Seals of the said Colony and State, on the 3rd July, 1890, and the 12th July, 1890, respectively, to another Protocol providing for the removal under certain conditions of goods in bond from any Colony or State belonging to the Union to any other such Colony or State, and for the rewarehousing of such goods in bonded warehouses within such other Colony or State, and for the collection and apportionment of duties upon such goods when taken out of bond, and for other purposes.

And whereas it is expedient that the provisions of the Protocol last mentioned should apply to the Territory of British Bechuanaland :

Now, therefore, His Excellency the Governor of the Colony of the Cape of Good Hope, on behalf of the Government of the said Colony, and His Honour the President of the Orange Free State, on behalf of the Government of the said State, and His Excellency the Governor of British Bechuanaland, on behalf of the said Territory, have given their joint assent to the following Protocol, which shall be of equal force with, and shall be read and construed as part of the aforesaid Customs Union Convention, and of the other Protocols and Supplement hereinbefore mentioned.

The terms and conditions contained in the Protocol signed and sealed as aforesaid on the 3rd July, 1890, and 12th July, 1890, shall in all respects be applicable and in force in regard to the territory of British Bechuanaland, from the date of admission of the said Territory into the Customs Union as fully as if the said Territory had been an original party to the said Protocol.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Cape Town, this 21st day of November, 1890.

HENRY B. LOCH,

Governor of the Colony of the Cape of Good Hope.

Given under my hand and the Public Seal of the Territory of British Bechuanaland, at Cape Town, this 21st day of November, 1890.

HENRY B. LOCH,
Governor of the Territory of British Bechuanaland.

Given under my hand and the Public Seal of the Orange Free State, at Bloemfontein, this 26th day of November, 1890.

F. W. REITZ,
State President.

(G.)—*PROTOCOL. Admission of Basutoland into the Union.—January-February, 1891.*

Protocol to the Customs Union Convention entered into between His Excellency the Governor of the Colony of the Cape of Good Hope and His Honour the President of the Orange Free State, on behalf of their respective Governments, and given under their hands and the Public Seals of the said Colony and State on the 5th day of April, 1889, and the 28th day of March, 1889, respectively, and to the Further Protocol and Supplement thereto, the said Protocol being signed and sealed as aforesaid by His Excellency the Governor of the said Colony, and His Honour the President of the said State, on the 4th day of June, 1890, and the 19th day of June, 1890, and assented to by His Excellency the Governor of British Bechuanaland on the 4th day of June, 1890, and the said Supplement being signed by His Excellency the Governor of the said Colony and His Excellency the Governor of British Bechuanaland on the 22nd day of September, 1890, and by His Honour the President of the Orange Free State on the 11th day of September, 1890.

His Excellency the Governor of the Colony of the Cape of Good Hope and His Honour the President of the Orange Free State mutually on behalf of their respective Governments, having regard to the application made by, or on behalf of the Government of Basutoland to be included as a party to the subsisting Customs Union between the said Colony and State, and having regard to the articles of the subsisting Customs Union Convention entered into in the year 1889 between His Excellency the Governor of the Colony of the Cape of Good Hope and His Honour the President of the Orange Free State on behalf of their respective Governments, do hereby signify their joint assent in terms of Article X of the said Convention, to the admission of Basutoland as a party to the said Customs Union, subject to the terms and conditions following, that is to say:—

I. The admission of Basutoland to the said Customs Union shall take effect and operate on and after the 1st July, 1891, provided that the Government of Basutoland shall before that date have passed the legislation requisite to give effect to the terms and conditions of this Protocol, relative to its admission as a party of the said Customs Union.

II. His Excellency the High Commissioner shall, at the foot or end of this Protocol, signify on behalf of Her Majesty's Government his assent to this Protocol and to the terms and conditions herein contained relative to the admission of Basutoland as a party to the said Customs Union.

III. So soon as Basutoland shall be admitted as a party to the said Customs Union, the Government thereof shall become, be, and continue bound by the provisions of the aforesaid Customs Union Convention and of this Protocol thereto, and the terms of the said Convention shall, *mutatis mutandis*, be read and construed as though Basutoland were a fourth party thereto, the Government thereof having all the rights and being bound by all the obligations with regard to the respective Governments of the Colony

of the Cape of Good Hope, the Orange Free State, and the Territory of British Bechuanaland, to which the said Governments are mutually entitled, and by which they are mutually bound under the said Convention with regard to each other: Provided always that

- (a) With regard to Articles III, IV, VII, X, and XI of the said Convention, the mutual agreement or joint assent of the two Governments of the Colony of the Cape of Good Hope, and of the Orange Free State, shall be required and shall be sufficient to carry out the several purposes of the said Articles from time to time;
- (b) The Government of Basutoland shall be deemed to have agreed and consented to any proposal, matter or thing approved or resolved on in terms of any of the said articles by the mutual agreement or joint assent of the aforesaid two Governments;
- (c) No amendment of the provisions of the said Convention shall be made under Article XI thereof, before consultation with the Government of Basutoland;
- (d) No agreement, rule, or regulation made by the mutual agreement or joint assent in terms of paragraph (a) of this proviso of the two Governments therein referred to, shall at any time be deemed or taken to be applicable to and binding upon Basutoland or the Government thereof, unless such agreement, rule, or regulation shall be also applicable to and binding upon the Orange Free State, and the Government thereof, or unless the Government of Basutoland shall directly express to the said two Governments its assent to such agreement, rule, or regulation.

IV. The Protocol to the said Customs Union Convention, entered into between the Governor of the Colony of the Cape of Good Hope and the President of the Orange Free State, on behalf of their respective Governments, and given under their hands and the Public Seals of the said Colony and State, on the 30th day of April, 1889, and the 24th day of April, 1889, respectively, shall be deemed for the purposes of this Protocol to form portion of the said Customs Union Convention.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Cape Town, this Tenth day of January, One Thousand Eight Hundred and Ninety-one.

HENRY B. LOCH,
Governor.

Given under my hand and the Public Seal of the Orange Free State, at Bloemfontein, this Twenty-eighth day of February, One Thousand Eight Hundred and Ninety-one.

F. W. REITZ,
State President.

On behalf of Her Majesty's Government of Basutoland, I hereby signify my assent to the above Protocol and to the terms and conditions therein contained, relative to the admission of Basutoland as a party to the Customs Union, subsisting between the Colony of the Cape of Good Hope and the Orange Free State.

Given under my hand and the Public Seal of Basutoland, at Cape Town, this Tenth day of January, One Thousand Eight Hundred and Ninety-one.

HENRY B. LOCH,
High Commissioner.

(H.)—*PROTOCOL. Admission to the Union of that portion of the Bechuanaland Protectorate which is under the direct Administrative control of the High Commissioner.—December 30, 1891; February 1, 1892.*

Protocol to the Customs Union Convention entered into between His Excellency the Governor of the Colony of the Cape of Good Hope and His Honour the President of the Orange Free State, on behalf of their respective Governments, and given under their hands and the Public Seals of the said Colony and State, on the 5th day of April, 1889, and the 28th day of March, 1889, respectively, and to the Further Protocols and Supplement thereto, being the Protocol signed and sealed as aforesaid by His Excellency the Governor of the said Colony, and His Honour the President of the said State on the 4th day of June, 1890, and the 19th day of June, 1890, and assented to by His Excellency the Governor of British Bechuanaland on the 4th day of June, 1890, the Supplement signed by His Excellency the Governor of the said Colony and His Excellency the Governor of British Bechuanaland on the 22nd day of September, 1890, and by His Honour the President of the Orange Free State, on the 11th day of September, 1890, and the Protocol signed and sealed as aforesaid by His Excellency the Governor of the said Colony, on the 10th day of January, 1891, and by His Honour the President of the said State on the 28th day of February, 1891, and assented to by His Excellency the Governor of Basutoland, on the 10th day of January, 1891.

His Excellency the Governor of the Colony of the Cape of Good Hope and His Honour the President of the Orange Free State, mutually on behalf of their respective Governments, having regard to the application made by, or on behalf of the Government of the Bechuanaland Protectorate for the inclusion of such portion of the British Protectorate as is under the direct administrative control of the High Commissioner as a party to the subsisting Customs Union between the said Colony and State, and having regard to the articles of the subsisting Customs Union Convention entered into in the year 1889 between His Excellency the Governor of the Colony of the Cape of Good Hope and His Honour the President of the Orange Free State on behalf of their respective Governments, do hereby signify their joint assent in terms of Article X of the said Convention, to the admission of such portion of the said Protectorate as is under the direct administrative control of the High Commissioner as a party to the said Customs Union, subject to the terms and conditions following, that is to say:—

I. The admission of the said portion of the Bechuanaland Protectorate to the said Customs Union shall take effect and operate on and after the 1st July, 1892, provided that the Government of the said Protectorate shall, before that date, have passed the legislation requisite to give effect to the terms and conditions of this Protocol, relative to the admission of the said portion thereof as a party to the said Customs Union.

II. His Excellency the High Commissioner shall, at the foot or end of this Protocol, signify on behalf of Her Majesty's Government his assent to this Protocol and to the terms and conditions herein contained relative to the admission of the said portion of the Bechuanaland Protectorate as a party of the said Customs Union.

III. So soon as the said portion of the Bechuanaland Protectorate shall be admitted as a party to the said Customs Union, the Government thereof shall become, be, and continue bound by the provisions of the aforesaid Customs Union Convention and of this Protocol thereto, and the terms of the said Convention shall, *mutatis mutandis*, be read and construed as though the said portion of the said Protectorate were a fifth party thereto, the Government thereof having all the rights and being bound by all the obligations with

regard to the respective Governments of the Colony of the Cape of Good Hope, the Orange Free State, the Territory of British Bechuanaland and the Territory of Basutoland, to which the said Governments are mutually entitled and by which they are mutually bound under the said Convention with regard to each other :—

Provided always that—

- (a) With regard to Articles III, IV, VII, X and XI of the said Convention the mutual agreement or joint assent of the two Governments of the Colony of the Cape of Good Hope, and of the Orange Free State, shall be required and shall be sufficient to carry out the several purposes of the said Articles from time to time.
- (b) The Government of the said portion of the said Protectorate shall be deemed to have agreed and consented to any proposal, matter or thing approved or resolved on in terms of any of the said Articles by the mutual agreement or joint assent of the aforesaid two Governments.
- (c) No amendment of the provisions of the said Convention shall be made under Article XI thereof, before consultation with the Government of the said portion of the said Protectorate.
- (d) No agreement, rule, or regulation made by the mutual agreement or joint assent in terms of paragraph (a) of this proviso of the two Governments therein referred to, shall at any time be deemed or taken to be applicable to and binding upon the said portion of the said Protectorate or the Government thereof, unless such agreement, rule or regulation shall be also applicable to and binding upon the Orange Free State and the Government thereof, or unless the Government of the said portion of the said Protectorate shall directly express to the said two Governments its assent to such agreement, rule or regulation.

IV. The Protocol to the said Customs Union Convention, entered into between the Governor of the Colony of the Cape of Good Hope and the President of the Orange Free State, on behalf of their respective Governments, and given under their hands and the Public Seals of the said Colony and State, on the 30th day of April, 1889, and the 24th day of April, 1889, respectively, shall be deemed for the purposes of this Protocol to form portion of the said Customs Union Convention.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Cape Town, this 30th day of December, 1891.

(Signed) HENRY B. LOCH,
Governor.

Given under my hand and the Public Seal of the Orange Free State, at Bloemfontein, this 1st day of February, 1892.

(Signed) F. W. REITZ,
State President.

On behalf of Her Majesty's Government of the Bechuanaland Protectorate, I hereby signify my assent to the above Protocol and to the terms and conditions therein contained, relative to the admission of the said portion

of the said Protectorate as a party to the Customs Union, subsisting between the Colony of the Cape of Good Hope and the Orange Free State.

Given under my hand and the Public Seal of the Bechuanaland Protectorate, at Cape Town, this 30th day of December, 1891.

(Signed) HENRY B. LOCH,
High Commissioner.

(J.)—*SUPPLEMENT to the foregoing Protocol.—June, 1893.*

The contracting parties to the foregoing Protocol to the Customs Union Convention, acting for and on behalf of the respective Governments of the Colony of the Cape of Good Hope, the Bechuanaland Protectorate and the Orange Free State, hereby consent and agree that the admission of the said Protectorate to the said Customs Union shall take effect and operate in terms of the aforesaid Protocol on and after the first day of July, 1893, and not on the first day of July, 1892, as provided in the said Protocol.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Cape Town, this fifth day of June, 1893.

(Signed) HENRY B. LOCH,
Governor of the Colony of the
Cape of Good Hope.

Given under my hand and the Public Seal of the High Commissioner, at Cape Town, this 5th day of June, 1893.

(Signed) HENRY B. LOCH,
High Commissioner for the
Bechuanaland Protectorate.

Given under my hand and the Public Seal of the Orange Free State at Bloemfontein, this eighth day of June, 1893.

(Signed) F. W. REITZ,
State President.

SECTION V.—EXTRADITION.

(A.)—*ACT (British) to provide for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before Foreign Tribunals.—July 29, 1856.**

Whereas it is expedient that Facilities be afforded for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before Foreign Tribunals: Be it enacted by the Queen'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:—

I. Where, upon an application for this Purpose, it is made to appear to any Court or Judge having Authority under this Act that any Court or Tribunal of competent Jurisdiction in a Foreign Country, before which any Civil or Commercial Matter is pending, is desirous of obtaining the Testimony

* See (B.) Clause XXIV. *infra*; page 261.

in relation to such Matter of any Witness or Witnesses within the Jurisdiction of such first-mentioned Court, or of the Court to which such Judge belongs, or of such Judge, it shall be lawful for such Court or Judge to order the Examination upon Oath, upon Interrogatories or otherwise, before any Person or Persons named in such Order, of such Witness or Witnesses accordingly; and it shall be lawful for the said Court or Judge, by the same Order, or for such Court or Judge or any other Judge having Authority under this Act, by any subsequent Order, to command the Attendance of any Person to be named in such Order, for the Purpose of being examined, or the Production of any Writings or other Documents to be mentioned in such Order, and to give all such Directions as to the Time, Place, and Manner of such Examination, and all other Matters connected therewith, as may appear reasonable and just; and any such Order may be enforced in like manner as an Order made by such Court or Judge in a Cause depending in such Court or before such Judge.

II. A Certificate under the Hand of the Ambassador, Minister, or other Diplomatic Agent of any Foreign Power, received as such by Her Majesty, or in case there be no such Diplomatic Agent, then of the Consul General or Consul of any such Foreign Power at London, received and admitted as such by Her Majesty, that any matter in relation to which an Application is made under this Act, is a Civil or Commercial Matter pending before a Court or Tribunal in the Country of which he is the Diplomatic Agent or Consul having jurisdiction in the Matter so pending, and that such Court or Tribunal is desirous of obtaining the Testimony of the Witness or Witnesses to whom the Application relates, shall be Evidence of the Matters so certified; but where no such Certificate is produced other Evidence to that Effect shall be admissible.

III. It shall be lawful for every Person authorized to take the Examination of Witnesses by any Order made in pursuance of this Act to take all such Examinations upon the Oath of the Witnesses, or Affirmation in Cases where Affirmation is allowed by Law instead of Oath, to be administered by the Person so authorized; and if upon such Oath or Affirmation any Person making the same wilfully and corruptly give any false Evidence, every person so offending shall be deemed and taken to be guilty of Perjury.

IV. Provided always, That every Person whose Attendance shall be so required shall be entitled to the like Conduct Money and Payment for Expenses and Loss of Time as upon Attendance at a Trial.

V. Provided also, That every Person examined under any Order made under this Act shall have the like Right to refuse to answer Questions tending to criminate himself, and other Questions, which a Witness in any Cause pending in the Court by which or by a Judge whereof or before the Judge by whom the Order for Examination was made would be entitled to; and that no Person shall be compelled to produce under any such Order as aforesaid any Writing or other Document that he would not be compellable to produce at a Trial of such a Cause.

VI. Her Majesty's Superior Courts of Common Law at Westminster and in Dublin respectively, the Court of Session in Scotland, and any Supreme Court in any of Her Majesty's Colonies or Possessions abroad, and any Judge of any such Court, and every Judge in any such Colony or Possession who by any Order of Her Majesty in Council may be appointed for this Purpose, shall respectively be Courts and Judges having Authority under this Act: Provided, that the Lord Chancellor, with the Assistance of Two of the Judges of the Courts of Common Law at Westminster, shall frame such Rules and Orders as shall be necessary or proper for giving Effect to the Provisions of this Act, and regulating the Procedure under the same.

(B.)—ACT (British) for amending the Law relating to the Extradition of Criminals.—9th August, 1870.

Whereas it is expedient to amend the law relating to the surrender to foreign states of persons accused or convicted of the commission of certain crimes within the jurisdiction of such states, and to the trial of criminals surrendered by foreign states to this country :

Be it enacted by the Queen'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 :

Preliminary.

I. This Act may be cited as "The Extradition Act, 1870."

II. Where an arrangement has been made with any foreign state with respect to the surrender to such state of any fugitive criminals, Her Majesty may, by Order in Council, direct that this Act shall apply in the case of such foreign state.

Her Majesty may, by the same or any subsequent order, limit the operation of the order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient.

Every such order shall recite or embody the terms of the arrangement and shall not remain in force for any longer period than the arrangement.

Every such order shall be laid before both Houses of Parliament within six weeks after it is made, or, if Parliament be not then sitting, within six weeks after the then next meeting of Parliament, and shall also be published in the London Gazette.

III. The following restrictions shall be observed with respect to the surrender of fugitive criminals :

- (1.) A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove to the satisfaction of the police magistrate or the court before whom he is brought on habeas corpus, or to the Secretary of State, that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character :
- (2.) A fugitive criminal shall not be surrendered to a foreign state unless provision is made by the law of that state, or by arrangement, that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to her Majesty's dominions, be detained or tried in that foreign state for any offence committed prior to his surrender other than the extradition crime proved by the facts on which the surrender is grounded :
- (3.) A fugitive criminal who has been accused of some offence within English jurisdiction not being the offence for which his surrender is asked, or is undergoing sentence under any conviction in the United Kingdom, shall not be surrendered until after he has been discharged, whether by acquittal or on expiration of his sentence or otherwise :
- (4.) A fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

IV. An Order in Council for applying this Act in the case of any foreign state shall not be made unless the arrangement—

- (1.) provides for the determination of it by either party to it after the expiration of a notice not exceeding one year; and,
- (2.) is in conformity with the provisions of this Act, and in particular with the restrictions on the surrender of fugitive criminals contained in this Act.

V. When an order applying this Act in the case of any foreign state has been published in the London Gazette, this Act (after the date specified in the order, or if no date is specified, after the date of the publication) shall, so long as the order remains in force, but subject to the limitations, restrictions, conditions, exceptions, and qualifications, if any, contained in the order, apply in the case of such foreign state. An Order in Council shall be conclusive evidence that the arrangement therein referred to complies with the requisitions of this Act, and that this Act applies in the case of the foreign state mentioned in the order, and the validity of such order shall not be questioned in any legal proceedings whatever.

VI.* Where this Act applies in the case of any foreign state, every fugitive criminal of that state who is in or suspected of being in any part of Her Majesty's dominions, or that part which is specified in the order applying this Act (as the case may be), shall be liable to be apprehended and surrendered in manner provided by this Act, whether the crime in respect of which the surrender is sought was committed before or after the date of the order, and whether there is or is not any concurrent jurisdiction in any court of Her Majesty's dominions over that crime.

VII. A requisition for the surrender of a fugitive criminal of any foreign state, who is in or suspected of being in the United Kingdom, shall be made to a Secretary of State by some person recognised by the Secretary of State as a diplomatic representative of that foreign state. A Secretary of State may, by order under his hand and seal, signify to a police magistrate that such requisition has been made, and require him to issue his warrant for the apprehension of the fugitive criminal.

If the Secretary of State is of opinion that the offence is one of a political character, he may, if he think fit, refuse to send any such order, and may also at any time order a fugitive criminal accused or convicted of such offence to be discharged from custody.

VIII. A warrant for the apprehension of a fugitive criminal, whether accused or convicted of crime, who is in or suspected of being in the United Kingdom, may be issued—

- (1.) by a police magistrate on the receipt of the said order of the Secretary of State, and on such evidence as would in his opinion justify the issue of the warrant if the crime had been committed or the criminal convicted in England; and
- (2.) by a police magistrate or any justice of the peace in any part of the United Kingdom, on such information or complaint and such evidence or after such proceedings as would in the opinion of the person issuing the warrant justify the issue of a warrant if the crime had been committed or the criminal convicted in that part of the United Kingdom in which he exercises jurisdiction.

* Amended by Act of 1873. See (C.) Clause II. *infra*; page 265.

Any person issuing a warrant under this section without an order from a Secretary of State shall forthwith send a report of the fact of such issue, together with the evidence and information or complaint, or certified copies thereof, to a Secretary of State, who may if he think fit order the warrant to be cancelled, and the person who has been apprehended on the warrant to be discharged.

A fugitive criminal, when apprehended on a warrant issued without the order of a Secretary of State, shall be brought before some person having power to issue a warrant under this section, who shall by warrant order him to be brought and the prisoner shall accordingly be brought before a police magistrate.

A fugitive criminal apprehended on a warrant issued without the order of a Secretary of State shall be discharged by the police magistrate, unless the police magistrate, within such reasonable time as, with reference to the circumstances of the case, he may fix, receives from a Secretary of State an order signifying that a requisition has been made for the surrender of such criminal.

IX. When a fugitive criminal is brought before the police magistrate, the police magistrate shall hear the case in the same manner, and have the same jurisdiction and powers, as near as may be, as if the prisoner were brought before him charged with an indictable offence committed in England.

The police magistrate shall receive any evidence which may be tendered to show that the crime of which the prisoner is accused or alleged to have been convicted is an offence of a political character or is not an extradition crime.

X. In the case of a fugitive criminal accused of an extradition crime, if the foreign warrant authorising the arrest of such criminal is duly authenticated, and such evidence is produced as (subject to the provisions of this Act) would, according to the law of England, justify the committal for trial of the prisoner if the crime of which he is accused had been committed in England, the police magistrate shall commit him to prison, but otherwise shall order him to be discharged.

In the case of a fugitive criminal alleged to have been convicted of an extradition crime, if such evidence is produced as (subject to the provisions of this Act) would, according to the law of England, prove that the prisoner was convicted of such crime, the police magistrate shall commit him to prison, but otherwise shall order him to be discharged.

If he commits such criminal to prison, he shall commit him to the Middlesex House of Detention, or to some other prison in Middlesex, there to await the warrant of a Secretary of State for his surrender, and shall forthwith send to a Secretary of State a certificate of the committal, and such report upon the case as he may think fit.

XI. If the police magistrate commits a fugitive criminal to prison, he shall inform such criminal that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of habeas corpus.

Upon the expiration of the said fifteen days, or, if a writ of habeas corpus is issued, after the decision of the court upon the return to the writ, as the case may be, or after such further period as may be allowed in either case by a Secretary of State, it shall be lawful for a Secretary of State, by warrant under his hand and seal, to order the fugitive criminal (if not delivered on the decision of the court) to be surrendered to such person as

may in his opinion be duly authorised to receive the fugitive criminal by the foreign state from which the requisition for the surrender proceeded, and such fugitive criminal shall be surrendered accordingly.

It shall be lawful for any person to whom such warrant is directed and for the person so authorised as aforesaid to receive, hold in custody, and convey within the jurisdiction of such foreign state the criminal mentioned in the warrant; and if the criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person accused of any crime against the laws of that part of Her Majesty's dominions to which he escapes may be retaken upon an escape.

XII. If the fugitive criminal who has been committed to prison is not surrendered and conveyed out of the United Kingdom within two months after such committal, or, if a writ of habeas corpus is issued, after the decision of the court upon the return to the writ, it shall be lawful for any judge of one of Her Majesty's Superior Courts at Westminster, upon application made to him by or on behalf of the criminal, and upon proof that reasonable notice of the intention to make such application has been given to a Secretary of State, to order the criminal to be discharged out of custody, unless sufficient cause is shown to the contrary.

XIII. The warrant of the police magistrate issued in pursuance of this Act may be executed in any part of the United Kingdom in the same manner as if the same had been originally issued or subsequently indorsed by a justice of the peace having jurisdiction in the place where the same is executed.

XIV. Depositions or statements on oath, taken in a foreign state, and copies of such original depositions or statements, and foreign certificates of or judicial documents stating the fact of conviction, may, if duly authenticated, be received in evidence in proceedings under this Act.

XV. Foreign warrants and depositions or statements on oath, and copies thereof, and certificates of or judicial documents stating the fact of a conviction, shall be deemed duly authenticated for the purposes of this Act if authenticated in manner provided for the time being by law or authenticated as follows :

- (1.) If the warrant purports to be signed by a judge, magistrate, or officer of the foreign state where the same was issued ;
- (2.) If the depositions or statements or the copies thereof purport to be certified under the hand of a judge, magistrate, or officer of the foreign state where the same were taken to be the original depositions or statements, or to be true copies thereof, as the case may require ; and
- (3.) If the certificate of or judicial document stating the fact of conviction purports to be certified by a judge, magistrate, or officer of the foreign state where the conviction took place ; and,

if in every case the warrants, depositions, statements, copies, certificates, and judicial documents (as the case may be) are authenticated by the oath of some witness or by being sealed with the official seal of the minister of justice, or some other minister of state : And all courts of justice, justices, and magistrates shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

Crimes committed at sea.

XVI. Where the crime in respect of which the surrender of a fugitive criminal is sought was committed on board any vessel on the high seas which comes into any port of the United Kingdom, the following provisions shall have effect :

- (1.) This Act shall be construed as if any stipendiary magistrate in England or Ireland, and any sheriff or sheriff substitute in Scotland, were substituted for the police magistrate throughout this Act, except the part relating to the execution of the warrant of the police magistrate :
- (2.) The criminal may be committed to any prison to which the person committing him has power to commit persons accused of the like crime :
- (3.) If the fugitive criminal is apprehended on a warrant issued without the order of a Secretary of State, he shall be brought before the stipendiary magistrate, sheriff, or sheriff substitute who issued the warrant, or who has jurisdiction in the port where the vessel lies, or in the place nearest to that port.

Fugitive criminals in British Possessions.

XVII. This Act, when applied by Order in Council, shall, unless it is otherwise provided by such order, extend to every British possession in the same manner as if throughout this Act the British possession were substituted for the United Kingdom or England, as the case may require, but with the following modifications ; namely,

- (1.) The requisition for the surrender of a fugitive criminal who is in or suspected of being in a British possession may be made to the governor of that British possession by any person recognised by that governor as a consul general, consul, or vice-consul, or (if the fugitive criminal has escaped from a colony or dependency of the foreign state on behalf of which the requisition is made) as the governor of such colony or dependency :
- (2.) No warrant of a Secretary of State shall be required, and all powers vested in or acts authorised or required to be done under this Act by the police magistrate and the Secretary of State, or either of them, in relation to the surrender of a fugitive criminal, may be done by the governor of the British possession alone :
- (3.) Any prison in the British possession may be substituted for a prison in Middlesex.
- (4.) A judge of any court exercising in the British possession the like powers as the Court of Queen's Bench exercises in England may exercise the power of discharging a criminal when not conveyed within two months out of such British possession.

XVIII. If by any law or ordinance, made before or after the passing of this Act by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in or suspected of being in such British possession, Her Majesty may, by the Order in Council applying this Act in the case of any foreign state, or by any subsequent order, either

suspend the operation within any such British possession of this Act, or of any part thereof, so far as it relates to such foreign state, and so long as such law or ordinance continues in force there, and no longer ;

or direct that such law or ordinance, or any part thereof, shall have effect in such British possession, with or without modifications and alterations, as if it were part of this Act.

General Provisions.

XIX. Where, in pursuance of any arrangement with a foreign state, any person accused or convicted of any crime which, if committed in England, would be one of the crimes described in the first schedule to this Act is surrendered by that foreign state, such person shall not, until he has been restored or had an opportunity of returning to such foreign state, be triable or tried for any offence committed prior to the surrender in any part of Her Majesty's dominions other than such of the said crimes as may be proved by the facts on which the surrender is grounded.

XX. The forms set forth in the second schedule to this Act, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and in the case of a British possession may be so used, *mutatis mutandis*, and when used shall be deemed to be valid and sufficient in law.

XXI. Her Majesty may, by Order in Council, revoke or alter, subject to the restrictions of this Act, any Order in Council made in pursuance of this Act, and all the provisions of this Act with respect to the original order shall (so far as applicable) apply, *mutatis mutandis*, to any such new order.

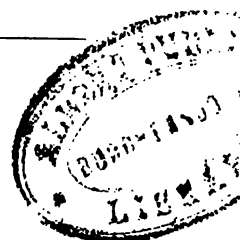
XXII. This Act (except so far as relates to the execution of warrants in the Channel Islands) shall extend to the Channel Islands and Isle of Man in the same manner as if they were part of the United Kingdom ; and the royal courts of the Channel Islands are hereby respectively authorised and required to register this Act.

XXIII. Nothing in this Act shall affect the lawful powers of Her Majesty or of the Governor General of India in Council to make treaties for the extradition of criminals with Indian native states, or with other Asiatic states conterminous with British India, or to carry into execution the provisions of any such treaties made either before or after the passing of this Act.

XXIV. The testimony of any witness may be obtained in relation to any criminal matter pending in any court or tribunal in a foreign state in like manner as it may be obtained in relation to any civil matter under the Act of the session of the nineteenth and twentieth years of the reign of Her present Majesty, chapter one hundred and thirteen, intituled "An Act to provide for taking evidence in Her Majesty's Dominions in relation to civil and commercial matters pending before foreign tribunals ;"* and all the provisions of that Act shall be construed as if the term civil matter included a criminal matter, and the term cause included a proceeding against a criminal : Provided that nothing in this section shall apply in the case of any criminal matter of a political character.

XXV. For the purposes of this Act, every colony, dependency, and constituent part of a foreign state, and every vessel of that state, shall (except where expressly mentioned as distinct in this Act) be deemed to be within the jurisdiction of and to be part of such foreign state.

* See (A.) *supra* ; page 254.



XXVI. In this Act, unless the context otherwise requires, —

The term “British possession” means any colony, plantation, island, territory, or settlement within Her Majesty’s dominions, and not within the United Kingdom, the Channel Islands, and Isle of Man; and all colonies, plantations, islands, territories, and settlements under one legislature, as hereinafter defined, are deemed to be one British possession :

The term “legislature” means any person or persons who can exercise legislative authority in a British possession, and where there are local legislatures as well as a central legislature, means the central legislature only :

The term “governor” means any person or persons administering the government of a British possession, and includes the governor of any part of India :

The term “extradition crime” means a crime which, if committed in England or within English jurisdiction, would be one of the crimes described in the first schedule to this Act :

The terms “conviction” and “convicted” do not include or refer to a conviction which under foreign law is a conviction for contumacy, but the term “accused person” includes a person so convicted for contumacy :

The term “fugitive criminal” means any person accused or convicted of an extradition crime committed within the jurisdiction of any foreign state who is in or is suspected of being in some part of Her Majesty’s dominions; and the term “fugitive criminal of a foreign state” means a fugitive criminal accused or convicted of an extradition crime committed within the jurisdiction of that state :

The term “Secretary of State” means one of Her Majesty’s Principal Secretaries of State :

The term “police magistrate” means a chief magistrate of the metropolitan police courts, or one of the other magistrates of the metropolitan police court in Bow Street :

The term “justice of the peace” includes in Scotland any sheriff, sheriff’s substitute, or magistrate :

The term “warrant,” in the case of any foreign state, includes any judicial document authorising the arrest of a person accused or convicted of crime.

Repeal of Acts.

XXVII. The Acts specified in the third schedule to this Act are hereby repealed as to the whole of Her Majesty’s dominions; and this Act (with the exception of anything contained in it which is inconsistent with the treaties referred to in the Acts so repealed) shall apply (as regards crimes committed either before or after the passing of this Act), in the case of the foreign states with which those treaties are made, in the same manner as if an Order in Council referring to such treaties had been made in pursuance of this Act, and as if such order had directed that every law and ordinance which is in force in any British possession with respect to such treaties should have effect as part of this Act.

Provided that if any proceedings for or in relation to the surrender of a fugitive criminal have been commenced under the said Acts previously to the repeal thereof, such proceedings may be completed, and the fugitive surrendered, in the same manner as if this Act had not passed.

SCHEDULES.

FIRST SCHEDULE.

LIST OF CRIMES.

The following list of crimes is to be construed according to the law existing in England, or in a British possession (as the case may be), at the date of the alleged crime, whether by common law or by statute made before or after the passing of this Act:

Murder, and attempt and conspiracy to murder.
 Manslaughter.
 Counterfeiting and altering money and uttering counterfeit or altered money.
 Forgery, counterfeiting, and altering, and uttering what is forged or counterfeited or altered.
 Embezzlement and larceny.
 Obtaining money or goods by false pretences.
 Crimes by bankrupts against bankruptcy law.
 Fraud by a bailee, banker, agent, factor, trustee, or director, or member, or public officer of any company made criminal by any Act for the time being in force.
 Rape.
 Abduction.
 Child stealing.
 Burglary and housebreaking.
 Arson.
 Robbery with violence.
 Threats by letter or otherwise with intent to extort.
 Piracy by law of nations.
 Sinking or destroying a vessel at sea, or attempting or conspiring to do so.
 Assaults on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.
 Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.

SECOND SCHEDULE.

Form of Order of Secretary of State to the Police Magistrate.

To the chief magistrate of the metropolitan police courts or other magistrate of the metropolitan police court in Bow Street [or the stipendiary magistrate at _____].

Whereas, in pursuance of an arrangement with _____, referred to in an Order of Her Majesty in Council dated the _____ day of _____, a requisition has been made to me, _____, one of Her Majesty's Principal Secretaries of State, by _____, the diplomatic representative of _____, for the surrender of _____, late of _____, accused [or convicted] of the commission of the crime of _____ within the jurisdiction of _____: Now I hereby, by this my order under my hand and seal, signify to you that such requisition has been made, and require you to issue your warrant for the apprehension of such fugitive, provided that the conditions of The Extradition Act, 1870, relating to the issue of such warrant, are in your judgment complied with.

Given under the hand and seal of the undersigned, one of Her Majesty's Principal Secretaries of State, this _____ day of _____ 18 _____.

Form of Warrant of Apprehension by Order of Secretary of State.

Metropolitan police district, } To all and each of the constables of the metropolitan police force
 [or county or borough of _____] } [or of the county or borough of _____].
 to wit.

Whereas the Right Honourable _____ one of Her Majesty's Principal Secretaries of State, by order under his hand and seal, hath signified to me that requisition hath been duly made to him for the surrender of _____ late of _____ accused [or convicted] of the commission of the crime of _____ within the jurisdiction of _____:

This is therefore to command you in Her Majesty's name forthwith to apprehend the said _____ pursuant to The Extradition Act, 1870, wherever he may be found in the United Kingdom or Isle of Man, and bring him before me or some other [*magistrate sitting in this court], to show cause why he should not be surrendered in pursuance of the said Extradition Act, for which this shall be your warrant.

Given under my hand and seal at [*Bow Street, one of the police courts of the metropolis], this _____ day of _____ 18 _____.

J.P.

* Alter as required.

Form of Warrant of Apprehension without Order of Secretary of State.

Metropolitan police district, } To all and each of the constables of the metropolitan police force [or
[or county or borough of } of the county or borough of]
to wit.

Whereas it has been shown to the undersigned, one of Her Majesty's justices of the peace in and for the metropolitan police district [or the said county or borough of] that late of is accused [or convicted] of the commission of the crime of within the jurisdiction of : This is therefore to command you in Her Majesty's name forthwith to apprehend the said and to bring him before me or some other magistrate sitting at this court [or one of Her Majesty's justices of the peace in and for the county [or borough] of] to be further dealt with according to law, for which this shall be your warrant.

Given under my hand and seal at Bow Street, one of the police courts of the metropolis, [or in the county or borough aforesaid] this day of 18 .

J.P.

Form of Warrant for bringing Prisoner before the Police Magistrate.

County [or borough] of } To constable of the police force of and to all
to wit. } other peace officers in the said county [or borough] of

Whereas late of accused [or alleged to be convicted of] the commission of the crime of within the jurisdiction of has been apprehended and brought before the undersigned, one of Her Majesty's justices of the peace in and for the said county [or borough] of : And whereas by the Extradition Act, 1870, he is required to be brought before the chief magistrate of the metropolitan police court, or one of the police magistrates of the metropolis sitting at Bow Street, within the metropolitan police district [or the stipendiary magistrate for]: This is therefore to command you the said constable in Her Majesty's name forthwith to take and convey the said to the metropolitan police district [or the said] and there carry him before the said chief magistrate or one of the police magistrates of the metropolis sitting at Bow Street within the said district [or before the stipendiary magistrate sitting in the said] to show cause why he should not be surrendered in pursuance of The Extradition Act, 1870, and otherwise to be dealt with in accordance with law, for which this shall be your warrant.

Given under my hand and seal at in the county [or borough] aforesaid, this day of 18 .

J.P.

Form of Warrant of Committal.

Metropolitan police district, [or county or } To one of the constables of the
borough of] metropolitan police force, [or of the police force of the county or borough
to wit. } of], and to the keeper of the

Be it remembered, that on this day of in the year of our Lord late of is brought before me the chief magistrate of the metropolitan police courts [or one of the police magistrates of the metropolis] sitting at the police court in Bow Street, within the metropolitan police district, [or a stipendiary magistrate for], to show cause why he should not be surrendered in pursuance of The Extradition Act, 1870, on the ground of his being accused [or convicted] of the commission of the crime of within the jurisdiction of and forasmuch as no sufficient cause has been shown to me why he should not be surrendered in pursuance of the said Act :

This is therefore to command you the said constable in Her Majesty's name forthwith to convey and deliver the body of the said into the custody of the said keeper of the at , and you the said keeper to receive the said into your custody, and him there safely to keep until he is thence delivered pursuant to the provisions of the said Extradition Act, for which this shall be your warrant.

Given under my hand and seal at Bow Street, one of the police courts of the metropolis, [or at the said] this day of 18 .

J.P.

Form of Warrant of Secretary of State for Surrender of Fugitive.

To the keeper of and to

Whereas late of accused [or convicted] of the commission of the crime of within the jurisdiction of , was delivered into the custody of you the keeper of by warrant dated pursuant to the Extradition Act, 1870 :

Now I do hereby, in pursuance of the said Act, order you the said keeper to deliver the body of the said _____ into the custody of the said _____, and I command you the said _____ to receive the said _____ into your custody, and to convey him within the jurisdiction of the said _____, and there place him in the custody of any person or persons appointed by the said _____ to receive him, for which this shall be your warrant.

Given under the hand and seal of the undersigned, one of Her Majesty's Principal Secretaries of State, this _____ day of _____

THIRD SCHEDULE.

Year and Chapter.	Title.
6 & 7 Vict. c. 75.	An Act for giving effect to a convention between Her Majesty and the King of the French for the apprehension of certain offenders.
6 & 7 Vict. c. 76.	An Act for giving effect to a treaty between Her Majesty and the United States of America for the apprehension of certain offenders.
8 & 9 Vict. c. 120.	An Act for facilitating execution of the treaties with France and the United States of America for the apprehension of certain offenders.
25 & 26 Vict. c. 70.	An Act for giving effect to a convention between Her Majesty and the King of Denmark for the mutual surrender of criminals.
29 & 30 Vict. c. 121.	An Act for the amendment of the law relating to treaties of extradition.

(C.)—ACT (*British*) to amend the Extradition Act, 1870.—5th August, 1873.

Be it enacted by the Queen'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 :

I. This Act shall be construed as one with the Extradition Act, 1870 (in this Act referred to as the principal Act), and the principal Act and this Act may be cited together as the Extradition Acts, 1870 and 1873, and this Act may be cited alone as the Extradition Act, 1873.

II. Whereas by section six of the principal Act it is enacted as follows :

“ Where this Act applies in the case of any foreign state, every fugitive criminal of that state who is in or suspected of being in any part of Her Majesty's dominions, or that part which is specified in the order applying this Act (as the case may be), shall be liable to be apprehended and surrendered in manner provided by this Act, whether the crime in respect of which the surrender is sought was committed before or after the date of the order, and whether there is or is not any concurrent jurisdiction in any Court of Her Majesty's dominions over that crime.”

And whereas doubts have arisen as to the application of the said section to crimes committed before the passing of the principal Act, and it is expedient to remove such doubts, it is therefore hereby declared that—

A crime committed before the date of the order includes in the said section a crime committed before the passing of the principal Act, and the principal Act and this Act shall be construed accordingly.

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III. Whereas a person who is accessory before or after the fact, or counsels, procures, commands, aids, or abets the commission of any indictable offence, is by English law liable to be tried and punished as if he were the principal offender, but doubts have arisen whether such person as well as the principal offender can be surrendered under the principal Act, and it is expedient to remove such doubts; it is therefore hereby declared that—

Every person who is accused or convicted of having counselled, procured, commanded, aided, or abetted the commission of any extradition crime, or of being accessory before or after the fact to any extradition crime, shall be deemed, for the purposes of the principal Act and this Act, to be accused or convicted of having committed such crime, and shall be liable to be apprehended and surrendered accordingly.

IV. Be it declared, that the provisions of the principal Act relating to depositions and statements on oath taken in a foreign state, and copies of such original depositions and statements do and shall extend to affirmations taken in a foreign state, and copies of such affirmations.

V. A Secretary of State may, by order under his hand and seal, require a police magistrate or a justice of the peace to take evidence for the purposes of any criminal matter pending in any court or tribunal in any foreign state; and the police magistrate or justice of the peace, upon the receipt of such order, shall take the evidence of every witness appearing before him for the purpose in like manner as if such witness appeared on a charge against some defendant for an indictable offence, and shall certify at the foot of the depositions so taken that such evidence was taken before him, and shall transmit the same to the Secretary of State; such evidence may be taken in the presence or absence of the person charged, if any, and the fact of such presence or absence shall be stated in such deposition.

Any person may, after payment or tender to him of a reasonable sum for his costs and expenses in this behalf, be compelled, for the purposes of this section, to attend and give evidence and answer questions and produce documents, in like manner and subject to the like conditions as he may in the case of a charge preferred for an indictable offence.

Every person who wilfully gives false evidence before a police magistrate or justice of the peace under this section, shall be guilty of perjury.

Provided that nothing in this section shall apply in the case of any criminal matter of a political character.

VI. The jurisdiction conferred by section sixteen of the principal Act on a stipendiary magistrate, and a sheriff or sheriff substitute, shall be deemed to be in addition to, and not in derogation or exclusion of, the jurisdiction of the police magistrate.

VII. For the purposes of the principal Act and this Act, a diplomatic representative of a foreign state shall be deemed to include any person recognised by the Secretary of State as a consul-general of that state, and a consul or vice-consul shall be deemed to include any person recognised by the governor of a British possession as a consular officer of a foreign state.

VIII. The principal Act shall be construed as if there were included in the first schedule to that Act the list of crimes contained in the schedule to this Act.

SCHEDULE.

LIST OF CRIMES.

The following list of crimes is to be construed according to the law existing in England or in a British possession (as the case may be) at the date of the alleged crime, whether by common law or by statute made before or after the passing of this Act :

Kidnapping and false imprisonment.

Perjury, and subornation of perjury, whether under common or statute law.

Any indictable offence under the Larceny Act, 1861, or any Act amending or substituted for the same, which is not included in the first schedule to the principal Act.

Any indictable offence under the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-seven, "To consolidate and amend the statute law of England and Ireland relating to malicious injuries to property," or any Act amending or substituted for the same, which is not included in the first schedule to the principal Act.

Any indictable offence under the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-eight, "To consolidate and amend the statute law of England and Ireland, relating to indictable offences by forgery," or any Act amending or substituted for the same, which is not included in the first schedule to the principal Act.

Any indictable offence under the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-nine, "To consolidate and amend the statute law of the United Kingdom against offences relating to the coin," or any Act amending or substituted for the same, which is not included in the first schedule to the principal Act.

Any indictable offence under the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter one hundred, "To consolidate and amend the statute law of England and Ireland relating to offences against the person," or any Act amending or substituted for the same, which is not included in the first schedule to the principal Act.

Any indictable offence under the laws for the time being in force in relation to bankruptcy which is not included in the first schedule to the principal Act.

(D.)—*ACT (British) to amend the Law with respect to Fugitive Offenders in Her Majesty's Dominions, and for other purposes connected with the Trial of Offenders.*—August 27, 1881.

Be it enacted by the Queen'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 ; (that is to say) :

I. This Act may be cited as "The Fugitive Offenders Act, 1881."

PART I.—RETURN OF FUGITIVES.

II. Where a person accused of having committed an offence (to which this part of this Act applies) in one part of Her Majesty's dominions has left that part, such person (in this Act referred to as a fugitive from that part), if found in another part of Her Majesty's dominions, shall be liable to be apprehended and returned in manner provided by this Act to the part from which he is a fugitive.

A fugitive may be so apprehended under an indorsed warrant or a provisional warrant.

III. Where a warrant has been issued in one part of Her Majesty's dominions for the apprehension of a fugitive from that part, any of the

following authorities in another part of Her Majesty's dominions, in or on the way to which the fugitive is or is suspected to be; (that is to say):

(1) A Judge of a superior Court in such part; and

(2) In the United Kingdom a Secretary of State and one of the Magistrates of the Metropolitan Police Court in Bow Street; and

(3) In a British Possession the Governor of that Possession, if satisfied that the warrant was issued by some person having lawful authority to issue the same, may indorse such warrant in manner provided by this Act, and the warrant so indorsed shall be a sufficient authority to apprehend the fugitive in the part of Her Majesty's dominions in which it is indorsed, and bring him before a Magistrate.

IV. A Magistrate of any part of Her Majesty's dominions may issue a provisional warrant for the apprehension of a fugitive who is or is suspected of being in or on his way to that part on such information, and under such circumstances, as would in his opinion justify the issue of a warrant if the offence of which the fugitive is accused had been committed within his jurisdiction, and such warrant may be backed and executed accordingly.

A Magistrate issuing a provisional warrant shall forthwith send a Report of the issue, together with the information or a certified copy thereof, if he is in the United Kingdom to a Secretary of State and if he is in a British Possession to the Governor of that Possession, and the Secretary of State or Governor may, if he think fit, discharge the person apprehended under such warrant.

V. A fugitive when apprehended shall be brought before a Magistrate who (subject to the provisions of this Act) shall hear the case in the same manner and have the same jurisdiction and powers, as near as may be (including the power to remand and admit to bail), as if the fugitive were charged with an offence committed within his jurisdiction.

If the indorsed warrant for the apprehension of the fugitive is duly authenticated, and such evidence is produced as (subject to the provisions of this Act), according to the law ordinarily administered by the Magistrate, raises a strong or probable presumption that the fugitive committed the offence mentioned in the warrant, and that the offence is one to which this part of this Act applies, the Magistrate shall commit the fugitive to prison to await his return, and shall forthwith send a certificate of the committal and such Report of the case as he may think fit, if in the United Kingdom to a Secretary of State, and if in a British Possession to the Governor of that Possession.

Where the Magistrate commits the fugitive to prison he shall inform the fugitive that he will not be surrendered until after the expiration of 15 days, and that he has a right to apply for a writ of *habeas corpus*, or other like process.

A fugitive apprehended on a provisional warrant may be from time to time remanded for such reasonable time, not exceeding seven days at any one time, as under the circumstances seems requisite for the production of an indorsed warrant.

VI. Upon the expiration of 15 days after a fugitive has been committed to prison to await his return, or if a writ of *habeas corpus* or other like process is issued with reference to such fugitive by a superior Court, after the final decision of the Court in the case,

(1) If the fugitive is so committed in the United Kingdom, a Secretary of State; and

(2) If the fugitive is so committed in a British Possession, the Governor of that Possession ;

May, if he thinks it just, by warrant under his hand, order that fugitive to be returned to the part of Her Majesty's dominions from which he is a fugitive, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or some one or more of them, and to be held in custody, and conveyed by sea or otherwise to the said part of Her Majesty's dominions, to be dealt with there in due course of law as if he had been there apprehended, and such warrant shall be forthwith executed according to the tenour thereof.

The Governor or other chief officer of any prison, on request of any person having the custody of a fugitive under any such warrant, and on payment or tender of a reasonable amount for expenses, shall receive such fugitive and detain him for such reasonable time as may be requested by the said person for the purpose of the proper execution of the warrant.

VII. If a fugitive who, in pursuance of this part of this Act, has been committed to prison in any part of Her Majesty's dominions to await his return, is not conveyed out of that part within one month after such committal, a superior Court, upon application by or on behalf of the fugitive, and upon proof that reasonable notice of the intention to make such application has been given, if the said part is the United Kingdom, to a Secretary of State, and if the said part is a British Possession to the Governor of the Possession, may, unless sufficient cause is shown to the contrary, order the fugitive to be discharged out of custody.

VIII. Where a person accused of an offence and returned in pursuance of this part of this Act to any part of Her Majesty's dominions, either is not prosecuted for the said offence within six months after his arrival in that part, or is acquitted of the said offence then if that part is the United Kingdom a Secretary of State, and if that part is a British Possession the Governor of that Possession, may, if he think fit, on the request of such person, cause him to be sent back free of cost and with as little delay as possible to the part of Her Majesty's dominions in or on his way to which he was apprehended.

IX. This part of this Act shall apply to the following offences, namely, to treason and piracy, and to every offence, whether called felony, misdemeanour, crime, or by any other name, which is for the time being punishable in the part of Her Majesty's dominions in which it was committed, either on indictment or information, by imprisonment with hard labour for a term of 12 months or more, or by any greater punishment ; and for the purposes of this section, rigorous imprisonment, and any confinement in a prison combined with labour, by whatever name it is called, shall be deemed to be imprisonment with hard labour.

This part of this Act shall apply to an offence notwithstanding that, by the law of the part of Her Majesty's dominions in or on his way to which the fugitive is or is suspected of being, it is not an offence, or not an offence to which this part of this Act applies ; and all the provisions of this part of this Act, including those relating to a provisional warrant and to a committal to prison, shall be construed as if the offence were in such last-mentioned part of Her Majesty's dominions an offence to which this part of this Act applies.

X. Where it is made to appear to a superior Court that by reason of the trivial nature of the case, or by reason of the application for the return of a fugitive not being made in good faith in the interests of justice or otherwise, it would, having regard to the distance, to the facilities for communication, and to all the circumstances of the case, be unjust or oppressive or too severe

a punishment to return the fugitive either at all or until the expiration of a certain period, such Court may discharge the fugitive, either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises as to the Court seems just.

XI. In Ireland the Lord Lieutenant or Lords Justices or other chief Governor or Governors of Ireland, also the Chief Secretary of such Lord Lieutenant, may, as well as a Secretary of State, execute any portion of the powers by this part of this Act vested in a Secretary of State.

PART II.—INTERCOLONIAL BACKING OF WARRANTS, AND OFFENCES.

Application of Part of Act.

XII. This part of this Act shall apply only to those groups of British Possessions to which, by reason of their contiguity or otherwise, it may seem expedient to Her Majesty to apply the same.

It shall be lawful for Her Majesty from time to time by Order in Council to direct that this part of this Act shall apply to the group of British Possessions mentioned in the Order, and by the same or any subsequent Order to except certain offences from the application of this part of this Act, and to limit the application of this part of this Act by such conditions, exceptions, and qualifications as may be deemed expedient.

Backing of Warrants.

XIII. Where in a British Possession of a group to which this Part of this Act applies a warrant has been issued for the apprehension of a person accused of an offence punishable by law in that Possession, and such person is or is suspected of being in or on the way to another British Possession of the same group, a Magistrate in the last-mentioned Possession, if satisfied that the warrant was issued by a person having lawful authority to issue the same, may indorse such warrant in manner provided by this Act, and the warrant so indorsed shall be a sufficient authority to apprehend, within the jurisdiction of the indorsing Magistrate, the person named in the warrant, and bring him before the indorsing Magistrate or some other Magistrate in the same British Possession.

XIV. The Magistrate before whom a person so apprehended is brought, if he is satisfied that the warrant is duly authenticated as directed by this Act and was issued by a person having lawful authority to issue the same, and is satisfied on oath that the prisoner is the person named or otherwise described in the warrant, may order such prisoner to be returned to the British Possession in which the warrant was issued, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or any one or more of them, and to be held in custody and conveyed by sea or otherwise into the British Possession in which the warrant was issued, there to be dealt with according to law as if he had been there apprehended. Such order for return may be made by warrant under the hand of the Magistrate making it, and may be executed according to the tenour thereof.

A Magistrate shall, so far as is requisite for the exercise of the powers of this section, have the same power, including the power to remand and admit to bail a prisoner, as he has in the case of a person apprehended under a warrant issued by him.

XV. Where a person required to give evidence on behalf of the prosecutor or defendant on a charge for an offence punishable by law in a British Possession of a group to which this part of this Act applies, is or is suspected of being in or on his way to any other British Possession of the same group, a Judge, Magistrate, or other officer who would have lawful authority to issue a summons, requiring the attendance of such witness, if the witness were within his jurisdiction, may issue a summons for the attendance of such witness, and a Magistrate in any other British Possession of the same group, if satisfied that the summons was issued by some Judge, Magistrate, or officer having lawful authority as aforesaid, may indorse the summons with his name; and the witness, on service in that Possession of the summons, so indorsed, and on payment or tender of a reasonable amount for his expenses, shall obey the summons, and in default shall be liable to be tried and punished either in the Possession in which he is served or in the Possession in which the summons was issued, and shall be liable to the punishment imposed by the law of the Possession in which he is tried for the failure of a witness to obey such a summons. The expression "summons" in this section includes any subpoena or other process for requiring the attendance of a witness.

XVI. A Magistrate in a British Possession of a group to which this part of this Act applies, before the indorsement in pursuance of this part of this Act of a warrant for the apprehension of any person, may issue a provisional warrant for the apprehension of that person, on such information and under such circumstances as would in his opinion justify the issue of a warrant if the offence of which such person is accused were an offence punishable by the law of the said Possession, and had been committed within his jurisdiction, and such warrant may be backed and executed accordingly; provided that a person arrested under such provisional warrant shall be discharged unless the original warrant is produced and indorsed within such reasonable time as may under the circumstances seem requisite.

XVII. If a prisoner in a British Possession whose return is authorized in pursuance of this part of this Act is not conveyed out of that Possession within one month after the date of the warrant ordering his return, a Magistrate or a superior Court, upon application by and on behalf of the prisoner, and upon proof that reasonable notice of the intention to make such application has been given to the person holding the warrant and to the chief officer of the police of such Possession or of the province or town where the prisoner is in custody, may, unless sufficient cause is shown to the contrary, order such prisoner to be discharged out of custody.

Any order or refusal to make an order of discharge by a Magistrate under this section shall be subject to appeal to a superior Court.

XVIII. Where a prisoner accused of an offence is returned in pursuance of this Part of this Act to a British Possession, and either is not prosecuted for the said offence within six months after his arrival in that Possession or is acquitted of the said offence, the Governor of that Possession, if he thinks fit, may, on the requisition of such person, cause him to be sent back, free of cost, and with as little delay as possible, to the British Possession in or on his way to which he was apprehended.

XIX. Where the return of a prisoner is sought or ordered under this Part of this Act, and it is made to appear to a Magistrate or to a superior Court that by reason of the trivial nature of the case, or by reason of the application for the return of such prisoner not being made in good faith in the interests of justice or otherwise, it would, having regard to the distance, to the facilities of communication, and to all the circumstances of the case, be unjust or oppressive, or too severe a punishment, to return the prisoner

either at all or until the expiration of a certain period, the Court or Magistrate may discharge the prisoner either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises as to the Magistrate or Court seems just.

Any order or refusal to make an order of discharge by a Magistrate under this section shall be subject to an appeal to a superior Court.

PART III.—TRIAL, &c., OF OFFENCES.

XX. Where two British Possessions adjoin, a person accused of an offence committed on or within the distance of 500 yards from the common boundary of such Possessions may be apprehended, tried, and punished in either of such Possessions.

XXI. Where an offence is committed on any person or in respect of any property in or upon any carriage, cart, or vehicle whatsoever employed in a journey, or on board any vessel whatsoever employed in a navigable river, lake, canal, or inland navigation, the person accused of such offence may be tried in any British Possession through a part of which such carriage, cart, vehicle, or vessel passed in the course of the journey or voyage during which the offence was committed; and where the side, bank, centre, or other part of the road, river, lake, canal, or inland navigation along which the carriage, cart, vehicle, or vessel passed in the course of such journey or voyage is the boundary of any British Possession, a person may be tried for such offence in any British Possession of which it is the boundary:

Provided that nothing in this section shall authorise the trial for such offence of a person who is not a British subject, where it is not shown that the offence was committed in a British Possession.

XXII. A person accused of the offence (under whatever name it is known) of swearing or making any false deposition, or of giving or fabricating any false evidence, for the purposes of this Act, may be tried either in the part of Her Majesty's dominions in which such deposition or evidence is used, or in the part in which the same was sworn, made, given, or fabricated, as the justice of the case may require.

XXIII. Where any Part of this Act provides for the place of trial of a person accused of an offence, that offence shall, for all purposes of and incidental to the apprehension, trial, and punishment of such person, and of and incidental to any proceedings and matters preliminary, incidental to, or consequential thereon, and of and incidental to the jurisdiction of any Court, constable, or officer with reference to such offence, and to any person accused of such offence, be deemed to have been committed in any place in which the person accused of the offence can be tried for it; and such person may be punished in accordance with "The Courts (Colonial) Jurisdiction Act, 1874."

XXIV. Where a warrant for the apprehension of a person accused of an offence has been indorsed in pursuance of any Part of this Act in any part of Her Majesty's dominions, or where any Part of the Act provides for the place of trial of a person accused of an offence, every Court and Magistrate of the part in which the warrant is indorsed or the person accused of the offence can be tried shall have the same power of issuing a warrant to search for any property alleged to be stolen or to be otherwise unlawfully taken or obtained by such person, or otherwise to be the subject of such offence, as that Court

or Magistrate would have if the property had been stolen or otherwise unlawfully taken or obtained, or the offence had been committed wholly within the jurisdiction of such Court or Magistrate.

XXV. Where a person is in legal custody in a British Possession either in pursuance of this Act or otherwise, and such person is required to be removed in custody to another place in or belonging to the same British Possession, such person, if removed by sea in a vessel belonging to Her Majesty or any of Her Majesty's subjects, shall be deemed to continue in legal custody until he reaches the place to which he is required to be removed; and the provisions of this Act with respect to the retaking of a prisoner who has escaped, and with respect to the trial and punishment of a person guilty of the offence of escaping or attempting to escape, or aiding or attempting to aid a prisoner to escape, shall apply to the case of a prisoner escaping while being lawfully removed as aforesaid, in like manner as if he were being removed in pursuance of a warrant indorsed in pursuance of this Act.

PART IV.—SUPPLEMENTAL.

Warrants and Escape.

XXVI. An indorsement of a warrant in pursuance of this Act shall be signed by the authority indorsing the same, and shall authorise all or any of the persons named in the indorsement, and of the persons to whom the warrant was originally directed, and also every constable, to execute the warrant within the part of Her Majesty's dominions or place within which such indorsement is by this Act made a sufficient authority, by apprehending the person named in it, and bringing him before some Magistrate in the said part or place, whether the Magistrate named in the indorsement or some other.

For the purposes of this Act every warrant, summons, subpoena, and process, and every indorsement made in pursuance of this Act thereon, shall remain in force, notwithstanding that the person signing the warrant or such indorsement dies or ceases to hold office.

XXVII. Where a fugitive or prisoner is authorized to be returned to any part of Her Majesty's dominions in pursuance of Part I or Part II of this Act, such fugitive or prisoner may be sent thither in any ship belonging to Her Majesty or to any of her subjects.

For the purpose aforesaid, the authority signing the warrant for the return may order the master of any ship belonging to any subject of Her Majesty bound to the said part of Her Majesty's dominions to receive and afford a passage and subsistence during the voyage to such fugitive or prisoner, and to the person having him in custody, and to the witnesses, so that such master be not required to receive more than one fugitive or prisoner for every 100 tons of his ship's registered tonnage, or more than one witness for every 50 tons of such tonnage.

The said authority shall indorse, or cause to be indorsed, upon the Agreement of the ship such particulars with respect to any fugitive prisoner or witness sent in her as the Board of Trade from time to time require.

Every such master shall, on his ship's arrival in the said part of Her Majesty's dominions, cause such fugitive or prisoner, if he is not in the custody of any person, to be given into the custody of some constable, there to be dealt with according to law.

Every master who fails, on payment or tender of a reasonable amount for expenses, to comply with an order made in pursuance of this section, or to cause a fugitive or prisoner committed to his charge to be given into custody as required by this section, shall be liable on summary conviction to a fine not exceeding £50, which may be recovered in any part of Her Majesty's dominions in like manner as a penalty of the same amount under "The Merchant Shipping Act, 1854,"* and the Acts amending the same.

XXVIII. If a prisoner escape, by breach of prison or otherwise, out of the custody of a person acting under a warrant issued or indorsed in pursuance of this Act, he may be retaken in the same manner as a person accused of a crime against the law of that part of Her Majesty's dominions to which he escapes may be retaken upon an escape.

A person guilty of the offence of escaping or of attempting to escape, or of aiding or attempting to aid a prisoner to escape, by breach of prison or otherwise, from custody under any warrant issued or indorsed in pursuance of this Act, may be tried in any of the following parts of Her Majesty's dominions, namely, the part to which and the part from which the prisoner is being removed, and the part in which the prisoner escapes, and the part in which the offender is found.

Evidence.

XXIX. A Magistrate may take depositions for the purposes of this Act in the absence of a person accused of an offence in like manner as he might take the same if such person were present and accused of the offence before him.

Depositions (whether taken in the absence of the fugitive or otherwise) and copies thereof, and official certificates of or judicial documents stating facts, may, if duly authenticated, be received in evidence in proceedings under this Act.

Provided that nothing in this Act shall authorize the reception of any such depositions, copies, certificates, or documents in evidence against a person upon his trial for an offence.

Warrants and depositions, and copies thereof, and official certificates of or judicial documents stating facts, shall be deemed duly authenticated for the purposes of this Act if they are authenticated in manner provided for the time being by law, or if they purport to be signed by or authenticated by the signature of a Judge, Magistrate, or officer of the part of Her Majesty's dominions in which the same are issued, taken, or made, and are authenticated either by the oath of some witness, or by being sealed with the official seal of a Secretary of State, or with the public seal of a British Possession, or with the official seal of a Governor of a British Possession, or of a Colonial Secretary, or of some Secretary or Minister administering a Department of the Government of a British Possession.

And all Courts and Magistrates shall take judicial notice of every such seal as is in this section mentioned, and shall admit in evidence without further proof the documents authenticated by it.

Miscellaneous.

XXX. The jurisdiction under Part I of this Act to hear a case and commit a fugitive to prison to await his return shall be exercised,—

(1.) In England, by a chief Magistrate of the Metropolitan Police Courts or one of the other Magistrates of the Metropolitan Police Court at Bow Street; and

* 17 & 18 Vict., c. 104.

(2.) In Scotland, by the Sheriff or Sheriff Substitute of the county of Edinburgh ; and

(3.) In Ireland, by one of the Police Magistrates of the Dublin Metropolitan Police district ; and

(4.) In a British Possession, by any Judge, Justice of the Peace, or other officer having the like jurisdiction as one of the Magistrates of the Metropolitan Police Court in Bow Street, or by such other Court, Judge, or Magistrate as may be from time to time provided by an Act or Ordinance passed by the Legislature of that Possession.

If a fugitive is apprehended and brought before a Magistrate who has no power to exercise the jurisdiction under this Act in respect of that fugitive, that Magistrate shall order the fugitive to be brought before some Magistrate having that jurisdiction, and such order shall be obeyed.

XXXI. It shall be lawful for Her Majesty in Council from time to time to make Orders for the purposes of this Act, and to revoke and vary any Order so made, and every Order so made shall, while it is in force, have the same effect as if it were enacted in this Act.

An Order in Council made for the purposes of this Act shall be laid before Parliament as soon as may be after it is made if Parliament is then in Session, or if not, as soon as may be after the commencement of the then next Session of Parliament.

XXXII. If the Legislature of a British Possession pass any Act or Ordinance—

(1.) For defining the offences committed in that Possession to which this Act or any part thereof is to apply ; or

(2.) For determining the Court, Judge, Magistrate, officer, or person by whom and the manner in which any jurisdiction or power under this Act is to be exercised ; or

(3.) For payment of the costs incurred in returning a fugitive or a prisoner, or in sending him back if not prosecuted or if acquitted, or otherwise in the execution of this Act ; or

(4.) In any manner for the carrying of this Act or any Part thereof into effect in that Possession ;

It shall be lawful for Her Majesty by Order in Council to direct, if it seems to Her Majesty in Council necessary or proper for carrying into effect the objects of this Act, that such Act or Ordinance, or any Part thereof, shall with or without modification or alteration be recognized and given effect to throughout Her Majesty's dominions and on the high seas as if it were part of this Act.

Application of Act.

XXXIII. Where a person accused of an offence can, by reason of the nature of the offence, or of the place in which it was committed, or otherwise, be, under this Act or otherwise, tried for or in respect of the offence in more than one part of Her Majesty's dominions, a warrant for the apprehension of such person may be issued in any part of Her Majesty's dominions in which he can, if he happens to be there, be tried ; and each Part of this Act shall apply as if the offence had been committed in the part of Her Majesty's dominions where such warrant is issued, and such person may be apprehended and returned in pursuance of this Act, notwithstanding that in the place in which he is apprehended a Court has jurisdiction to try him :

Provided that if such person is apprehended in the United Kingdom a Secretary of State, and if he is apprehended in a British Possession the Governor of such Possession may, if satisfied that, having regard to the place where the witnesses for the prosecution and for the defence are to be found, and to all the circumstances of the case, it would be conducive to the interests of justice so to do, order such person to be tried in the part of Her Majesty's dominions in which he is apprehended, and in such case any warrant previously issued for his return shall not be executed.

XXXIV. Where a person convicted by a Court in any part of Her Majesty's dominions of an offence committed either in Her Majesty's dominions or elsewhere is unlawfully at large before the expiration of his sentence, each Part of this Act shall apply to such person, so far as is consistent with the tenour thereof, in like manner as it applies to a person accused of the like offence committed in the part of Her Majesty's dominions in which such person was convicted.

XXXV. Where a person accused of an offence is in custody in some part of Her Majesty's dominions, and the offence is one for or in respect of which, by reason of the nature thereof or of the place in which it was committed or otherwise, a person may under this Act or otherwise be tried in some other part of Her Majesty's dominions, in such case a superior Court, and also if such person is in the United Kingdom a Secretary of State, and if he is in a British Possession the Governor of that Possession, if satisfied that, having regard to the place where the witnesses for the prosecution and for the defence are to be found, and to all the circumstances of the case, it would be conducive to the interests of justice so to do, may by warrant direct the removal of such offender to some other part of Her Majesty's dominions in which he can be tried, and the offender may be returned, and, if not prosecuted or acquitted, sent back free of cost in like manner as if he were a fugitive returned in pursuance of Part I of this Act, and the warrant were a warrant for the return of such fugitive, and the provisions of this Act shall apply accordingly.

XXXVI. It shall be lawful for Her Majesty from time to time by Order in Council to direct that this Act shall apply as if, subject to the conditions, exceptions, and qualifications (if any) contained in the Order, any place out of Her Majesty's dominions in which Her Majesty has jurisdiction, and which is named in the Order, were a British Possession, and to provide for carrying into effect such application.

XXXVII. This Act shall extend to the Channel Islands and Isle of Man as if they were part of England and of the United Kingdom, and the United Kingdom and those islands shall be deemed for the purpose of this Act to be one part of Her Majesty's dominions; and a warrant indorsed in pursuance of Part I of this Act may be executed in every place in the United Kingdom and the said islands accordingly.

XXXVIII. This Act shall apply where an offence is committed before the commencement of this Act, or, in the case of Part II of this Act, before the application of that Part to a British Possession or to the offence, in like manner as if such offence had been committed after such commencement or application.

Definitions and Repeal.

XXXIX. In this Act, unless the context otherwise requires—

The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State;

The expression "British Possession" means any part of Her Majesty's dominions, exclusive of the United Kingdom, the Channel Islands, and Isle of Man; all territories and places within Her Majesty's dominions which are under one Legislature shall be deemed to be one British Possession and one part of Her Majesty's dominions;

The expression "legislature," where there are local legislatures as well as a central legislature, means the central legislature only;

The expression "Governor" means any person or persons administering the Government of a British Possession, and includes the Governor and Lieutenant-Governor of any part of India;

The expression "constable" means, out of England, any policeman or officer having the like powers and duties as a constable in England;

The expression "Magistrate" means, except in Scotland, any Justice of the Peace, and in Scotland means a Sheriff or Sheriff Substitute, and in the Channel Islands, Isle of Man, and a British Possession means any person having authority to issue a warrant for the apprehension of persons accused of offences, and to commit such persons for trial;

The expression "offence punishable on indictment" means, as regards India, an offence punishable on a charge or otherwise;

The expression "oath" includes affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing, and the expression "swear" and other words relating to an oath or swearing shall be construed accordingly;

The expression "deposition" includes any affidavit, affirmation, or statement made upon oath as above defined;

The expression "superior Court" means:

(1.) In England, Her Majesty's Court of Appeal and High Court of Justice; and

(2.) In Scotland, the High Court of Justiciary; and

(3.) In Ireland, Her Majesty's Court of Appeal and Her Majesty's High Court of Justice at Dublin; and

(4.) In a British Possession, any Court having in that Possession the like criminal jurisdiction to that which is vested in the High Court of Justice in England, or such Court or Judge as may be determined by any Act or Ordinance of that Possession.

XL. This Act shall come into operation on the 1st day of January, 1882, which date is in this Act referred to as the commencement of this Act.

XLI. The Act specified in the Schedule to this Act is hereby repealed as from the commencement of this Act:

Provided that this repeal shall not affect—

(a.) Any warrant duly indorsed or issued, nor anything duly done or suffered before the commencement of this Act; nor

(b.) Any obligation or liability incurred under an enactment hereby repealed; nor

(c.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor

(d.) Any legal proceeding or remedy in respect of any such warrant, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such warrant may be indorsed and executed, and any such legal proceeding and remedy may be carried on, as if this Act had not passed.

XII. Depositions or statements on oath taken in either of the aforesaid States, whether taken in the presence of the fugitive criminal or not, and copies of such original depositions or statements, and certificates of or judicial documents stating the fact of conviction may, if duly authenticated, be received in evidence in proceedings under this Act.

XIII. Warrants of the said States and depositions or statements on oath and copies thereof shall be deemed duly authenticated for the purposes of this Act, if authenticated in manner provided for the time being by law, or if authenticated as follows :—

- (1) If the warrant purports to be signed by a judge, magistrate, or other officer of the State where the same was issued authorized by law to issue warrants ;
- (2) If the depositions or statements on oath, or the copies thereof, purport to be certified under the hand of a judge, magistrate, or officer of the State where the same were taken, to be the original depositions and statements, or to be true copies thereof, as the case may be ;
- (3) If the certificate of or judicial document stating the fact of conviction purports to be certified by a judge, magistrate, or officer of the State where the conviction took place ; and

if in every case the warrants, depositions, statements, copies, certificates, and judicial documents, as the case may be, are authenticated by the oath of some witness or by being sealed with the official seal of some officer of the Government of the State from which the requisition for surrender proceeded ; and all courts of justice and magistrates shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

XIV. The forms set forth in the second schedule to this Act, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and when used shall be deemed to be valid and sufficient in law.

XV. This Act shall take effect so far as concerns the surrender of fugitive criminals to the Transvaal State and the Orange Free State, respectively, so soon as the Governor shall by proclamation in the Government Gazette of the Colony declare and make known that the said States have respectively made due provision for the surrender of fugitive criminals who have escaped to either of the said States from this Colony ; and from and after the date of each such proclamation the "Extradition of Criminals Act (No. 19), 1872," shall, as to the State named therein, be and the same is hereby repealed : Provided that such repeal shall not affect any warrant duly granted or issued, or anything done or suffered, or any legal proceeding or remedy in respect of any such warrant, or in respect of any liability or penalty incurred previously to such repeal ; and any such warrant may be executed, and any such legal proceeding or remedy may be carried out, as if this Act had not been passed.

XVI. In the interpretation of this Act the term "Transvaal State," shall mean the territory otherwise known as the "South African Republic," by whatever name the said territory shall now or hereafter be designated.

XVII. This Act may be cited as "The Extradition Act, 1882."

FIRST SCHEDULE.

Abduction.
 Abortion.
 Arson.
 Assault, including indecent assault on the person of a girl under the age of twelve years.
 Assault with intent to do grievous bodily harm.
 Bigamy.
 Child stealing.
 Culpable homicide.
 Coining, or uttering counterfeit or altered coin.
 Deserting from any police or defensive force.
 Offences under any law relating to the dealing in diamonds.
 Falsity, forgery or uttering a forged document.
 Fraud.
 Offences under any law relating to the dealing in gunpowder, lead, or firearms.
 Housebreaking (including the breaking into any office, store, or hut), with intent to commit any crime.
 Incest.
 Offences by insolvents against insolvency laws.
 Malicious injury to property.
 Murder, or attempt to commit murder.
 Perjury or subornation of perjury.
 Rape and assault to commit rape.
 Any act done with intent to do injury to person or property on any railway.
 Robbery.
 Public violence.
 Theft, including theft by means of false pretences, and theft by means of embezzlement,
 Being accessory to the commission of any of the aforesaid crimes or offences.

SECOND SCHEDULE.

Form of order for issue of Warrant of Apprehension.

To the Resident Magistrate [or ——— Esquire, Justice of the Peace] for the district
 of ———.

Whereas, a requisition has been made to the Government of the Colony of the Cape of Good Hope by the Government of the ——— State, for the surrender of ———, late of ———, accused [or convicted] of the commission of the crime of ——— within the jurisdiction of the said State: Now I hereby, by this my order, signify to you that such requisition has been made, and require you to issue your warrant for the apprehension of the said ———, provided that the conditions of the "Extradition Act, 1884," relating to the issue of such warrant, are in your judgment complied with.

Given under my hand at Cape Town, this ——— day of ——— 18—.

Premier and [Colonial Secretary].

Form of Warrant of Apprehension by order of the Prime Minister.

To the Field-cornets, Constables, Police Officers, and other Officers of the Law proper to the execution of Criminal Warrants.

Whereas the Honourable the Prime Minister and [Colonial Secretary] by order under his hand has signified to me [or has notified] that requisition has been duly made for the surrender of ——— late of ——— accused [or convicted] of the commission of the crime of ——— within the jurisdiction of the ——— State: This is, therefore, to command you in Her Majesty's name, forthwith to apprehend the said ——— pursuant to "The Extradition Act, 1882," wherever he may be found within the limits of the Colony of the Cape of Good Hope, and bring him, or cause him to be brought, before the Resident Magistrate for the district of ———, to show cause why he should not be surrendered in pursuance of the said Extradition Act: for which this shall be your warrant.

Given under my hand at ——— this ——— day of ——— 18—

Resident Magistrate
 [or Justice of the Peace] for the District of ———.

Form of Warrant of Apprehension without order of the Prime Minister.

To the Field-cornets, Constables, Police Officers, and other Officers of the Law proper to the execution of Criminal Warrants.

Whereas it has been shown to the undersigned — Resident Magistrate [or Justice of the Peace] for the district of — that —, late of —, is accused [or convicted] of the commission of the crime of — within the jurisdiction of — : This is, therefore, to command you in Her Majesty's name, forthwith to apprehend the said —, and to bring him, or cause him to be brought, before the Resident Magistrate for the district of —, to be further dealt with according to law : for which this shall be your warrant.

Given under my hand at —, this — day of — 18—.

Resident Magistrate
[or Justice of the Peace] for the District of —

Form of Warrant of Committal.

To the Gaoler of the — Gaol :

Be it remembered that on this — day of — 18 — late of —, is brought before me —, Resident Magistrate for the district of —, to show cause why he should not be surrendered in pursuance of The Extradition Act, 1882, on the ground of his being accused [or convicted] of the commission of the crime of — within the jurisdiction of — and forasmuch as no such sufficient cause has been shown to me why he should not be surrendered in pursuance of the said Act :

This is therefore to command you, the said gaoler, to receive the said — into your custody, and him there safely to keep until he is thence delivered pursuant to the provisions of the said Extradition Act, for which this shall be your warrant.

Given under my hand at — this — day of — 18—.

Resident Magistrate
for the District of —.

Form of Warrant of the Governor for Surrender of Fugitive Criminal.

WARRANT

By His Excellency, &c.

To the Gaoler of the — Gaol and to — (a).

Whereas — late of —, accused [or convicted] of the commission of the crime of — within the jurisdiction of the — State, was delivered into the custody of you (b) — the said gaoler by warrant dated (c) — pursuant to the " Extradition Act, 1882 : "

Now, therefore, I the Governor aforesaid do hereby, in pursuance of the said Act, order you, the said gaoler, to deliver the body of the said — into the custody of the said (a) —, and I command you the said (a) — to receive the said — into your custody, and to carry him within the jurisdiction of the said State, and there place him in the custody of any person or persons appointed by the said State to receive him : for which this shall be your warrant.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at — this — day of — 18—.

Governor.

By command of His Excellency the Governor,
Premier and [Colonial Secretary.]

(a) Insert name of person authorized by the Foreign State to receive the criminal.
(b) Insert name of gaoler.
(c) Date of warrant of committal.

(G.)—*LAW (South African Republic) for the Extradition of Criminals to the Colony of the Cape of Good Hope.*

Whereas it is necessary to define the law relating to the apprehension and surrender to the Colony of the Cape of Good Hope, of persons accused or convicted of the commission of certain crimes within the jurisdiction of the said Colony, the Volksraad therefore resolves as follows :

I. This law shall apply to the offences specified in the first schedule thereto.

II. Where a person accused or convicted of having committed any of the offences or crimes to which this law applies, in the Colony of the Cape of Good Hope, such person, in this law referred to as a fugitive criminal, shall be liable to be apprehended and returned to the Colony from which he is a fugitive, in manner provided by this law, whether the crime in respect of which the surrender is sought was committed before or after the passing of this law.

III. A requisition for the surrender of a fugitive criminal for whose apprehension a warrant has been issued in the said Colony, and who is or is suspected of being within this State, shall be made to the State Secretary of this State. Upon receipt of such requisition the said State Secretary shall by order under his hand signify to any Landdrost or Justice of the Peace that such requisition has been made, and require him to issue his warrant for the apprehension of the fugitive criminal.

IV. A warrant for the apprehension of a fugitive criminal, whether accused or convicted of crime, may be issued

- (a) by a Landdrost or Acting Landdrost, or any person acting in such capacity, or by any Justice of the Peace on receipt, or upon the publication in the State's Gazette (*Staats Courant*), of the said order of the State Secretary, and on such evidence as would in his opinion justify the issue of the warrant if the criminal had been convicted in this State ; and
- (b) by a Landdrost or Acting Landdrost or any person acting in such capacity, or by a Justice of the Peace, on such information or complaint and such evidence, or after such proceeding as would in the opinion of the person issuing the warrant justify the issue of a warrant if a crime had been committed or the criminal convicted in this State.

Any person issuing a warrant under this Section, without an order from the said State Secretary, shall forthwith send to that functionary a report of the fact of such issue, together with the information or complaint, or certified copies thereof ; and the State Secretary may, if he think fit, order the warrant to be cancelled and the person who has been apprehended to be discharged.

V. Every warrant for the apprehension of any fugitive criminal shall command that he be brought before some Landdrost. When the warrant has been issued without the order of the State Secretary, the Landdrost, Acting Landdrost, or any person acting in that capacity, shall order the discharge of the fugitive criminal, unless within such time as having reference to the circumstances of the case he may consider reasonable, the said Landdrost receives from the said Secretary of State the order mentioned in the third section of this law.

VI. When a fugitive criminal is brought before a Landdrost, the said Landdrost shall hear the case in the same manner, and have the same jurisdiction and powers as near as may be, as if the prisoner were brought before him charged with an indictable offence committed in this State.

VII. In the case of a fugitive criminal accused of the commission of any crime or offence to which this law applies, if the warrant of the said Colony making the requisition is duly authenticated and such evidence is produced as (subject to the provisions of this law) would according to the law of this State justify the committal for trial of the prisoner, if the crime of which he is accused had been committed in this State, the Landdrost shall commit him to prison, but otherwise shall order him to be discharged.

In the case of a fugitive criminal alleged to have been convicted of the commission of any such crime or offence, if such evidence is produced as (subject to the provisions of the law) would according to the law of this State prove that the prisoner was convicted of such crime, the Landdrost shall commit him to prison, but otherwise shall order him to be discharged.

VIII. If the fugitive criminal is committed to prison, he shall be committed to the principal gaol of the district there to await the warrant of the State Secretary for his surrender. The Landdrost shall forthwith send a certificate of the committal to the said Secretary of State with such report thereon as he may think fit.

IX. Upon production of the certificate of committal it shall be lawful for the State President, by warrant under his hand, and the public seal of this State, to order the fugitive criminal to be surrendered to such person as may in his opinion be duly authorized by the said Colony from which the requisition of surrender proceeded, to receive the fugitive criminal, and such fugitive criminal shall be surrendered accordingly.

It shall be lawful for such person to whom the warrant is directed, to receive, hold in custody, and convey the criminal mentioned in the warrant within the jurisdiction of the said Colony, to which he has been surrendered.

The gaoler, or other chief officer of any gaol, on request of any person having the custody of a fugitive criminal under such warrant, and on payment or tender of a reasonable amount for expenses, shall receive such fugitive criminal and detain him for such reasonable time as may be requested by the said person for the purpose of the proper execution of the warrant.

If the criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person arrested of any crime against the laws of this State may be retaken.

X. When any person, who shall have been committed under this law to remain in custody until delivered up pursuant to requisition, shall not be delivered up pursuant thereto within two months after committal, it shall in every case be lawful for the Supreme Court of this State, or any Judge thereof, or any Circuit Court, in case of application made for or on behalf of any person so committed, and after notice of such application has been given to the State Attorney, to order the person so committed to be discharged out of custody unless sufficient cause is shown to the contrary.

XI. Depositions or statements on oath taken in the said Colony, whether taken in the presence of the fugitive criminal, or not, and copies of such original depositions or statements, and certificates of or judicial documents stating the fact of conviction may, if duly authenticated, be received in evidence in proceedings under this law.

XII. Warrants of the said Colony and depositions or statements on oath, and copies thereof, shall be deemed to be duly authenticated for the purpose of this law, if authenticated as prescribed by law or if authenticated as follows :

- (1) If the warrant purports to be signed by a Judge, Landdrost, or other Officer of the State authorized to issue it.
- (2) If the depositions or statements on oath, or the copies thereof, purport to be certified under the hand of a Judge, Landdrost, or Officer of the said Colony, to be the original statements and declarations, or to be true copies thereof, as the case may be.
- (3) If the certificate of or judicial document stating the fact of conviction purports to be certified by a Judge, Landdrost, or Officer of the Colony where the convictions took place, and in every case the warrants, depositions, statements, copies, certificates, and judicial documents (as the case may be) are authenticated by the oath of some witness, or by being sealed with the official seal of some officer of the Government of the said Colony, from which the requisition for surrender proceeds, and all Courts of Justice and all Landdrosts shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

XIII. The forms set forth in the second schedule of this law, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and when used shall be deemed to be valid and sufficient in law.

XIV. This Act shall have the force of law so soon as the President of this State shall by proclamation in the Staats Courant, declare and make known that the said Colony of the Cape of Good Hope has made due provision for the surrender of fugitive criminals who have escaped thereto out of this State.

XV. When the word or term of "Landdrost" is used in this Act, it shall mean and shall be interpreted to mean, any assistant Landdrost, or any person temporarily acting as Landdrost or assistant Landdrost.

XVI. This law shall be termed "Law No.—for the Extradition of Criminals to the Cape of Good Hope."

XVII. This law shall not remain in force for a period longer than two years from the date of publication.

1st SCHEDULE.

Abduction.
 Abortion.
 Arson.
 Assault, including indecent assault on the person of a girl under the age of 12 years.
 Assault with intent to do grievous bodily harm.
 Bigamy.
 Child Stealing.
 Culpable Homicide.
 Coining or uttering counterfeit or altered coin.
 Deserting from any police force.
 Falsity, forgery or uttering a forged document.
 Fraud.
 Offences under any law relating to the dealing in gunpowder, lead or firearms.
 Housebreaking (including the breaking into any office, house or hut), with intent to commit any crime.
 Incest.
 Offences by insolvents against Insolvency laws.
 Malicious injury to property.
 Murder or attempt to commit murder.
 Perjury or subornation of perjury.
 Rape and assault to commit rape.
 Any act done with intent to do injury to person or property or any railway.
 Robbery.
 Public violence.
 Theft, including theft by means of false pretences, and theft by means of embezzlement.
 Being accessory to the commission of any of the aforesaid crimes or offences.

(H.)—*ORDINANCE No. 1, 1882, of the Orange Free State, to amend the law relating to the Extradition of Criminals.*

The Volksraad, considering it necessary to amend the Law relating to the surrender, to the Colony of the Cape of Good Hope, of persons accused or convicted of certain crimes within the jurisdiction of the Courts of the said Colony, enacts as follows:—

I. All stipulations of Ordinance No. 1, 1876, as well as all other stipulations of Law which may be found to be repugnant to this Ordinance, shall be and are hereby repealed accordingly: Provided that such repeal shall have no effect or operation upon any warrant duly granted or issued, or anything done or suffered, or upon any legal proceeding or remedy in respect of any such warrant, or in respect of any liability or penalty, incurred previously to such repeal, and any such warrant may be executed, and any such legal proceeding or remedy may be carried out, as if this Ordinance had not been passed.

II. This Ordinance shall apply to the offences specified in the Schedule hereto annexed.

III. Where a person accused of having committed any of the crimes or offences set forth in this Ordinance, in the Colony of the Cape of Good Hope, has left such Colony, such person (in this Ordinance referred to as a fugitive criminal) if found in this State shall be liable to be apprehended and returned to the said Colony from which he is a fugitive, in manner provided by this Ordinance, whether the crime in respect of which the surrender is sought was committed before or after the passing of this Ordinance.

IV. A requisition for the surrender of a fugitive criminal, for whose apprehension a warrant has been issued in the said Colony, and who is in or is suspected of being in this State, shall be made to the Government Secretary of this State. Upon the receipt of such requisition the Government

Secretary of this State may, by order, under his hand, signify to any Landdrost or Justice of the Peace, that such requisition has been made, and require him to issue his warrant for the apprehension of the fugitive criminal.

V. A warrant for the apprehension of a fugitive criminal, whether accused or convicted of crime, may be issued

- (1) By a Landdrost or acting Landdrost, or any person acting in such capacity, or Justice of the Peace, on receipt, or upon the publication in the Government Gazette of the said order of the Government Secretary, and on such evidence as would in his opinion justify the issue of the warrant if the crime had been committed, or the criminal convicted, in this State, and
- (2) By a Landdrost or acting Landdrost, or any person acting in such capacity, or any Justice of the Peace, on such information or complaint and such evidence or after such proceeding as would in the opinion of the person issuing the warrant justify the issue of a warrant if a crime had been committed or the criminal convicted in this State.

Any person issuing a warrant under this section without an order from the said Government Secretary shall forthwith send to the latter a report of the fact of such issue, together with the information or complaint, or certified copies thereof; and the Government Secretary may, if he think fit, order the warrant to be cancelled, and the person who has been apprehended to be discharged.

VI. Every warrant for the apprehension of any fugitive criminal shall command that he be brought before some Landdrost. Where the warrant has been issued without the order of the Government Secretary, the Landdrost shall order the discharge of the fugitive criminal unless, within such time as having reference to the circumstances of the case he may consider reasonable, the said Landdrost receives from the said Government Secretary the order mentioned in the fourth section of this Act.

VII. When a fugitive criminal is brought before the Landdrost, the said Landdrost shall hear the case in the same manner, and have the same jurisdiction and powers as near as may be as if the prisoner were brought before him charged with an indictable offence committed in this State.

VIII. In the case of a fugitive criminal accused of the commission of any crime or offence to which this Ordinance applies, if the warrant of the State making the requisition is duly authenticated, and such evidence is produced as (subject to the provisions of this Ordinance) would according to the law of this State justify the committal for trial of the prisoner if the crime of which he is accused had been committed in this State, the Landdrost shall commit him to prison, but otherwise shall order him to be discharged.

In the case of a fugitive criminal alleged to have been convicted of the commission of any such crime or offence, if such evidence is produced as (subject to the provisions of this Ordinance) would according to the law of this State prove that the prisoner was convicted of such crime, the Landdrost shall commit him to prison, but otherwise shall order him to be discharged.

IX. If the fugitive criminal is committed to prison he shall be committed to the principal goal of the district, there to await the warrant of the Government Secretary for his surrender. The Landdrost shall forthwith send a certificate of the committal to the said Government Secretary with such report thereon as he may think fit.

X. Upon production of the certificate of committal it shall be lawful for the President of this State, by warrant under his hand and the public seal of this State, to order the fugitive criminal to be surrendered to such person as may in his opinion be duly authorized by the said Colony from which the requisition for the surrender proceeded, to receive the fugitive criminal, and such fugitive criminal shall be surrendered accordingly.

It shall be lawful for the person to whom such warrant is directed to receive, hold in custody and convey the criminal mentioned in the warrant within the jurisdiction of the said Colony to which he has been surrendered.

The gaoler, or other chief officer of any gaol, on request of any person having the custody of a fugitive criminal under such warrant, and on payment or tender of a reasonable amount for expenses, shall receive such fugitive criminal and detain him for such reasonable time as may be requested by the said person for the purpose of the proper execution of the warrant.

If the criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person accused of any crime against the laws of this State may be retaken.

XI. Where any person who shall have been committed under this Ordinance to remain until delivered up pursuant to requisition, shall not be delivered up pursuant thereto within two months after such committal, it shall in every case be lawful for the Supreme Court of this State, or any Judge thereof or any circuit court, if such person be imprisoned within the limits of either of such last mentioned courts, upon application by or on behalf of any person so committed, and after notice of the intention to make such application has been given to the State Attorney-General, to order the person so committed to be discharged out of custody unless sufficient cause is shown to the contrary.

XII. Depositions or statements on oath taken in the aforesaid Colony, whether taken in the presence of the fugitive criminal or not, and copies of such original depositions or statements, and certificates of or judicial documents stating the fact of conviction may, if duly authenticated, be received in evidence in proceedings under this Ordinance.

XIII. Warrants of the said Colony and depositions or statements on oath and copies thereof shall be deemed duly authenticated for the purposes of this Ordinance, if authenticated in manner provided by law, or if authenticated as follows:—

- (1) If the warrant purports to be signed by a judge, magistrate, or other officer of the Colony where the same was issued authorised by law to issue warrants;
- (2) If the depositions or statements on oath or the copies thereof, purport to be certified under the hand of a judge, magistrate, or officer of the said Colony where the same were taken, to be the original depositions and statements, or to be true copies thereof, as the case may be;
- (3) If the certificate of or judicial document stating the fact of conviction purports to be certified by a judge, magistrate, or officer of the aforesaid Colony where the conviction took place; and

if in every case the warrants, depositions, statements, copies, certificates, and judicial documents (as the case may be) are authenticated by the oath of some witness or by being sealed with the official seal of some officer of the Government of the said Colony from which the requisition for surrender proceeded; and all courts of justice and magistrates shall take judicial notice

of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

XIV. The forms set forth in the second schedule to this Ordinance or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and when used shall be deemed to be valid and sufficient in law.

XV. This Ordinance shall take effect so far as concerns the surrender of fugitive criminals to the Colony of the Cape of Good Hope, so soon as the President of this State shall by proclamation in the Government Gazette of this State declare and make known that the said Colony has made due provision for the surrender of fugitive criminals who have escaped to the said Colony from this State.

XVI. In the interpretation of this Ordinance the term "Landdrost" shall mean, comprise, and comprehend any assistant Landdrost or any person temporarily employed in that capacity.

XVII. This Ordinance may be cited as "The Extradition Ordinance, 1882," for the extradition of criminals to the Colony of the Cape of Good Hope.

FIRST SCHEDULE.

Abduction.
 Abortion.
 Arson.
 Assault, including indecent assault on the person of a girl under the age of twelve years.
 Assault with intent to do grievous bodily harm.
 Bigamy.
 Child stealing.
 Culpable homicide.
 Coining, or uttering counterfeit or altered coin.
 Deserting from any police or defensive force.
 Offences under any law relating to the dealing in diamonds.
 Falsity, forgery, or uttering a forged document.
 Fraud.
 Offences under any law relating to the dealing in gunpowder, lead, or firearms.
 Housebreaking (including the breaking into any office, store, or hut), with intent to commit any crime.
 Incest.
 Offences by insolvents against insolvency laws.
 Malicious injury to property.
 Murder, or attempt to commit murder.
 Perjury or subornation of perjury.
 Rape and assault to commit rape.
 Any act done with intent to do injury to person or property on any railway.
 Robbery.
 Public violence.
 Theft, including theft by means of false pretences, and theft by means of embezzlement.
 Being accessory to the commission of any of the aforesaid crimes or offences.

SECOND SCHEDULE.

Form of Order for issue of Warrant of Apprehension.

To the Landdrost [or——Esquire, Justice of the Peace] for the district of——.

Whereas, by virtue of a Treaty with the Colony of the Cape of Good Hope, to which reference is made by His Honour the President in His proclamation of——, a requisition has been made to the Government of the Orange Free State by the Government of the Cape of Good Hope, for the surrender of——, late of——, accused [or convicted] of the commission of the crime of—— within the jurisdiction of the said Colony of the Cape of Good Hope: Now I hereby, by this my order, signify to you that such requisition has been made, and require you to issue your warrant for the apprehension of the said——, provided that the conditions of the "Extradition Ordinance, 1882," relating to the issue of such warrant, are in your judgment complied with.

Given under my hand at Bloemfontein, this——day——, 18—

Secretary to Government.

Form of Warrant of Apprehension by order of the Secretary to Government.

To the Field-cornets, Constables, Police Officers, and other Officers of the Law proper to the Execution of Criminal Warrants.

Whereas the Honourable the Secretary to Government by order under his hand has notified that requisition has been duly made for the surrender of—late of—accused [or convicted] of the commission of the crime of—within the jurisdiction of the Cape of Good Hope: This is, therefore, to command you in name of the Honourable the President of this State, forthwith to apprehend the said—pursuant to Ordinance 1, 1882, wherever he may be found within the limits of this State, and bring him, or cause him to be brought, before the Landdrost for the District of—, to show cause why he should not be surrendered in accordance with Ordinance 1, 1882, for which this shall be your warrant.

Given under my hand at—, this—day of—, 18—.

Landdrost
[or Justice of the Peace] for the District of—

Form of Warrant of Apprehension without order of the Secretary to Government.

To the Field-cornets, Constables, Police Officers, and other Officers of the Law proper to the Execution of Criminal Warrants.

Whereas it has been shown to the undersigned—, Landdrost [or Justice of the Peace] for the District of—that—, late of—is accused [or convicted] of the commission of the crime of—within the jurisdiction of the Colony of the Cape of Good Hope: This is, therefore, to command you in name of His Honour the President of this State, forthwith to apprehend the said—, and to bring him, or cause him to be brought, before the Landdrost for the district of—, to be further dealt with according to law, for which this shall be your warrant.

Given under my hand at—, this—day of—, 18—.

Landdrost
[or Justice of the Peace] for the district of—.

Form of Warrant of Committal.

To the Gaoler of the—Gaol:

Be it remembered that on this—day of—, 18—, —late of—is brought before me—, Landdrost for the district of—, to show cause why he should not be surrendered in pursuance of Ordinance No. 1 of 1882, on the grounds of his being accused [or convicted] of the commission of the crime of—within the jurisdiction of the Colony of the Cape of Good Hope, and forasmuch as no such sufficient cause has been shown to me why he should not be surrendered in pursuance of the said Ordinance:

This is therefore to command you, the said gaoler, to receive the said—into your custody, and him there safely to keep until he is thence delivered pursuant to the provisions of the said Ordinance No. 1 of 1882, for which this shall be your warrant.

Given under my hand at—, this—day of—, 18—.

Landdrost
for the district of—.

Form of Warrant of His Honour for Surrender of fugitive Criminal.

WARRANT

By His Honour the President of the Orange Free State.

To the Gaoler of the—Gaol and to—(a).

Whereas—, late of—, accused [or convicted] of the commission of the crime of—within the jurisdiction of the Colony of the Cape of Good Hope, was delivered into the custody of you (b)—the said gaoler, by warrant dated (c)—pursuant to Ordinance No. 1, 1882:

Now, therefore, I, the President of the Orange Free State aforesaid, do hereby, in pursuance of the said Ordinance order you, the said gaoler, to deliver the body of the said—into the custody of the said (a)—, and I command you the said (a)—to receive the said—into your custody, and to carry him within the jurisdiction of the

(a) Insert name of person authorized by the Colony to receive the criminal.

(b) Insert name of gaoler.

(c) Date of warrant of committal.

said Colony of the Cape of Good Hope, and there place him in the custody of any person or persons appointed by the said Colony to receive him; for which this shall be your warrant.

Given under my hand and the Public Seal of the Orange Free State, ———at———, this day of——, 18—.

President, Orange Free State.

By command

Secretary to Government.

Thus done at Bloemfontein, this the 15th day of March, 1882.

(Signed) J. G. SIEGBERT,

President of the Honourable the Volksraad.

VAN HALJTEMA, Secretary.

(J.)—*CONVENTION between the Orange Free State and Basutoland, for the Mutual Extradition of Fugitive Criminals.—Signed at Cape Town, September 1, 1887; and at Bloemfontein, September 7, 1887.**

Convention between His Excellency the Right Honourable Sir Hercules George Robert Robinson, a member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-chief of Her Majesty's Colony of the Cape of Good Hope, in South Africa, and the territories and dependencies thereof, and Her Majesty's High Commissioner for South Africa, &c., acting in the name and on behalf of Her Britannic Majesty, of the one part; and

His Honour Sir Johannes Hendricus Brand, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, President of the Orange Free State, duly authorized by the Honourable the Volksraad of the said State, of the other part, for the mutual extradition of certain fugitive criminals.

The parties hereto, having judged it expedient, with a view to the more complete prevention of crime within the territories of Basutoland and the Orange Free State respectively, that persons accused or convicted of having committed certain crimes, and being fugitives from justice should under certain circumstances be reciprocally delivered up, have agreed upon the following Articles:—

ART. I. In case requisition shall at any time be made by Her Majesty's High Commissioner, or by the President of the Orange Free State, for the surrender of any person who, being charged with, or convicted of, having committed any of the crimes hereinafter specified in Basutoland or the Orange Free State, shall be found within Basutoland or the Orange Free State, it shall be lawful for Her Majesty's High Commissioner, and for the President of the Orange Free State, by warrant under his hand and seal, to signify that such requisition has been made, and to require the Resident Magistrates and Justices of the Peace, and other officers of justice within their respective jurisdictions, to govern themselves accordingly, and to aid in apprehending the person so accused or convicted, and committing such person to gaol for the purpose of being delivered up to justice, and thereupon it shall be lawful for any Resident Magistrate or Justice of the Peace in Basutoland and the Orange Free State respectively to examine upon oath any person or persons touching the truth of such charge or the fact of such conviction, and upon such evidence as, according to the law relating to crimes committed by persons of European descent in Basutoland, and the law of the Orange Free State respectively, would justify the apprehension and committal for trial of the person so charged, if the crime or offence with which he or she shall be so charged had been committed within Basutoland or the Orange Free State, or would prove such conviction in Basutoland or

* *Cape of Good Hope Government Gazette, September 16, 1887.*

the Orange Free State, to issue his warrant for the apprehension of such person, and also to commit such person to gaol, there to remain until delivered up pursuant to such requisition as aforesaid, provided always that, in order to save time and avoid failures of justice, a warrant issued by any Magistrate or Justice of the Peace in either country for the arrest of any person charged with an extradition crime or offence may be indorsed by any Magistrate or Justice of the Peace in the other country, and may thereupon be executed for the purpose of arrest and remand pending an application for extradition.

II. *No burgher of the Orange Free State, nor any person domiciled in the Free State, or who shall have been a resident of the Orange Free State for more than six months, shall be delivered up by the Government of the Orange Free State; and in like manner, extradition shall not take place of any person domiciled in Basutoland who shall have committed any of the crimes or offences mentioned in Article VI of this Convention. Such persons shall be dealt with according to the provisions of Ordinance No 6 of 1887, of the Orange Free State, and the 15th Regulation of the Regulations of Basutoland of 1884.†

III. Depositions or statements upon oath taken in Basutoland or the Orange Free State, and copies of such original depositions or statements, and certificates of or judicial documents stating the fact of conviction, may, if duly authenticated, be received in evidence in proceedings under this Convention; and warrants and depositions, or statements on oath, and copies thereof, and certificates of or judicial documents stating the fact of a conviction, shall be deemed duly authenticated for the purposes of this Convention if authenticated in manner provided for the time being by law, or authenticated as follows:

1. If the warrant purports to be signed by a Judge, Magistrate, or officer of the Territory or State where the same was issued;

2. If the depositions or statements, or copies thereof, purport to be certified under the hand of a Judge, Magistrate, or officer of the territory or State where the same were taken to be original depositions or statements, or to be true copies thereof, as the case may require; and

3. If the certificate of, or judicial document stating the fact of, conviction purports to be certified by a Judge, Magistrate, or officer of the Territory or State where the conviction took place;

And if in every case the warrants, depositions, statements, copies, certificates, and judicial documents (as the case may be) are authenticated by an official seal; and documents so authenticated shall be received in evidence without further proof.

IV. A fugitive criminal committed to prison under this Convention shall not be surrendered until after the expiration of 15 days, when it shall be lawful for Her Majesty's High Commissioner, or the President of the Orange Free State, by warrant under his hand and seal, to order the fugitive criminal to be surrendered to such person as may, in his opinion, be duly authorized to receive the fugitive criminal by the State from which the requisition for the surrender proceeded, and such fugitive criminal shall be surrendered accordingly.

It shall be lawful for the person to whom such warrant is directed to receive, hold in custody, and convey the criminal mentioned in the warrant within the jurisdiction of the State to which he has been surrendered.

The gaoler or other chief officer of any gaol, on request of any person having the custody of a fugitive criminal under such warrant, and on

* See Protocol of August, 1895.

† See Hertalet's *Commercial Treaties*, Vol. XVI. Page 95.

payment or tender of a reasonable amount for expenses, shall receive such fugitive criminal and detain him for such reasonable time as may be requested by the said person for the purpose of the proper execution of the warrant.

If the criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person accused of the like crime in Basutoland or the Orange Free State, as the case may be, may be retaken upon an escape.

V. When any person who shall have been committed under this Convention to remain until delivered up pursuant to requisition shall not be delivered up pursuant thereto within two months after such committal, it shall be lawful for Her Majesty's High Commissioner and the President of the Orange Free State, as the case may be, to order the person so committed to be discharged out of custody, unless sufficient cause is shown to the contrary.

VI. The crimes and offences in respect of which extradition may be demanded under this Convention shall be the following:—

- Abduction ;
- Abortion ;
- Arson ;
- Assault, including indecent assault on the person of a girl under the age of 12 years ;
- Assault with intent to do grievous bodily harm ;
- Bigamy ;
- Child stealing ;
- Culpable homicide or manslaughter ;
- Coining or uttering counterfeit or altered coin ;
- Deserting from any police or defensive force ;
- Offences under any law relating to the dealing in diamonds ;
- Falsity, forgery, or uttering a forged document ;
- Fraud ;
- Offences under any law relating to the dealing in gunpowder, lead, or fire-arms ;
- Housebreaking (including the breaking into any office, store, or hut), with intent to commit any crime ;
- Incest ;
- Offences by insolvents against insolvency laws ;
- Malicious injury to property ;
- Murder, or attempt to murder, or conspiracy to murder ;
- Perjury, or subornation of perjury ;
- Rape and cognate crimes, and assault to commit rape ;
- Any act done with intent to do injury to person or property in any railway ;
- Robbery ;
- Public violence ;
- Theft, including theft by means of false pretences, and theft by means of embezzlement ;
- Threats, by letter or otherwise, with intent to extort ;
- Being accessory to the commission of any of the aforesaid crimes or offences.

VII. The following restrictions shall be observed with respect to the surrender of fugitive criminals :

1. A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove to the satisfaction of the High Commissioner or the President of the Orange Free State, as the case may be, or of the Court or Magistrate before

whom he is brought, that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character ;

2. A fugitive criminal shall not, until he has been restored, or had an opportunity of returning, to the State by which he was surrendered, be detained or tried in the other State for any offence committed prior to his surrender other than the extradition crime or crimes proved by the facts on which the surrender is grounded ;

3. A fugitive criminal who has been accused of some offence within the jurisdiction of Basutoland or the Orange Free State, not being the offence for which his surrender is asked, or is undergoing sentence under any conviction in either jurisdiction, shall not be surrendered until after he has been discharged, whether by acquittal or on expiration of his sentence, or otherwise.

VIII. When a fugitive criminal is brought before a Court or Magistrate in Basutoland or the Orange Free State, such Court or Magistrate shall hear the case in the same manner, and have the same jurisdiction and powers, as near as may be, as if the prisoner were brought before the said Court or Magistrate charged with an indictable offence committed in Basutoland or the Orange Free State, as the case may be ; and such Court or Magistrate shall receive any evidence which may be tendered to show that the crime of which the prisoner is accused, or alleged to have been convicted, is an offence of a political character or is not an extradition crime.

IX. In the case of a fugitive criminal accused of an extradition crime, if the warrant authorizing the arrest of such criminal is duly authenticated, and such evidence is produced as, subject to the terms of this Convention, would, according to the law of Basutoland or the Orange Free State, as the case may be, justify the committal for trial of the prisoner, if the crime of which he is accused had been committed in Basutoland or the Orange Free State, as the case may be, the Court or Magistrate shall commit him to prison, but otherwise shall order him to be discharged.

In the case of a fugitive criminal alleged to have been convicted of an extradition crime, if such evidence is produced as (subject to the terms of this Convention) would, according to the law of Basutoland or the Orange Free State, as the case may be, prove that the prisoner was convicted of such crime, the Court or Magistrate shall commit him to prison, but otherwise shall order him to be discharged.

X. Each of the Contracting Parties shall defray all expenses connected with the apprehension, detention, and surrender of any person whose extradition it may have applied for.

XI. This Convention shall come into operation on the 17th day of October, and shall be published at least 10 days before that date in the Government Gazette of the Colony of the Cape of Good Hope and of the Orange Free State respectively.

XII. Either of the Contracting Parties may at any time terminate this Convention by giving the other six months' notice of his intention to do so.

In witness whereof the parties hereto have signed this Convention, and have hereto affixed their seals respectively at Cape Town, this first day of September, 1887.

(L.S.) HERCULES ROBINSON, *High Commissioner*.

And at Bloemfontein, on this the 7th day of September, 1887.

(L.S.) J. H. BRAND, *President of the Orange Free State*.

PROTOCOL to the Convention entered into between His Excellency the High Commissioner for South Africa, acting in the name and on behalf of Her Britannic Majesty on the one part, and His Honour the State President of the Orange Free State, duly authorized by the Honourable Volksraad of the said State on the other part, signed and sealed at Cape Town, on the first day of September, 1887, and at Bloemfontein on the seventh day of September, 1887, respectively, relative to the reciprocal surrender of persons convicted of having committed certain crimes within the Territories of the Orange Free State or Basutoland, and being fugitives from Justice.

His Excellency the High Commissioner for South Africa, and His Honour the Acting State President of the Orange Free State have agreed to the following clause which shall be read and construed together with the said Convention as though the effect of the said clause was therein embodied.

Nothing contained in the Second Article to this Convention shall be taken to refer to persons who have been convicted of any criminal offence in the Orange Free State or in the Territory of Basutoland, and who before expiration of sentence have escaped to the said Territory or State, but such persons may be surrendered at the discretion of the contracting party to whose Territory or State they have escaped.

In witness whereof the parties hereto have signed this Protocol, and have hereto affixed their Seals respectively at Cape Town on this the second day of August, 1895.

HERCULES ROBINSON,
High Commissioner for South Africa.

And at Bloemfontein on this the sixth day of August, 1895.

P. J. BLIGNAUT.
Acting State President of the Orange Free State.

(K.)—*ORDER IN COUNCIL, making Regulations as to the Removal and Return of Prisoners and Criminal Lunatics under "The Colonial Prisoners Removal Act, 1884."**—Windsor, December 13, 1889.

At the Court at Windsor, the 13th day of December, 1889.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President,
Earl of Coventry,
Lord Morris,

Sir William Hart-Dyke, Bart.,
Mr. Ritchie.

Her Majesty, by virtue and in exercise of the powers in this behalf vested in her by "The Colonial Prisoners Removal Act, 1884," is pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, as follows:—

The following Regulations are hereby made as to the removal and return of prisoners and criminal lunatics under the said Act:

I. Every prisoner removed under the said Act from a British possession to the United Kingdom for the purpose of undergoing the residue of a

* See Hertslet's *State Papers* Vol. LXXV, page 1095.

sentence involving confinement in a prison combined with hard labour shall, in the United Kingdom, be dealt with as follows, that is to say:—

If the original period of his sentence did not exceed two years, in the same manner as if he had been sentenced in the United Kingdom to imprisonment with hard labour for the same period;

And if the original period of his sentence exceeded two years, in the same manner, as nearly as may be, as if he had been sentenced in the United Kingdom to penal servitude for the same period.

II. Every prisoner removed under the said Act from one British possession to another British possession for the purpose of undergoing the residue of a sentence shall in such last-mentioned British possession be dealt with in the same manner as if he had there been sentenced to such punishment authorized by the law thereof as, in the opinion of the Secretary of State signing the order of removal, shall most nearly correspond to the punishment to which he was sentenced in the first-mentioned British possession, and for the same period.

III. The Forms in the Schedule to this Order or Forms to the like effect, varied as circumstances may require, may be used under the said Act.

C. L. PEEL.

SCHEDULE referred to in the foregoing Order in Council.

I.—Order of Removal.

“COLONIAL PRISONERS REMOVAL ACT, 1884.”

WHEREAS *A.B.* was on the day of convicted before
the Court of of the crime
[*or offence*] of , and sentenced to penal servitude [*or imprisonment*
or, as the case may be] for the term of years [*or for life*], and is now
undergoing the said sentence in the Colony [*or Presidency, or*
of

And whereas it is likely that the life [*or health*] of the said *A.B.* will be endangered
[*or permanently injured*] by further imprisonment in the said Colony [*or Presidency, or*

[*Or the said A.B. belonged at the time of committing the said offence to the Royal
Navy (or to Her Majesty's regular military forces).*]

[*Or the said offence was committed wholly (or partly) beyond the limits of the said
Colony, or Presidency, or*

[*Or by reason of there being no prison in the said Colony (or Presidency, or*
*) in which the said A.B. can properly undergo his sentence (or, for other reasons
to be stated), the removal of the said A.B. is expedient for his safe custody (or for more
efficiently carrying his sentence into effect).*]

[*Or the said A.B. belongs to a class of persons who under the law of the said Colony (or
Presidency, or*) are subject to removal under “The Colonial Prisoners
Removal Act, 1884.”]

Now I do hereby in pursuance of “The Colonial Prisoners Removal Act, 1884,” with
the concurrence of the Government of the said Colony [*or Presidency, or*]
[and the Government of the Colony (*or Presidency, or*) of],
order that the said *A.B.* be removed to the United Kingdom [*or to the Colony (or Presidency*
or) of], there to undergo the residue of his said
sentence [with such variations of the conditions thereof as are or shall be provided by any
regulations in force for the time being under the said Act] in accordance with the said Act.

Given under the hand of the Undersigned, one of Her Majesty's Principal Secretaries
of State, this day of , 18 .

I, , the Governor [*or Lieutenant-Governor, or Officer admin-
istering the Government*] of the Colony [*or Presidency, or*] of ,
with the advice of the Executive Council of the said Colony [*or Presidency, or*].

[And I, , the Governor (*or Lieutenant-Governor, or Officer*
administering the Government) of the Colony (*or Presidency, or*)
of , with the advice of the Executive Council of the said Colony
(*or Presidency, or*), hereby concur in the foregoing order of removal.]

As witness my hand [our hands], this day of 18 .

II.—*Order for the Return of a Prisoner to a British Possession.*

“COLONIAL PRISONERS REMOVAL ACT, 1884.”

WHEREAS *A.B.* was on the _____ day of _____ of the _____ Court of _____, and sentenced to penal servitude [or imprisonment, or, as the case may be] for the term of _____ years [or for life].

And whereas the said *A.B.* has been removed under “The Colonial Prisoners Removal Act, 1884,” from the Colony [or Presidency, or _____] of _____ to _____, and is now undergoing his said sentence in the United Kingdom [or the Colony (or Presidency, or _____) of _____].

Now I, _____, [with the advice of the Executive Council of the said Colony (or Presidency, or _____) of _____] hereby, in pursuance of the said Act, order that the said *A.B.* shall be returned to the said Colony [or Presidency, or _____] of _____, there to undergo the residue [or for the purpose of being there discharged at the expiration] of his said sentence.

Given under the hand of the Undersigned, one of Her Majesty’s Principal Secretaries of State [or Governor (or Lieutenant-Governor, or Officer administering the Government) of the Colony (or Presidency, or _____) of _____], this _____ day of _____, 18 _____.

III.—*Warrant for Removal of a Prisoner.*

“COLONIAL PRISONERS REMOVAL ACT, 1884.”

To *C.D.*, the keeper of the _____ Prison, and to *E.F.* and *G.H.*

WHEREAS an order has been made under “The Colonial Prisoners Removal Act, 1884,” by one of Her Majesty’s Principal Secretaries of State, with the concurrence of the Government of the Colony [or Presidency, or _____] of _____ [and the Government of the Colony (or Presidency, or _____) of _____], for the removal of *A.B.*, a prisoner now in the custody of you, the said *C.D.*, under a sentence of penal servitude [or imprisonment, or, as the case may be] for the term of _____ years from the _____ day of _____ [or for life], to the United Kingdom [or to the Colony (or Presidency, or _____) of _____], there to undergo the residue of the said sentence.

Now I do hereby, in pursuance of the said Act, order you, the said *C.D.* to deliver the body of the said *A.B.* into the custody of the said *E.F.* and *G.H.*, or one of them; and I do hereby, in further pursuance of the said Act, authorize you, the said *E.F.* and *G.H.*, or either of you, to receive the said *A.B.* into your custody, and to convey him to the United Kingdom [or to the Colony (or Presidency, or _____) of _____], and to deliver him to such person or persons as shall be empowered by one of Her Majesty’s Principal Secretaries of State [or of the Governor of the said Colony (or Presidency, or _____)] to receive him for the purpose of giving effect to the said order of removal.

And for so doing this shall be your warrant.

Given under the hand of the Undersigned, one of Her Majesty’s Principal Secretaries of State [or Governor of _____], this _____ day of _____, 18 _____.

IV.—*Warrant for Return of a Prisoner to a British Possession.*

“COLONIAL PRISONERS REMOVAL ACT, 1884.”

To *C.D.*, the Governor [or _____] of the _____ Prison, and to *E.F.* and *G.H.*

WHEREAS *A.B.* having been sentenced by the _____ Court of _____ to penal servitude [or imprisonment, or, as the case may be] for the term of _____ years from the _____ day of _____ [or for life], has under an order duly made under “The Colonial Prisoners Removal Act, 1884,” been removed to the United Kingdom [or to the Colony (or Presidency, or _____) of _____] and is now in the custody of you, the said *C.D.*, undergoing his said sentence.

And whereas an order has been made under the said Act by one of Her Majesty’s Principal Secretaries of State [or by the Government of the said Colony (or Presidency or _____) of _____], for the return of the said *A.B.* to the said Colony [or Presidency, or _____] of _____, there to undergo the residue [or for the purpose of being there discharged at the expiration] of his said sentence.

Now I do hereby, in pursuance of the said Act, order you the said *C.D.* to deliver the body of the said *A.B.* into the custody of the said *E.F.* and *G.H.*, or one of them; and I do hereby, in further pursuance of the said Act, authorize you the said *E.F.* and *G.H.*, or either of you, to receive the said *A.B.* into your custody, and to convey him to the Colony [or Presidency, or _____] of _____, and to deliver him to _____

such person or persons as shall be empowered by the Governor of the said Colony [or Presidency, or] to receive him for the purpose of giving effect to the said order of return.

And for so doing this shall be your warrant.

Given under the hand of the Undersigned, one of Her Majesty's Principal Secretaries of State [or Governor of], this day of , 18 .

V.—*Order of Removal of a Criminal Lunatic.*

“COLONIAL PRISONERS REMOVAL ACT, 1884.”

WHEREAS *A.B.* is in custody in the Colony [or Presidency, or] of , as a criminal lunatic having been charged with the offence of , and found to have been insane at the time of such offence [or to be unfit on the ground of insanity to be tried for such offence] [or having been convicted of the offence of , and sentenced to penal servitude (or imprisonment, or) for the term of years from the day of , 18 (or for life), and afterwards certified (or lawfully proved) to be insane.

And whereas it is likely that the life [or health] of the said *A.B.* will be endangered [or permanently injured] by further detention in custody in the said Colony [or Presidency, or]:

[Or the said *A.B.* belonged at the time of the said offence to the Royal Navy (or to Her Majesty's regular military forces).]

[Or the said offence was committed wholly (or partly) beyond the limits of the said Colony (or Presidency, or).]

[Or by reason of there being no Asylum in the said Colony (or Presidency, or) in which the said *A.B.* can be properly or conveniently detained and dealt with as a criminal lunatic, his removal to the United Kingdom (or to the Colony, or Presidency, or of) is expedient.]

[Or the said *A.B.* belong to a class of persons who under the law of the said Colony (or Presidency, or) are subject to removal under “The Colonial Prisoners Removal Act, 1884.”]

Now I do hereby, in pursuance of “The Colonial Prisoners Removal Act, 1884,” with the concurrence of the Government of the said Colony [or Presidency, or] [and the Government of the Colony (or Presidency, or) of] order that the said *A.B.* be removed to the United Kingdom [or to the Colony (or Presidency, or) of], there to be detained in custody as a criminal lunatic, and dealt with in the same manner as if he had there become a criminal lunatic.

Given under the hand of the Undersigned, one of Her Majesty's Principal Secretaries of State, this day of , 18 .

I, , the Governor [or Lieutenant-Governor, or Officer administering the Government] of the Colony [or Presidency, or] of , with the advice of the Executive Council of the said Colony [or Presidency, or]:

[And I, , the Governor (or Lieutenant-Governor, or Officer administering the Government) of the Colony (or Presidency, or) of , with the advice of the Executive Council of the said Colony (or Presidency, or) hereby concur in the foregoing order of removal.]

As witness my hand [our hands] this day of , 18 .

VI.—*Order for the Return of a Criminal Lunatic to a British Possession.*

“COLONIAL PRISONERS REMOVAL ACT, 1884.”

WHEREAS *A.B.* having been in custody in the Colony [or Presidency, or] of , as a criminal lunatic, has been removed, under “The Colonial Prisoners Removal Act, 1884,” to, and is now in custody as a criminal lunatic in, the United Kingdom [or the Colony (or Presidency, or) of]:

[And whereas I (or the Government of the said Colony, or Presidency, or) of , consider that the said *A.B.* has become sufficiently sane to be tried for the offence with which he was charged in the said Colony (or Presidency, or) of]:

Now I [with the advice of the Executive Council of the said Colony (or Presidency, or) of] hereby, in pursuance of the said Act, order that the said *A.B.* be returned to the said Colony [or Presidency, or] of , there to be dealt with in the same manner as if he had not been removed therefrom.

Given under the hand of the Undersigned, one of Her Majesty's Principal Secretaries of State [or the Governor (or Lieutenant-Governor, or Officer administering the Government) of the Colony (or Presidency, or) of], this day of 18 .

VII.—*Warrant for Removal of a Criminal Lunatic.*

“COLONIAL PRISONERS REMOVAL ACT, 1884.”

To *C.D.* the keeper of Lunatic Asylum, and to *E.F.*
and *G.H.*

WHEREAS an order has been made, under “The Colonial Prisoners Removal Act, 1884,” by one of Her Majesty’s Principal Secretaries of State, with the concurrence of the Government of the Colony [or Presidency, or] of [and the Government of the Colony (or Presidency, or) of], for the removal of *A.B.*, a criminal lunatic now in the custody of you, the said *C.D.*, to the United Kingdom [or the Colony (or Presidency, or) of], to be there dealt with in the same manner as if he had become a criminal lunatic in the United Kingdom [or the said Colony (or Presidency or) of].

Now I do hereby, in pursuance of the said Act, order you, the said *C.D.*, to deliver the body of the said *A.B.* into the custody of the said *E.F.* and *G.H.*, or one of them; and I do hereby, in further pursuance of the said Act, authorize you, the said *E.F.* and *G.H.*, or either of you, to receive the said *A.B.* into your custody, and to convey him to the United Kingdom [or to the Colony (or Presidency or) of], and to deliver him to such person or persons as shall be empowered by one of Her Majesty’s Principal Secretaries of State [or the Governor of the said Colony (or Presidency or)] to receive him for the purpose of giving effect to the said order of removal.

Given under the hand of the Undersigned, one of Her Majesty’s Principal Secretaries of State [or the Governor of] this day of 18

VIII.—*Warrant for Return of a Criminal Lunatic to a British Possession.*

“COLONIAL PRISONERS REMOVAL ACT, 1884.”

To *C.D.*, the of Lunatic Asylum, and
to *E.F.* and *G.H.*

WHEREAS *A.B.*, having been in custody as a criminal lunatic in the Colony [or Presidency, or] of , has, under an order duly made under “The Colonial Prisoners Removal Act, 1884,” been removed to the United Kingdom [or to the Colony (or Presidency, or) of], and is now in the custody of you, the said *C.D.*, as a criminal lunatic.

And whereas an order has been made under the said Act by one of Her Majesty’s Principal Secretaries of State [or by the Government of the said Colony (or Presidency or) of] for the return of the said *A.B.* to the said Colony [or Presidency, or] of

Now I do hereby, in pursuance of the said Act, order you the said *C.D.* to deliver the body of the said *A.B.* into the custody of the said *E.F.* and *G.H.*, or one of them; and I do hereby, in further pursuance of the said Act, authorize you the said *E.F.* and *G.H.*, or either of you, to receive the said *A.B.* into your custody, and to convey him to the Colony [or Presidency, or] of , and to deliver him to such person or persons as shall be empowered by the Governor of the said Colony [or Presidency or] to receive him for the purpose of giving effect to the said order of return.

And for so doing this shall be your warrant.

Given under the hand of the Undersigned, one of Her Majesty’s Principal Secretaries of State [or Governor of], this day of 18

(L)—*ORDER IN COUNCIL. Extradition between Great Britain and the Orange Free State.*

Windsor, 20th March, 1891.

At the Court at Windsor, the 20th day of March, 1891.

PRESENT,

The QUEEN’S MOST EXCELLENT MAJESTY.

Lord President,
Duke of Rutland,
Lord Chamberlain.

Whereas by the Extradition Acts, 1870 and 1873, it was amongst things enacted that, where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her

Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions and qualifications as may be deemed expedient; and that if, by any law made after the passing of the Act of 1870 by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in or suspected of being in such British possession, Her Majesty may, by the Order in Council applying the said Acts in the case of any foreign State, or by any subsequent Order, suspend the operation within any such British possession of the said Acts, or of any part thereof, so far as it relates to such foreign State, and so long as such law continues in force there and no longer.

And whereas by an Act of the Parliament of Canada passed in 1886, and entitled "An Act respecting the Extradition of Fugitive Criminals," provision is made for carrying into effect within the Dominion the surrender of fugitive criminals:

And whereas by an Order of Her Majesty the Queen in Council, dated the seventeenth day of November, one thousand eight hundred and eighty-eight, it was directed that the operation of the Extradition Acts, 1870 and 1873, should be suspended within the Dominion of Canada so long as the provision of the said Act of the Parliament of Canada of 1886 should continue in force and no longer:

And whereas a Treaty was concluded on the twentieth and twenty-fifth days of June, one thousand eight hundred and ninety, between Her Majesty and the President of the Orange Free State, for the mutual extradition of fugitive criminals, which Treaty is in the terms following:

"Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and his Honour the President of the Orange Free State, in the name of the Government of that Republic, having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within the two countries and their jurisdictions, that persons charged with or convicted of the crimes or offences hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up;

"His Excellency Sir Henry Brougham Loch, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of the Colony of the Cape of Good Hope, Her Majesty's High Commissioner for South Africa, &c., acting on behalf and in the name of her said Majesty:

"And His Honour Francis William Reitz, President of the Orange Free State, acting on behalf and in the name of the Government of the Orange Free State,

"Have agreed upon and concluded the following Articles:—

"ARTICLE I.

"The High Contracting Parties engage to deliver up to each other, under the circumstances and conditions stated in the present Treaty, those persons who, being accused or convicted of any of the crimes or offences enumerated in Article II, committed in the territory of the one Party, shall be found within the territory of the other Party.

" ARTICLE II.

Extradition shall be reciprocally granted for the following crimes or offences:—

" 1. Murder (including assassination, parricide, infanticide, poisoning), or attempt or conspiracy to murder.

" 2. Manslaughter.

" 3. Administering drugs or using instruments with intent to procure the miscarriage of women.

" 4. Rape.

" 5. Unlawful carnal knowledge, or any attempt to have unlawful carnal knowledge, of a girl under 16 years of age, if the evidence produced justifies committal for those crimes according to the laws of both the Contracting Parties.

" 6. Indecent assault.

" 7. Kidnapping and false imprisonment, child stealing.

" 8. Abduction.

" 9. Bigamy.

" 10. Maliciously wounding or inflicting grievous bodily harm.

" 11. Assault occasioning actual bodily harm.

" 12. Threats, by letter or otherwise, with intent to extort money or other things of value.

" 13. Perjury or subornation of perjury.

" 14. Arson.

" 15. Burglary or housebreaking, robbery with violence, larceny, or embezzlement.

" 16. Fraud by a bailee, banker, agent, factor, trustee, director, member, or public officer of any Company, made criminal by any law for the time being in force.

" 17. Obtaining money, valuable security, or goods by false pretences; receiving any money, valuable security, or other property, knowing the same to have been stolen or unlawfully obtained.

" 18. (a) Counterfeiting or altering money, or bringing into circulation counterfeited or altered money.

" (b) Forgery, or counterfeiting or altering, or uttering what is forged, counterfeited, or altered.

" (c) Knowingly making, without lawful authority, any instrument, tool, or engine adapted and intended for the counterfeiting of coin of the realm.

" 19. Crimes against Bankruptcy Law.

" 20. Any malicious act done with intent to endanger the safety of any person travelling or being upon a railway.

" 21. Malicious injury to property, if such offence be indictable.

" 22. Crimes committed at sea:—

" (a) Piracy by the law of nations.

" (b) Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

" (c) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

" (d) Assault on board a ship on the high seas, with intent to destroy life or to do grievous bodily harm.

" 23. Dealing in slaves in such manner as to constitute a criminal offence against the laws of both States.

" The extradition is also to be granted for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both Contracting Parties.

" Extradition may also be granted at the discretion of the State applied to in respect of any other crime for which according to the laws of both the Contracting Parties for the time being in force, the grant can be made.

" ARTICLE III.

" Either Government may, in its absolute discretion, refuse in any case to deliver up its own subjects to the other Government.

" ARTICLE IV.

" The extradition shall not take place if the person claimed on the part of Her Majesty's Government, or the person claimed on the part of the Government of the Orange Free State, has already been tried and discharged or punished, or is still under trial in the territory of the Orange Free State or in the United Kingdom respectively, for the crime for which his extradition is demanded.

" If the person claimed on the part of Her Majesty's Government, or on the part of the Government of the Orange Free State, should be under examination for any other crime in the territory of the Orange Free State or in the United Kingdom respectively, his extradition shall be deferred until the conclusion of the trial, and the full execution of any punishment awarded to him.

" ARTICLE V.

" The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

" ARTICLE VI.

" A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.

" ARTICLE VII.

" A person surrendered can in no case be kept in prison or be brought to trial in the State to which surrender has been made, for any other crime, or on account of any other matters than those for which the extradition shall have taken place, until he has been restored, or has had an opportunity of returning to the State by which he has been surrendered. The stipulation does not apply to crimes committed after the extradition.

" ARTICLE VIII.

" The requisition for extradition shall be made through Her Majesty's High Commissioner for South Africa on behalf of the United Kingdom and Her Majesty's Colonies or foreign possessions, not excluded from this Treaty by Article XVIII, and through the Consul-General of the Orange Free State at London on behalf of the Government of the said State.

" The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

" If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

" A sentence passed *in contumaciam* is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

“ARTICLE IX.

“If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

“ARTICLE X.

“A fugitive criminal may be apprehended, under a warrant issued by any Police Magistrate, Justice of the Peace, or other competent authority in either country, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the authority issuing the warrant, justify the issue of a warrant if the crime had been committed or the person convicted in that part of the dominions of the two Contracting Parties in which the Magistrate, Justice of the Peace, or other competent authority exercises jurisdiction; provided, however, that in the United Kingdom the accused shall, in such case, be sent as speedily as possible before a Police Magistrate in London. The criminal shall, in accordance with this Article, be discharged, as well in the Orange Free State as in the United Kingdom, if within the term of forty-five days a requisition for extradition shall not have been made by the Diplomatic Agent of his country, in accordance with the stipulations of this Treaty.

“The same rule shall apply to the cases of persons accused or convicted of any of the crimes or offences specified in this Treaty, and committed on the high seas on board any vessel of either country which may come into a port of the other.

“ARTICLE XI.

“The extradition shall take place only if the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial, in case the crime had been committed in the territory of the same State, or to prove that the prisoner is the identical person convicted by the Courts of the State which makes the requisition, and that the crime of which he has been convicted is one in respect of which extradition could, at the time of such conviction, have been granted by the State applied to; and no criminal shall be surrendered until after the expiration of fifteen days from the date of his committal to prison to await the warrant for his surrender.

“ARTICLE XII.

“In the examinations which they will have to make in accordance with the foregoing stipulations, the authorities of the State applied to for said extradition shall admit as valid evidence the depositions or statements of witnesses taken in the other State, under oath or under solemn affirmation to tell the truth, according as its legislation may provide, or the copies of these depositions or statements, and likewise the warrants issued and sentences pronounced in the State which demands the extradition, the certificates of the fact of the condemnation, or the judicial documents which prove it, provided the same are authenticated as follows:—

“1. A warrant must purport to be signed by a Judge, Magistrate or officer of the other State.

“2. Depositions or affirmations, or the copies thereof, must purport to be certified, under the hand of a Judge, Magistrate, or officer of the other State, to be the original depositions or affirmations, or to be true copies thereof, as the case may require.

“3. A certificate of, or a judicial document stating the fact of, a conviction must purport to be certified by a Judge, Magistrate, or officer of the other State.

“4. In every case such warrant, deposition, affirmation, copy, certificate, or judicial document must be authenticated either by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some

other Minister of the other State; but any other mode of authentication for the time being permitted by law in the State where the examination is taken may be substituted for the foregoing.

“ARTICLE XIII.

“If the individual claimed by one of the two High Contracting Parties, in pursuance of the present Treaty, should be also claimed by one or several other Powers on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to that State whose demand is earliest in date.

“ARTICLE XIV.

“If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, or within such further time as the State applied to, or the proper Tribunal thereof, shall direct, the fugitive shall be set at liberty.

“ARTICLE XV.

“All Articles seized which were in the possession of the person to be surrendered at the time of his apprehension shall, if the competent authority of the State applied to for the extradition has ordered the delivery of such articles, be given up when the extradition takes place; and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

“ARTICLE XVI.

“All expenses connected with extradition shall be borne by the demanding State.

“ARTICLE XVII.

“The present Treaty shall apply to crimes and offences committed prior to the signature of the Treaty.

“ARTICLE XVIII.

“The stipulations of the present Treaty shall not be applicable to the South African Colonies and possessions of Her Britannic Majesty.

“ARTICLE XIX.

“With the exceptions mentioned in the preceding Article, the stipulations of the present Treaty shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty, so far as the laws for the time being in force in such Colonies and foreign possessions respectively will allow.

“The requisition for the surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign possessions shall be made to the Governor or chief authority of such Colony or possession by the Chief Consular Officer of the Orange Free State in such Colony or possession.

“Such requisition may be disposed of, subject always as nearly as may be, and so far as the law of such Colony or foreign possession will allow, to the provisions of this Treaty, by the said Governor or Chief Authority, who, however, shall be at liberty either to grant the surrender or refer the matter to his Government.

“Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign possessions for the surrender of Orange Free State criminals who may take refuge within such Colonies and foreign possessions, on the basis, as nearly as may be, and so far as the law of such Colony or foreign possession will allow, of the provisions of the present Treaty.

“Requisitions for the surrender of a fugitive criminal emanating from any such Colony or foreign possession of Her Britannic Majesty, shall be governed by the rules laid down in the preceding Articles of the present Treaty.

ARTICLE XX.

“The present Treaty shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties by a notice not exceeding one year and not less than six months.

“The Treaty shall be ratified, and the ratification shall be exchanged at Bloemfontein as soon as possible.

.. “In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

“Done in duplicate, at Cape Town, this twentieth day of June, one thousand eight hundred and ninety.

“(L.S.) (Signed) HENRY B. LOCH,
“High Commissioner.

“Done in duplicate, at Bloemfontein, this twenty-fifth day of June, one thousand eight hundred and ninety.

“(L.S.) (Signed) F. W. REITZ,
“State President.”

And whereas the ratifications of the said Treaty were exchanged at Bloemfontein on the sixteenth day of December, one thousand eight hundred and ninety.

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Acts, doth order, and it is hereby ordered, that from and after the sixth day of April, one thousand eight hundred and ninety-one, the said Acts shall apply in the case of the Orange Free State pursuant to the arrangement made by the said Treaty with the President of the Orange Free State.

Provided always, and it is hereby further ordered that the operation of the said Extradition Acts, 1870 and 1873, shall be suspended within the Dominion of Canada so far as relates to the Orange Free State and to the said Treaty, and so long as the provisions of the Canadian Act aforesaid of 1886 continue in force, and no longer; and provided also that the operation of the said Extradition Acts, 1870 and 1873, shall not extend to the South African Colonies and possessions of Her Majesty so far as relates to the Orange Free State and to the said Treaty.

C. L. PEEL.

(M.)—ORDER IN COUNCIL. *Extradition Treaty with Portugal.*

Windsor, 3rd March, 1894.

At the Court at Windsor, the 3rd day of March, 1894.

PRESENT,

The QUEEN'S MOST EXCELLENT MAJESTY,

Lord President,
Marquess of Ripon,
Earl Spencer,

Mr. Gladstone,
Sir William Vernon Harcourt.

Whereas by the Extradition Acts, 1870 and 1873, it was amongst other things enacted that, where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive Criminals,

Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to Fugitive Criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions and qualifications as may be deemed expedient; and that if, by any law made after the passing of the Act of 1870 by the Legislature of any British possession, provision is made for the carrying into effect within such possession the surrender of Fugitive Criminals who are in or suspected of being in such British possession, Her Majesty may, by the Order in Council applying the said Acts in the case of any foreign State, or by any subsequent Order, suspend the operation within any such British possession of the said Acts, or of any part thereof, so far as it relates to such foreign State, and so long as such Law continues in force there and no longer:

And whereas by an Act of the Parliament of Canada passed in 1886, and entitled "An Act respecting the Extradition of Fugitive Criminals," provision is made for carrying into effect within the Dominion the surrender of fugitive criminals:

And whereas by an Order of Her Majesty the Queen in Council, dated the 17th day of November, one thousand eight hundred and eighty-eight, it was directed that the operation of the Extradition Acts, 1870 and 1873, should be suspended within the Dominion of Canada so long as the provisions of the said Act of the Parliament of Canada of 1886 should continue in force and no longer:

And whereas a Treaty was concluded on the seventeenth day of October, one thousand eight hundred and ninety-two, between Her Majesty and His Majesty the King of Portugal for the mutual extradition of Fugitive Criminals, which Treaty is in the terms following:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Most Faithful Majesty the King of Portugal and of the Algarves, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within their respective territories, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, the said High Contracting Parties have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Sir George Glynn Petre, Knight Commander of the Most-Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of His Most Faithful Majesty, &c.; and

His Most Faithful Majesty the King of Portugal and of the Algarves, Dom Antonio Ayres de Gouvêa, Councillor of His Majesty, Peer of the Realm, Bishop of Bethsaida, retired Professor of the University of Coimbra, His Majesty's Minister and Secretary of State for Foreign Affairs, &c.;

Who, having communicated to each other their respective Full Powers, found in good and due form, have agreed upon and concluded the following articles:—

ARTICLE I.

The High Contracting Parties engage to deliver up to each other those persons who, being accused or convicted of a crime or offence committed in the territory of the one Party, shall be found within the territory of the other Party, under the circumstances and conditions stated in the present Treaty.

ARTICLE II.

The crimes or offences for which the extradition is to be granted are the following:—

1. Murder (including assassination, infanticide, and poisoning), or attempt or conspiracy to murder.
2. Manslaughter.
3. Maliciously wounding or inflicting grievous bodily harm.
4. Assault occasioning actual bodily harm.
5. Counterfeiting or altering money, either metallic or of any other kind representing the first named, or uttering counterfeit or altered money of any of those kinds.
6. Knowingly making any instrument, tool or engine adapted and intended for counterfeiting coin.
7. Forgery, counterfeiting, or altering or uttering what is forged or counterfeited or altered.
8. Embezzlement or larceny.
9. Malicious injury to property, if the offence be indictable.
10. Obtaining money, goods, or valuable securities, by false pretences.
11. Receiving money, valuable security, or other property, knowing the same to have been stolen, embezzled, or unlawfully obtained.
12. Crimes against bankruptcy law.
13. Fraud by a bailee, banker, agent, factor, trustee, or director, or member, or public officer of any company, made criminal by any law for the time being in force.
14. Perjury or subornation of perjury.
15. Rape.
16. Carnal knowledge or any attempt to have carnal knowledge of a girl under 16 years of age.
17. Indecent assault.
18. Administering drugs or using instruments with intent to procure the miscarriage of a woman.
19. Abduction.
20. Bigamy.
21. Child-stealing.
22. Abandoning children, exposing or unlawfully detaining them.
23. Kidnapping and false imprisonment.
24. Burglary or housebreaking.
25. Arson.
26. Robbery with violence.
27. Any malicious act done with intent to endanger the safety of any person in a railway train.
28. Threats by letter or otherwise, with intent to extort.
29. Piracy by law of nations.
30. Sinking or destroying a vessel at sea, or attempting or conspiring to do so.
31. Assaults on board a ship on the high seas, with intent to destroy life or to do grievous bodily harm.
32. Revolt, or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.
33. Dealing in slaves in such a manner as to constitute a criminal offence against the laws of both States.

Extradition is also to be granted for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both the contracting Parties.

Extradition may also be granted at the discretion of the State applied to in respect of any other crime for which, according to the laws of both the Contracting Parties for the time being in force, the grant can be made.

The Portuguese Government will not deliver up any person either guilty or accused of any crime punishable with death.

ARTICLE III.

The Portuguese Government will not grant the extradition of any Portuguese subject, and Her Britannic Majesty's Government will not grant the extradition of any British subject; but in the case of a naturalized subject, this Article shall only be applicable if the naturalization was obtained previous to the commission of the crime giving rise to the application for extradition.

ARTICLE IV.

The extradition shall not take place if the person claimed on the part of the British Government, or the person claimed on the part of the Portuguese Government, has already been tried and discharged or punished, or is still under trial within the territories of the two High Contracting Parties respectively, for the crime for which his extradition is demanded.

If the person claimed on the part of the British Government, or if the person claimed on the part of the Portuguese Government, should be under examination, or is undergoing sentence under a conviction for any other crime within the territories of the two High Contracting Parties respectively, his extradition shall be deferred until after he has been discharged, whether by acquittal, or on expiration of his sentence, or otherwise.

ARTICLE V.

The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

ARTICLE VI.

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.

ARTICLE VII.

A person surrendered can in no case be kept in prison or be brought to trial in the State to which the surrender has been made, for any other crime, or on account of any other matters, than those for which the extradition shall have taken place, until he has been restored, or had an opportunity of returning to the State by which he has been surrendered.

This stipulation does not apply to crimes committed after the extradition.

ARTICLE VIII.

The requisition for extradition shall be made through the Diplomatic Agents of the High Contracting Parties respectively.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

A sentence passed *in contumaciam* is not to be deemed a conviction, but circumstances may cause a person so sentenced *in contumaciam* to be dealt with as an accused person.

ARTICLE IX.

If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

ARTICLE X.

If the fugitive has been arrested in the British dominions, he shall forthwith be brought before a competent Magistrate, who is to examine him and to conduct the preliminary investigation of the case, just as if the apprehension had taken place for a crime committed in the British dominions.

In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the British dominions shall admit as valid evidence the sworn depositions or the affirmations of witnesses taken in the dominions of Portugal, or copies thereof, and likewise the warrants and sentences issued therein, and certificates of, or judicial documents stating the fact of, a conviction, provided the same are authenticated as follows :—

1. A warrant must purport to be signed by a Portuguese Judge, Magistrate, or officer.

2. Depositions or affirmations, or the copies thereof, must purport to be certified under the hand of a Portuguese Judge, Magistrate, or officer to be the original depositions or affirmations, or to be the true copies thereof, as the case may require.

3. A certificate of or judicial document stating the fact of a conviction must purport to be certified by a Portuguese Judge, Magistrate or officer.

4. In every case such warrant, deposition, affirmation, copy, certificate, or judicial document must be authenticated either by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Portuguese Minister; but any other mode of authentication for the time being permitted by the law in that part of the British dominions where the examination is taken may be substituted for the foregoing.

ARTICLE XI.

If the fugitive has been arrested in the Dominions of Portugal, his surrender shall be granted if upon examination by a competent authority it appears that the documents furnished by the British Government contain sufficient *prima facie* evidence to justify the extradition.

The Portuguese authorities shall admit as valid evidence records drawn up by the British authorities of the depositions of witnesses, or copies thereof, and records of conviction, or other Judicial documents, or copies thereof: Provided that the said documents be signed or authenticated by an authority whose competence shall be certified by the seal of a Minister of State of Her Britannic Majesty.

ARTICLE XII.

The extradition shall not take place unless the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial, in case the crime had been committed in the Territory of the said State, or to prove that the prisoner is the identical person convicted by the Courts of the State which makes the requisition, and that the crime of which he has been convicted is one in respect of which extradition could, at the same time of such conviction, have been granted by the State applied to. In Her Britannic Majesty's dominions the fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to wait his surrender.

ARTICLE XIII.

If the individual claimed by one of the two High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to that State whose demand is earliest in date.

ARTICLE XIV.

If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, or within such further time as the State applied to, or the proper Tribunal thereof shall direct, the fugitive shall be set at liberty.

ARTICLE XV.

All articles seized which were in the possession of the person to be surrendered at the time of his apprehension shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place; and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

ARTICLE XVI.

All expenses connected with extradition shall be borne by the demanding State.

ARTICLE XVII.

The stipulations of the present Treaty shall be applicable to the Colonies and foreign possessions of both of the High Contracting Parties, so far as the laws for the time being in force in such Colonies and foreign possessions respectively will allow.

The requisition for the surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign possessions may be made to the Governor or chief authority of such Colony or possession by the Chief Consular authority of the other State in such Colony or possession.

Such requisitions may be disposed of, subject always, as nearly as may be, and so far as the law of such Colony or foreign possession will allow, to the provisions of this Treaty, by the said Governor or chief authority who, however, shall be at liberty either to grant the surrender or to refer the matter to his Government.

The High Contracting Parties shall, however, be at liberty to make special arrangements in their respective Colonies and foreign possessions for the surrender of criminals who may take refuge therein, on the basis, as nearly as may be, and so far as the law of such Colony or foreign possession will allow, of the provisions of the present Treaty.

Requisitions for the surrender of a fugitive criminal emanating from any Colony or foreign possession of either of the High Contracting Parties, shall be governed by the rules laid down in the preceding Articles of the present Treaty.

ARTICLE XVIII.

The present Treaty shall come into force ten days after its publication in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties at any time on giving to the other six months' notice of its intention to do so.

The Treaty shall be ratified, and the ratification shall be exchanged at Lisbon as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done in duplicate at Lisbon, the seventeenth day of October, in the year of our Lord one thousand eight hundred and ninety-two.

(L.S.) GEORGE G. PETRE,
(L.S.) A. AYRES DE GOUVEA.

And whereas a Protocol relative to the said Treaty was signed at Lisbon on the thirtieth day of November, one thousand eight hundred and ninety-two, which Protocol is in the terms following:—

The stipulations of the present Treaty do not apply to extradition between British and Portuguese India, which is reserved for ulterior negotiation.

Done in duplicate at Lisbon, the thirtieth day of November, in the year of our Lord one thousand eight hundred and ninety-two.

Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary,

GEORGE G. PETRE,
A. AYRES DE GOUVEA.

And whereas the ratifications of the said Treaty and Protocol were exchanged at Lisbon on the thirteenth day of November, one thousand eight hundred and ninety-three.

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Acts, doth order, and it is hereby ordered, that from and after the nineteenth day of March, one thousand eight hundred and ninety-four, the said Acts shall apply in the case of Portugal, and of the said Treaty and Protocol with His Majesty the King of Portugal.

Provided always, and it is hereby further ordered, that the operation of the said Extradition Acts, 1870 and 1873, shall be suspended within the Dominion of Canada so far as relates to Portugal and to the said Treaty and Protocol, and so long as the provisions of the Canadian Act aforesaid of 1886 continue in force, and no longer.

C. L. PEEL.

(N.)—ORDER IN COUNCIL. *Extradition Treaty with Germany.*—
2nd February, 1895.

At the Court at Osborne House, Isle of Wight, the 2nd day of February, 1895.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.
Marquess of Ripon.
Lord Chamberlain.

Lord Kensington.
Mr. Cecil Rhodes.

Whereas by the Extradition Acts, 1870 and 1873, it was amongst other things enacted that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications

[G. 81—'98.]

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as may be deemed expedient; and that if, by any law made after the passing of the Act of 1870 by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in or suspected of being in such British possession, Her Majesty may, by the Order in Council applying the said Acts in the case of any foreign State, or by any subsequent Order, suspend the operation within any such British possession of the said Acts, or of any part thereof, so far as it relates to such foreign State, and so long as such Law continues in force there and no longer :

And whereas by an Act of the Parliament of Canada passed in 1886, and entitled "An Act respecting the Extradition of Fugitive Criminals," provision is made for carrying into effect within the Dominion the surrender of fugitive criminals :

And whereas by an Order of Her Majesty the Queen in Council, dated the seventeenth day of November, one thousand eight hundred and eighty-eight, it was directed that the operation of the Extradition Acts, 1870 and 1873, should be suspended within the Dominion of Canada so long as the provision of the said Act of the Parliament of Canada 1886 should continue in force and no longer :

And whereas a Treaty was concluded on the fifth day of May, one thousand eight hundred and ninety-four, between Her Majesty and His Majesty the German Emperor, King of Prussia, for the mutual extradition of fugitive criminals between the territories of Her Majesty and certain Dependencies of Germany, which Treaty is in the terms following :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the German Emperor, King of Prussia, considering it advisable to regulate by a Treaty the extradition of criminals between certain dependencies of Germany and the territories of Her Britannic Majesty, have appointed as their Plenipotentiaries for this purpose :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable John, Earl of Kimberley, Knight of the Most Noble Order of the Garter, &c., &c., Her Britannic Majesty's Secretary of State for Foreign Affairs; and

His Majesty the German Emperor, King of Prussia, His Minister of State, Paul, Count von Hatzfeld-Wildenburg, Knight of the Exalted Order of the Black Eagle, &c., &c., Ambassador Extraordinary and Plenipotentiary of His Imperial and Royal Majesty to Her Britannic Majesty;

Who, after having communicated to each other their respective Full Powers, which were found to be in good and due form, have agreed to and concluded the following Articles :—

"ARTICLE I.

"The provisions of the Extradition Treaty signed between Germany and Great Britain on the 14th May, 1872, *shall be applicable to the dependencies of Germany specified in the following Article, in such manner that persons in any of these dependencies, and within the sphere of the authorities established there, who are accused, or who have been convicted, of having committed a criminal act in the territories of Her Britannic Majesty, and persons in any of the aforesaid territories of Her Britannic Majesty, who are accused, or who have been convicted, of having committed a criminal act in any of the dependencies of Germany, shall be mutually extradited in accordance with the provisions of the aforesaid Treaty, in so far as they are not modified by the present Treaty.

* See Hertalet's *State Papers* Vol. LXII, p. 5. For Protocol see *Ibid*, p. 12.

“ARTICLE II.

“For the purposes of the present Treaty, the following are the dependencies of Germany referred to in Article I:—

“The territories in Africa, in New Guinea, and in the Pacific Ocean which, by agreement between Germany and Great Britain, have been, or shall in future be, reserved to Germany as spheres of influence, Protectorates, or possessions.

“ARTICLE III.

“In place of Article III of the Extradition Treaty of the 14th May, 1872, it is hereby provided, with regard to the dependencies of Germany, that there shall be no obligation to grant the extradition from those dependencies of natives or of subjects of the Empire, and that the British authorities shall be under no obligation to grant the extradition of British subjects who have been accused or convicted of a criminal act in those dependencies.

“ARTICLE IV.

“There shall be no obligation to grant extradition from the dependencies of Germany in cases where, before the extradition has taken place, such an application has been received for the transfer of the person in question to the territory of the German Empire as must, according to law, be complied with. The granting of extradition from a dependency of Germany must always be considered as being on the condition that no such application shall have been received before the extradition is carried out. In case the transfer to Germany takes place, it shall, however, be open to the British Government to apply for the extradition of the person concerned from Germany, in accordance with the terms of the Treaty of the 14th May, 1872.

“ARTICLE V.

“Applications for extradition from dependencies of Germany shall be made through the British Ambassador at Berlin, in accordance with paragraph 1 of Article VIII of the Treaty of the 14th May, 1872, but in the case of persons who are accused, or who have been convicted, of criminal acts in the Colonies or foreign possessions of Her Britannic Majesty, the application for extradition may be made to the chief authority of the dependency of Germany from which the extradition of the persons in question is desired by the chief Consular officer of Her Britannic Majesty in the dependency in question, if there be a Consular officer therein, or, if there be none, then by the Governor or other chief authority of the Colony or foreign possession of Her Britannic Majesty concerned. It shall, however, be open to the chief authority of the dependency of Germany to refer to the German Government in case of doubt whether the application for extradition should be complied with.

“Applications for the extradition of criminals to one of the dependencies of Germany shall be made in the manner provided in Article VIII, paragraph 1, and Article XV of the Treaty of the 14th May, 1872; in case, however, there should be no German Consular officer in the Colony or foreign possession of Her Britannic Majesty from which the extradition is desired, the application may be made by the Governor or other chief authority of the dependency of Germany which is concerned to the Governor or other chief authority of the Colony or possession concerned.

“ARTICLE VI.

“The present Treaty shall be ratified, and ratifications shall be exchanged as soon as possible.

“The Treaty shall come into operation two months after the exchange of ratifications, and shall remain in force as long as the Treaty of the 14th May, 1872, remains in force, that is, it shall terminate with the termination of that Treaty.

“In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

“Done at London, the 5th day of May, in the year of our Lord one thousand eight hundred and ninety-four.”

(L.S.) KIMBERLEY.

(L.S.) P. HATZFELDT.

And whereas the ratifications of the said Treaty were exchanged at London on the third day of December, one thousand eight hundred and ninety-four.

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Acts, doth order, and it is hereby ordered, that from and after the third day of February, one thousand eight hundred and ninety-five, the said Acts shall apply in the case of the said Treaty with His Majesty the German Emperor, King of Prussia, and of the Dependencies of Germany referred to therein.

Provided always, and it is hereby further ordered, that the operation of the said Extradition Acts, 1870 and 1873, shall be suspended within the Dominion of Canada, so far as relates to the said Dependencies of Germany and to the said Treaty, and so long as the provisions of the Canadian Act aforesaid of 1886 continue in force, and no longer.

And whereas the immediate operation of this Order is urgent, this Order shall come into operation on the said third day of February, one thousand eight hundred and ninety-five.

C. L. PEEL.

(O.)—*CONVENTION between the Orange Free State and Rhodesia.—*
9th August, 1895.

His Excellency Her Majesty's High Commissioner for South Africa, and His Honour the State President of the Orange Free State, in the name of the Government of that State, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within the territories included within the limits of Her Majesty's Order in Council of July 18th, 1894, and within the Orange Free State, and their jurisdictions, that persons charged with or convicted of the crimes or offences hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up:

His Excellency the Right Honourable Sir Hercules George Robert Robinson, Baronet, a Member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of the Cape of Good Hope, Governor of British Bechuanaland, and Her Majesty's High Commissioner for South Africa, &c., acting on behalf and in the name of the Government of the territories included within the limits of Her Majesty's Order in Council of July 18th, 1894, which are under the control of the British South Africa Company and hereinafter described as the Territories; and His Honour Pieter Jeremias Blignaut, Acting State President of the Orange Free State, acting on behalf and in the name of the Government of the said State, hereinafter described as the State:

Have agreed upon and concluded the following Articles :

ARTICLE I.

The Contracting Parties engage to deliver up to each other, under the circumstances and conditions stated in the present Convention, those persons who, being accused or convicted of any of the crimes or offences enumerated in Article II, committed within the limits of the said Territories or the said State, shall be found within the limits of the said State or the said Territories respectively.

ARTICLE II.

Extradition shall be reciprocally granted for the following crimes or offences :—

1. Abduction.
2. Abortion ; administering drugs or using instruments with intent to produce the miscarriage of women.
3. Assault with intent to commit any crime.
4. Assault occasioning grievous bodily harm, or maliciously wounding.
5. Indecent assault.
6. Rape.
7. Bigamy.
8. Incest.
9. Child stealing, kidnapping, and false imprisonment.
10. Culpable homicide.
11. Murder or attempt or conspiracy to commit murder (including infanticide).
12. Arson.
13. Burglary or housebreaking (including the breaking into any office, store, or hut, with intent to commit any crime).
14. Counterfeiting or altering money, or bringing into circulation counterfeited or altered money.
15. Knowingly making without lawful authority any instrument, tool or engine adapted and intended for the counterfeiting of any coin or money.
16. Deserting from any Police or defensive Force.
17. Offences against any law relating to the dealing in diamonds or gold.
18. Falsity, forgery, or counterfeiting, or altering or uttering what is forged, counterfeited, or altered.
19. Fraud, including fraud by a bailee, banker, agent, factor, trustee, director, or member or public officer of any Company.
20. Offences against any law relating to the dealing in gunpowder, lead, or firearms.
21. Offences against insolvency laws.
22. Malicious injury to property.
23. Perjury or subornation of perjury.
24. Any malicious act done with intent to do injury to person or property on any railway, or to endanger the safety of any person travelling or being upon a railway.
25. Public violence.
26. Robbery.
27. Theft, including theft by means of false pretences and theft by means of embezzlement.
28. Receiving any money, valuable security or other property, knowing the same to have been stolen or unlawfully obtained.
29. Threats by letter or otherwise with intent to extort money or other things of value.
30. Being accessory to the commission of any of the aforesaid crimes or offences.

The extradition is also to be granted for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both Contracting Parties.

Extradition may also be granted at the discretion of the State or Territories applied to in respect of any other crime for which, according to the laws of both Contracting Parties for the time being in force, the grant can be made.

ARTICLE III.

The Government of the said State may in its absolute discretion refuse in any case to deliver up its own subjects to the Government of the said Territories, and the Government of the said Territories may similarly refuse to deliver up any British subject to the Government of the said State.

ARTICLE IV.

The extradition shall not take place if the person claimed on the part of the Government of said Territories or the person claimed on the part of the Government of the said State has already been tried and discharged or punished, or is still under trial in the said State or in the said Territories respectively, for the crime for which his extradition is demanded.

If the person claimed on the part of the Government of the said Territories or on the part of the Government of the said State, should be under examination for any other crime in the State or in the said Territories respectively, his extradition shall be deferred until the conclusion of the trial and full execution of any punishment awarded to him.

ARTICLE V.

The extradition shall not take place if, subsequently to the commission of the crime, or the institution of penal prosecution or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State or Territories applied to.

ARTICLE VI.

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.

ARTICLE VII.

A person surrendered can in no case be kept in prison or be brought to trial in the State or Territories to which the surrender has been made, for any other crime, or on account of any other matters than those for which the extradition shall have taken place, until he has been restored or has had an opportunity of returning to the State or Territories by which he has been surrendered. This stipulation does not apply to crimes committed after the extradition.

ARTICLE VIII.

A fugitive criminal who has been accused of some offence within the said Territories or State, not being the offence for which his surrender is asked, or who is undergoing sentence under any conviction within the said Territories or State shall not be surrendered to the said State or Territories respectively until after he has been discharged whether by acquittal or on expiration of his sentence or otherwise.

ARTICLE IX.

A fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

ARTICLE X.

The requisition for extradition shall be made through the High Commissioner for South Africa, on behalf of the Government of the said Territories, and through the State President of the Orange Free State, on behalf of the Government of the said State.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State or Territories requiring the extradition and by such evidence as according to the laws of the place where the accused is found would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State or Territories making the requisition for extradition.

A sentence passed *in contumaciam* is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

ARTICLE XI.

If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State or Territories applied to shall proceed to the arrest of the fugitive.

ARTICLE XII.

A fugitive criminal may be apprehended, under a warrant issued by any Judge, Magistrate, Justice of the Peace, or other competent authority in either the said Territories or the said State, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the authority issuing the warrant, justify the issue of the warrant if the crime had been committed or the person convicted in that part of the said Territories or the said State in which the Judge, Magistrate, Justice of the Peace, or other competent authority exercises jurisdiction. The criminal shall, in accordance with this Article, be discharged, as well in the said Territories as in the said State, if within the term of thirty days a requisition for extradition shall not have been made in accordance with the stipulations of this Convention.

ARTICLE XIII.

The extradition shall take place only if the evidence be found sufficient, according to the laws of the State or Territories applied to, either to justify the committal of the prisoner for trial, in case the crime had been committed in the territory of the same State or Territories or to prove that the prisoner is the identical person convicted by the Courts of the State or Territories making the requisition, and that the crime of which he has been convicted is one in respect of which extradition could, at the time of such conviction, have been granted by the State or Territories applied to; and no criminal shall be surrendered until after the expiration of fifteen days from the date of his committal to prison to await the warrant for his surrender.

ARTICLE XIV.

In the examinations which they will have to make in accordance with the foregoing stipulations, the authorities of the State or Territories applied to for the said extradition shall admit as valid evidence the depositions or statements of witnesses taken in the other State or Territories under oath or under solemn affirmation to tell the truth, according as its legislation may provide, or the copies of these depositions, or statements, and likewise the warrants issued and sentences pronounced in the State or Territories demanding the extradition, the certificates of the fact of the condemnation, or the judicial documents which prove it, provided the same are authenticated as follows :—

1. A warrant must purport to be signed by a Judge, Magistrate, or officer of the other State or Territories.
2. Depositions or affirmations, or the copies thereof, must purport to be certified, under the hand of a Judge, Magistrate or officer of the other State or Territories, to be the original depositions or affirmations, or to be true copies thereof, as the case may require.
3. A certificate of, or a judicial document stating the fact of a conviction, must purport to be certified by a Judge, Magistrate or officer of the other State or Territories.
4. In every case such warrant, deposition, affirmation, copy, certificate or judicial document must be authenticated either by the oath of some witness, or by being sealed with the official seal of some officer of the Government of the State or Territories from which the requisition for surrender proceeded; but any other mode of authentication for the time being permitted by law in the State or Territories where the examination is taken may be substituted for the foregoing.

ARTICLE XV.

If the individual claimed by one of the two Contracting Parties, in pursuance of the present Convention, should be also claimed by some Power or Powers not being parties to this Convention on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to that State or Territory whose demand is earliest in date.

ARTICLE XVI.

If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, or within such further time as the State or Territories applied to, or the proper Tribunal thereof, shall direct, the fugitive shall be set at liberty.

ARTICLE XVII.

All articles seized which were in the possession of the person to be surrendered at the time of the apprehension shall, if the competent authority of the State or Territories applied to for the extradition has ordered the delivery of such articles, be given up when the extradition takes place; and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

ARTICLE XVIII.

All expenses connected with extradition shall be borne by the demanding State or Territories.

ARTICLE XIX.

The present Convention shall apply to crimes and offences committed prior to the signature of the Convention.

ARTICLE XX.

The present Convention shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the Contracting Parties. It may be terminated by either of the Contracting Parties by a notice not exceeding one year and not less than six months.

Given under my hand and seal at Cape Town, this Second day of August, One Thousand Eight Hundred and Ninety-five.

HERCULES ROBINSON,
High Commissioner for South Africa.

Given under my hand and the public seal of the Orange Free State at Bloemfontein, this Sixth day of August, One Thousand Eight Hundred and Ninety-five.

P. J. BLIGNAUT,
Acting State President of the Orange Free State.

(P.)—*ACT (Cape of Good Hope) to Provide for the Transit under Warrant of Extradited Offenders.—June 25, 1895.*

Be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows :

I. Whenever any person shall be brought into this Colony under a warrant for his extradition from any State, Colony or British, German or Portuguese Possession in South Africa to any State, Colony or Possession in South Africa or elsewhere, the offence wherewith such person is charged being one in respect of which extradition may be requested under any Extradition Treaty subsisting between Great Britain and Germany or any other Foreign Power,* such person shall within this Colony be deemed to be in legal custody under such warrant and such warrant shall be recognised as of full force and effect to authorise the custody and detention of such person in any gaol, prison or lock-up, or elsewhere in this Colony pending his removal to the State, Colony or Possession to which he is in course of extradition: Provided that no such warrant shall be deemed to be of such force and effect unless or until notice, in writing, shall have been received by the Government of this Colony from a duly authorised representative of such last mentioned State, Colony or Possession, stating that such warrant has been granted in respect of such offender, and setting forth the offence with which he is charged.

II. Every such person shall be at liberty after the lapse of two weeks from the date of his entering this Colony under such warrant to apply to the Supreme Court or any Judge thereof to be set at large, notwithstanding the provisions of the last preceding section, and upon such application the said Court or Judge may make such order as to justice shall appertain, either releasing the applicant forthwith, or authorising his further detention for such further period, and subject to such terms and conditions as to his removal from this Colony or otherwise as to the said Court or Judge may seem meet.

III. This Act shall come into force forthwith upon its promulgation, and may be cited as "The Extradition Transit Act, 1895."

* For List of Powers with which Great Britain has Extradition Treaties, with References, see Appendix II.

SECTION VI.—BOUNDARIES.

Amatongaland.

NORTH.

TREATY between Great Britain and Portugal, defining the Spheres of Influence of the two countries in Africa.—Lisbon, June 11, 1891.

[See Section I (*L.*), Article III; page 44.]

(A.)—*EXCHANGE OF NOTES between the British and Portuguese Governments, defining the Frontiers of their respective Possessions in the neighbourhood of Tongaland.—September—October, 1895.*

(1.) *Sir H. MacDonell to Senhor de Soveral.*

Lisbon, 24th September, 1895.

M. le Ministre,

During the course of the recent discussions with regard to the declaration of a British Protectorate over Tongaland, it was agreed that the adoption of the new frontier between the British and Portuguese possessions in that neighbourhood should be recorded by an Exchange of Notes.

In consequence, I have the honour to inform your Excellency that Her Majesty's Government agree that the line described in Article III of the Anglo-Portuguese Treaty of the 11th June, 1891,* shall be the frontier between the territories of the two Powers, that is to say: Her Majesty's Government recognise as belonging to Portugal territory as far south as a line following the parallel of the confluence of the River Pongolo with the river Maputo to the sea coast.

It is agreed that the above line of demarcation shall be subject to rectification by agreement between the two Powers in accordance with local requirements.

I shall be glad if your Excellency will be so good as to inform me whether the Portuguese Government are, on their part, disposed to give their adhesion to the line in question, and to agree to the date of the 15th October next for addressing a simultaneous Notification to the Parties to the Act of Berlin to the effect that the new frontier has been definitely accepted by the two Powers.

I avail, &c.,

H. G. MACDONELL.

(2.) *Senhor de Soveral to Sir H. MacDonell.*

(Translation.)

Foreign Department, Lisbon,
5th October, 1895.

Your Excellency,

As it was agreed between your Excellency and my predecessor that the adoption of the new frontier between the Portuguese and British Possessions in Amatongaland should be recorded by an Exchange of Notes, I have the

* See Section I (*L.*), Article III; page 44 *supra*.

honour to inform your Excellency, in reply to your Note of the 24th September, that His Majesty's Government agree that the line described in Article III of the Luso-British Treaty of the 11th June, 1891, shall be the frontier between the territories of the two Powers, that is to say: Her Britannic Majesty's Government recognize as belonging to Portugal the territory as far south as a line following the parallel of the confluence of the Rivers Maputo and Pongolo to the sea.

It is understood that the above-mentioned line of demarcation shall be subject to rectification by agreement between the two Powers in accordance with local requirements.

I have further to inform your Excellency that His Majesty's Government are on their part willing to give their adhesion to the aforesaid line, and to assent to the fixing of the 15th October as the date of the simultaneous Notification to the Signatory Powers of the Act of Berlin as regards the definitive acceptance of the new frontier by the two Powers.

I avail, &c.,

LUIZ DE SOVERAL.

NOTIFICATION OF ABOVE TO TREATY POWERS.

(3.) *The Marquess of Salisbury to Her Majesty's Representatives at Courts of the Signatories of the Berlin Act.*

Foreign Office, 15th October, 1895.

My Lord,

Sir,

I have to request your Excellency to notify to the Government to which you are accredited, under Article XXXIV of the General Act of the Conference of Berlin that the districts on the coast of the African Continent hereinafter described have been formally placed under the Protectorate of Her Britannic Majesty, viz. :—

The territory known as Amatongaland, lying between the British Colony of Zululand, the Portuguese possessions, and the Indian Ocean.

I am, &c.,

SALISBURY.

(B.)—NOTIFICATION. *British Protectorate over part of Amatongaland (Maputaland or Tembeland).—Natal, 11th June, 1895.*

GOVERNMENT NOTICE.

His Excellency the Governor of Zululand directs it to be notified, for general information, that, on the 30th May, 1895, at Ngwanasi's Kraal, Mr. C. R. Saunders, the Resident Magistrate of the Eshowe District of Zululand, the officer selected by the Governor of Zululand to carry out the instructions of Her Majesty's Government to that effect, formally declared a

British Protectorate over the territory variously known as Amatongaland, Maputaland, or Tembeland, bounded on the north by the southern boundary of the Portuguese territory, viz., by a line following the parallel of the confluence of the Pongolo River with the Usutu or Maputa River to the Indian Ocean; on the east by the Indian Ocean; on the west by the eastern boundary of the territories added to Her Majesty's dominions by the Zululand Proclamation of the 23rd April, 1895,* viz., by the Pongolo River; and on the south by the territory of Zululand.

By His Excellency's command,

W. E. PEACHEY,
Acting Secretary for Zululand.

Government House, Pietermaritzburg,

Natal, 11th June, 1895.

SOUTH.

See *Zululand*, and note.

WEST.

CONVENTION between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the South African Republic.—London, February 27th, 1884.

[See Section I (F.), Article I; page 23.]

(C.)—*PROCLAMATION. British Sovereignty over Territories of certain Native Chiefs in Zululand (Amatongaland, Maputaland, or Tembeland).—23rd April, 1895.*

PROCLAMATION, in the name of Her Most Gracious Majesty, Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, &c.

Whereas it is expedient that the territories bounded on the south and east by the Pongola River, on the north by the Maputa or Usutu River, and on the west by Swaziland and the South African Republic, being the territories of the Native Chiefs Umbegeza, Mdhlaleni, Sambane or Zambaan, and of other Native Chiefs therein residing, should be added to the dominions of Her Majesty Queen Victoria :

And whereas Her Majesty has been pleased to authorize me to take the necessary steps for giving effect to her pleasure in the matter :

Now, therefore, I, Walter Francis Hely-Hutchinson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of the Territory of Zululand, do hereby, by command of Her Most Gracious Majesty Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, &c., conveyed to me through Her Principal Secretary of State for the Colonies, proclaim and declare to all men that the full Sovereignty of the

* See (C.) *infra*.

territories bounded on the south and east by the Pongola River, on the north by the Maputa or Usutu River, and on the west by Swaziland and the South African Republic, is vested in Her Most Gracious Majesty, Queen Victoria, her heirs and successors for ever.

GOD SAVE THE QUEEN!

Given under my hand and seal at Pietermaritzburg, Natal, this 23rd day of April, 1895.

By command of His Excellency the Governor of Zululand,

H. M. TABERER,
Secretary for Zululand.

(D).—*PROCLAMATION. Annexation of Amatongaland.—November 22nd, 1897.*

(ZULULAND No. 10, 1897.)

WALTER HELY-HUTCHINSON,
Governor of Zululand.

PROCLAMATION.

IN the name of Her Most Gracious Majesty, Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, &c., &c., &c.

Whereas it is expedient that the territory bounded on the north by the southern boundary of the Portuguese Possessions, that is to say, a line following the parallel of the confluence of the river Pongolo with the Usutu or Maputa River to the Indian Ocean; on the south by the territory of Zululand; on the east by the Indian Ocean; and known as Amatongaland or Maputaland, should be added to the dominions of Her Majesty Queen Victoria:

And whereas Her Majesty has been pleased to authorise me to take the necessary steps for giving effect to Her pleasure in the matter:

Now, therefore, I, Walter Francis Hely-Hutchinson, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor of the territory of Zululand, do hereby, by command of Her Most Gracious Majesty Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, &c., &c., &c., conveyed to me through Her Principal Secretary of State for the Colonies, proclaim and declare to all that the full Sovereignty of the territory bounded on the north by the southern boundary of the Portuguese Possessions, that is to say, a line following the parallel of the confluence of the river Pongolo with the Usutu or Maputa River to the Indian Ocean; on the south by the territory of Zululand; on the east by the Indian Ocean; and known as Amatongaland or Maputaland, is vested in Her Most Gracious Majesty, Queen Victoria, Her heirs and successors for ever.

GOD SAVE THE QUEEN.

Given under my hand and seal at Pietermaritzburg, Natal, this Twenty-second day of November, One thousand eight hundred and ninety-seven.

By command of His Excellency the Governor of Zululand.

H. W. B. ROBINSON,
Acting Secretary for Zululand.

Angola.

NORTH.

(E.)—*TREATY between Portugal and the Independent State of the Congo, respecting the Delimitation of their respective spheres of Sovereignty and Influence in the region of Lunda.—Lisbon, May 25, 1891.**

[EXTRACT.]

ARTICLE I.

In the Region of Lunda, the Possessions of His Majesty the King of Portugal and the Algarves, and His Majesty the King of the Belgians, Sovereign of the Independent State of the Congo, are defined in the following manner :—

1. By the Thalweg of the course of the Cuango, from the 6th degree of south latitude to the 8th degree ;

By the 8th parallel to its intersection by the River Kuilu ;

By the course of the Kuilu in a northerly direction, as far as the 7th degree of south latitude ;

By the 7th parallel as far as the River Cassai.

2. It is agreed that the definitive tracing of the line of demarcation of the Territories comprised between the 7th and the 8th parallel of south latitude from the Cuango to the Cassai, shall be executed later on, taking into account the configuration of the land and the limits of the Native States.

1. The States of Maxinge (Capenda) and Cassassa, the northern frontier of which runs along the 8th parallel from the right bank of the Cuango to the course of the Kuilu, the State of Amacundo (Caungula), which has for its western limit the right bank of the latter stream, and which extends to the 7th parallel, as well as the State of Mataba (Ambinge), which extends towards the same latitude, and terminates on the left bank of the Cassai, shall remain under the Sovereignty of His Majesty the King of Portugal and the Algarves.

2. The States of Mussuco (Cambongo) and Anzovo, the southern frontier of which runs along the 8th parallel from the Cuango to Kuilu and the States of Cassongo (Muene Puto), Tupeinde (Muata Cumbana), and Turuba (Maï Munene) shall remain subject to the Sovereignty of His Majesty the King Sovereign of the Independent State of the Congo.

3. By the Thalweg of the Cassai from the point where this river meets the line of demarcation, mentioned in the preceding paragraph, to the mouth of that one of its affluents which originates in Lake Dilolo, and by the course of this affluent as far as its source.

The region to the west of the Cassai shall belong to Portugal ; the region to the east to the Independent State of the Congo.

4. By the watershed dividing the waters of the Zaire and those of the Zambesi, as far as its intersection by the 24th meridian east of Greenwich.

* Ratifications exchanged at Lisbon 1st August, 1891.

(F.)—*DECLARATION. Congo and Portugal. Approval of Report of Boundary Commissioners of 26th June, 1893. Lunda Region.—Brussels, 24th March, 1894.*

(Translation.)

DECLARATION signed at Brussels, 24th March, 1894, conveying the approval by the Governments of the Independent State of the Congo and of His Most Faithful Majesty of the tracing of the frontier executed by their Commissioners in the region of Lunda, in execution of the Convention concluded at Lisbon 25th May, 1891.

The Governments of the Independent State of the Congo and of His Most Faithful Majesty, having received the report of the delimitation works carried out on the spot by the Commissioners charged by them, in the terms of Article II of the Convention signed at Lisbon, 25th May, 1891, to execute the tracing of the boundary in accordance with Article I of the above-mentioned Convention, and having taken cognisance of the procès-verbal of the 26th June, 1893, signed, subject to ratification, at Loanda, have decided to approve and ratify respectively this procès-verbal of the 26th June, 1893, in the following terms :—

The year eighteen hundred and ninety-three, the twenty-sixth day of the month of June,

We, George Grenfell, missionary of the English Baptist Mission, and Jayme Lobo de Brito Godins, Governor General *ad interim* of the province of Angola ;

Having exchanged our diplomas, found in good and due form, giving us full powers as Royal Commissioners for the Independent State of the Congo and for Portugal to execute conjointly the tracing of the boundary in the region of Lunda, while complying with the stipulations laid down in Articles I and II of the Convention of Lisbon of the 25th May, 1891, the Royal Commissioner for Portugal having in addition the right of transferring wholly or in part the powers which have been conferred upon him, which faculty he has made use of by delegating his powers to Simão-Candido Sarmento, Lieutenant Graduate of the Portuguese Army, in so far as they relate to the works on the spot.

Having taken cognisance of the annexed procès-verbaux of the five sittings, which are signed by the aforesaid George Grenfell, Royal Commissioner, and Lieutenant Simão-Candido Sarmento, delegate of the Royal Portuguese Commissioner for the works on the spot, and also by the Captain in command of the public force of the Independent State of the Congo, Florent Gorin, Royal Commissioner for the technical works, we decide to adopt *ad referendum* the tracing of the boundary, set forth in the present Act, which shall not be signed by the aforesaid Captain in command, Florent Gorin, who happens to be absent, which fact shall not lessen the value of the present document, in that it is the transcription of the boundaries that the above-mentioned Captain in command, Florent Gorin, has approved, which are mentioned in the five procès-verbaux aforesaid.

Following the thalweg of the Kwango (Cuango) from the 8th parallel as far as its confluence with the Tungila (Utunguila) $8^{\circ} 7' 40''$ south latitude approx. ; the thalweg of the Tungila (Utunguila) as far as its intersection with the canal through which pass the waters of the Lola ; the thalweg of the same canal as far as its junction with the Komba, 8' west of the Wamba (Uhamba), and $8^{\circ} 5' 4''$ south latitude approx. ; for want of a natural boundary, the frontier as far as the thalweg of the Wamba (Uhamba) shall be marked out by the line due east, passing through the aforesaid point of junction (Komba and Lola).

The thalweg of the Wamba (Uhamba) from the parallel of the point of junction between the Komba (Comba) and the Lola, as far as its confluence with the Uövo (Nuovo); the thalweg of the Uövo (Nuovo) as far as its junction with the N'Kombo (Combo); the thalweg of the N'Kombo and of the Kamanguna (Camanguna) (or the river by which the waters of the river Lué flow into the N'Kombo), as far as the 8th degree south latitude. From this point the boundary shall be the 8th parallel, as far as the thalweg of the Lucaïa, then the thalweg of this river (Lukaï) as far as 7° 55' south latitude; the parallel from this point (7° 55' south latitude) as far as the Kwengo (Cuengo); from this point the thalweg of the Kwengo (Cuengo) as far as the 8th degree; from thence a parallel as far as the river Luita; the thalweg of the Luita as far as its junction with the Kivilu (Cuilu). From thence (7° 34' south latitude approx.) the parallel as far as the thalweg of the Kama Bomba (Camabomba) or Kangulungu (Congulungu); the thalweg of the Kangulungu as far as the junction of its waters with the Loangué, and the thalweg of the Loangué as far as 7° south latitude. From the intersection of the thalweg of the Loangué and of the 7th degree, following this parallel as far as its intersection with the thalweg of the Lovua; the thalweg of the Lovua as far as 6° 55' south latitude. From this point (6° 55' south latitude) the boundary shall be marked out by the parallel as far as its intersection with the thalweg of the Chikapa (Chicapa); the thalweg of this river (Chicapa) as far as 7° 17' south latitude; from this point (7° 17' south latitude) the parallel as far as the thalweg of the Kassaï (Cassai).

Done at Loanda, in duplicate original, the twenty-sixth day of the month of June of the year Eighteen hundred and ninety-three.

For the Independent State of the Congo,
(Signed) GEORGE GRENFELL,

For Portugal,
(Signed) JAYME LOBO DE BRITO GODINS.

To this effect the undersigned, His Excellency Count de Grelle-Rogier, Secretary of State for Foreign Affairs of the Independent State of the Congo, and His Excellency Monsieur M. Martins d'Antas, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty, duly authorised, have embodied in the present declaration the ratification by their respective Governments of the preceding Act, the said ratification to come into full and entire force on the date of the thirty-first of March, Eighteen hundred and ninety-four.

In witness whereof the undersigned have drawn up the present declaration, which they have signed in duplicate, and to which they have affixed their seals.

Done at Brussels, the twenty-fourth day of the month of March, Eighteen hundred and ninety-four.

The Plenipotentiary of His Majesty the Sovereign King
of the Independent State of the Congo.

CTE DE GRELLE-ROGIER.

The Plenipotentiary of His Most Faithful Majesty,
MIGUEL MARTINS D'ANTAS.

EAST.

TREATY between Great Britain and Portugal defining the spheres of Influence of the two Countries in Africa.—Lisbon, June 11, 1891.

[See Section I (L.), Article IV; page 44.]

[See also Section VII (A.), § 1; (B.) § 2; (D.) § 4.]

SOUTH.

DECLARATION between Germany and Portugal respecting the limits of their respective Possessions and spheres of Influence in South-West and South-East Africa.—Lisbon, December 30, 1886.

[See (N.), Article I; page 334.]

Basutoland.**NORTH, EAST AND WEST.**

CONVENTION of Aliwal North, 1869.

[See Section I (B.), Article I; page 4.]

SOUTH.

(G.)—*ACT (Cape of Good Hope) for the Annexation to the Colony of the Cape of Good Hope of the Territory inhabited by the Tribe of People called Basutos.—August 11, 1871; No. 12 of 1871.*

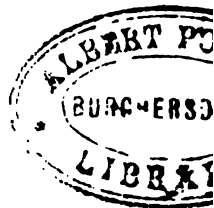
[EXTRACT.]

ARTICLE I.

That from and after the publication by the Governor of the Colony of a proclamation for bringing this Act into operation, the said territory, bounded as follows, that is to say,—From the junction of the Cornet Spruit with the Orange River along the centre of the former to the point nearest to Olifants Been; from that point by Olifants Been, to the southern point of Langeberg; along the top of Langeberg, to its north-western extremity; from thence to the eastern point of Jammerberg; along the top of Jammerberg to its north-western extremity; from thence by a prolongation of the same to the Caledon River; along the centre of the Caledon River to its junction with the Klein Caledon; along the centre of the Klein Caledon, to the head of the Orange River, at the Mont Aux Sources; thence westward along the Drakensberg, between the watersheds of the Orange River and the St. John's River, to the source of the Tees; down the centre of that river to its junction with the Orange River, and down the centre of the latter river to its junction with the Cornet Spruit, shall be and the same is hereby annexed to the Colony of the Cape of Good Hope, so that the territory heretofore included in the Colony of the Cape of Good Hope shall, for the future, together with the said territory hereinbefore defined, form the Colony of the Cape of Good Hope, but the territory hereinbefore defined shall nevertheless be and remain, for the time being, subject to the laws, rules and regulations now in force therein for the Government thereof, and shall not by virtue of such annexation as hereinbefore is mentioned be or become subject to the general law of this Colony.

[This Act was repealed by No. 34 of 1883, but the alteration of boundary described above had been confirmed by Order in Council, November 3, 1871.]

[G. 81—'98.]



Bechuanaland Protectorate.**NORTH AND EAST.**

(H.)—*PROCLAMATION by His Excellency the Right Honourable Sir Hercules George Robert Robinson, &c., &c.—September 30, 1885.**

Whereas Her Majesty the Queen has established a British Protectorate over the Territory known as Bechuanaland and the Kalahari, extending over the parts of South Africa situate West of the boundary of the South African Republic, North of the Colony of the Cape of Good Hope, East of the 20th Meridian of East Longitude, and south of the 22nd parallel of South Latitude, and not within the jurisdiction of any civilised power;† and whereas in the interests of peace, order and good government it has been found necessary that Her Majesty's Sovereignty should be proclaimed over such portion of the said Protectorate as is hereinafter defined; and whereas Her Majesty has been pleased to authorise me to take the necessary steps for giving effect to Her pleasure in the matter:—

Now, therefore, I do hereby proclaim, declare and make known, that from and after the publication hereof that portion of the aforesaid Protectorate which is bounded on the East by the South African Republic, on the South by the Colony of the Cape of Good Hope, on the West‡ by the Molopo River and on the North by the said Molopo River to its junction with the Ramathlabama Spruit, and thence by the said Spruit to the frontier of the South African Republic, shall be and shall be taken to be British Territory under the name of British Bechuanaland.

And I do further make known that the remainder of the aforesaid Territory not included within the Boundaries of British Bechuanaland, shall continue to be as at present under Her Majesty's Protection.

And I hereby require all Her Majesty's subjects in South Africa to take notice of this my Proclamation, and to guide themselves accordingly.

SOUTH.

(J.)—*PROCLAMATION by His Excellency Sir Henry Brougham Loch, &c., &c.—May 5, 1891.§*

Whereas in the interests of peace, order and good government it has been found necessary that Her Majesty's Sovereignty should be proclaimed over such portion of the British Protectorate over the territory known as Bechuanaland and the Kalahari to the West of British Bechuanaland as is hereinafter defined; and whereas Her Majesty has been pleased to authorise me to take the necessary steps for giving effect to her pleasure in the matter:

Now, therefore, I do hereby proclaim, declare and make known that from and after the publication hereof that portion of the aforesaid Protectorate which is bounded on the East by the territory of British Bechuanaland, on the South by the Colony of the Cape of Good Hope, on the West by the twentieth meridian of Longitude East of Greenwich, and on the North by the Nosop or Oup River between its intersection by the twentieth meridian of East Longitude aforesaid and its junction with the Molopo River, shall be and shall be taken to be British territory and shall form a portion of British Bechuanaland.

And I hereby require all Her Majesty's subjects in South Africa to take notice of this my Proclamation and to guide themselves accordingly.

* See *British Bechuanaland Proclamations*, Vol. I, page 1.
 † See Order in Council of 9th May, 1891, Section VII, *infra*.
 ‡ For extension of Western boundary see (J.) *infra*.
 § See *British Bechuanaland Proclamations*, Vol. I, p. 241.

WEST.

AGREEMENT between the British and German Governments, respecting Africa and Heligoland.—Berlin, July 1, 1890.

[See Section VIII (B.), Article III.]

This boundary is at present (1st September, 1898) being delimited by a Joint Commission.

Cape Colony.

NORTH-WEST.

AGREEMENT between the British and German Governments, respecting Africa and Heligoland.—Berlin, July 1, 1890.

[See Section VIII (B.), Article III.]

NORTH.

See *Bechuanaland Protectorate*.

(K.)—*ACT (Cape of Good Hope) to make provision for the Annexation to this Colony of the Territory of British Bechuanaland.—No. 41 of 1895.*

[EXTRACT.]

ARTICLE II.

From and after the taking effect of this Act the Territory of British Bechuanaland, within the boundaries thereof as then defined,* shall become annexed to and thenceforth be portion of this Colony, and, subject to the provisions of this Act, more especially section sixteen thereof, the law of this Colony shall be of full force and effect in the said Territory, the Governor of this Colony being deemed to be referred to in place of the Governor or Administrator of the said Territory in any law which, after annexation, shall continue to be in force in the said Territory.

EAST.

(L.)—*AWARD of the Referee appointed by the President of the Orange Free State, under Article II of the Convention between Great Britain and the South African Republic of February 27, 1884.—Kunana, August 5, 1885.†*

Whereas it is stipulated by Article II of a Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the South African Republic, signed in London on the 27th day of February, 1884, by the Representatives of the respective parties to the said Convention, that "Her Majesty's Government and the South African Republic will each appoint a person to proceed together to beacon off the amended south-west boundary as described in Article I of this Convention, and the President of the Orange Free State shall be requested to appoint a Referee, to whom the said persons shall refer any questions on which they may disagree respecting the interpretation of the said Article," and that "the decision of such Referee shall be final;"

* See (H.) and (J.).

† For Map see Hertalet's *Map of Africa by Treaty*, to face page 848.

And whereas Her Majesty's Government did appoint Captain Claude Reignier Conder, R.E., and the Government of the South African Republic did appoint Tielman Niewoudt de Villiers, Esq., as such persons to proceed together to beacon off the said amended south-west boundary ;

And whereas thereafter the President of the Orange Free State, being thereunto requested, did on the 5th day of June, 1885, appoint Meluis de Villiers, one of the Judges of the High Court of Justice of the Orange Free State, to be such Referee as aforesaid ;

And whereas the before-mentioned Captain Claude Reignier Conder, R.E., and Tielman Niewoudt de Villiers, Esq., did refer to the said Referee the following question on which they disagree respecting the interpretation of Article I of the said Convention, namely, what extent of ground to the west of the roads from Lotlakana to Kunana, and from Kunana to Taungs, as such roads have been accepted and agreed upon by the Commissioners of the Governments of Her Majesty and of the South African Republic respectively, was intended to be included in the South African Republic by the words "skirting Kunana so as to include it and all its garden ground, but no more, in the Transvaal ;"

Now therefore I, the said Referee, do hereby decide and declare that the said words denote the ground included between the said roads and the following boundaries, namely, a straight line from a point on the road from Lotlakana to Kunana, as accepted and agreed upon by the respective Commissioners before-mentioned, 1 mile south-west of the point where that road crosses the spruit, known as "Tlakayeng" to a point on the "kopje" immediately behind Batubatu's kraal where the line next to be mentioned reaches the summit of that "kopje" thence a straight line to a point 200 yards north-west of an isolated hut whereof compass observations were taken by the British Commissioner in the presence of the Referee and of the Commissioner of the South African Republic, this straight line passing immediately behind the huts of Batubatu's kraal so as to exclude them from the South African Republic ; next a straight line from the said point 200 yards from the said hut to the north-western corner of Ramatlane's garden, of which similar observations were taken ; thence a straight line skirting the western side of the garden to its south-western corner, that point being very nearly magnetic north of a "kopje" being the northernmost of three "kopjes" forming the termination of a range of hills which is crossed by the road from Kunana to Marebogo, about 6 miles from the former place ; next a straight line from the said south-western corner of Ramatlane's garden to the summit of the said "kopje" ; thence a line along the ridge of the said range of hills to the point where the hill is crossed by the road last mentioned.

Dated at Kunana, this 5th day of August, 1885.

MELUIS DE VILLIERS.

NORTH-EAST.

MEMORANDUM of Agreement between the Right Honourable the Earl of Carnarvon and His Honour President Brand.—July 13, 1876.

[See Section I (E.), Article I ; page 21.]

See *Orange Free State*.

See *Basutoland*.

EAST-NORTH-EAST.

See *Natal*.

(M.)—CONVENTION between His Excellency the Right Honourable Sir Hercules George Robert Robinson, on behalf of the Government of the Cape of Good Hope, and Sir Arthur Elibank Havelock on behalf of the Government of the Colony of Natal.—June 30, 1888.

His Excellency the Right Honourable Sir HERCULES GEORGE ROBERT ROBINSON, a Member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of Her Majesty's Colony of the Cape of Good Hope in South Africa and of the Territories and Dependencies thereof, acting on behalf and in the name of the Government of the Colony of the Cape of Good Hope of the one part, and His Excellency Sir ARTHUR ELIBANK HAVELOCK, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Natal, acting on behalf and in the name of the Government of the Colony of Natal of the other part.

Whereas it has been deemed expedient to ascertain, define, fix and beacon off the Boundary Line between that part of the Colony of the Cape of Good Hope known as the Amaxesibi Country and the Colony of Natal.

And whereas His Excellency Sir HERCULES GEORGE ROBERT ROBINSON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of Her Majesty's Colony of the Cape of Good Hope in South Africa and of the Territories and Dependencies thereof, appointed WALTER ERNEST STANFORD, Esquire, Chief Magistrate of the District of Griqualand East, and CARL PHILIP WATERMEYER, Esquire, Surveyor, to be Commissioners on behalf of the Government of the Colony of the Cape of Good Hope for the purposes aforesaid.

And whereas His Excellency Sir ARTHUR ELIBANK HAVELOCK, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Natal, appointed PETER CORMACK SUTHERLAND, Esquire, late Surveyor-General of Natal, to be Commissioner on behalf of the Government of the Colony of Natal for the purposes aforesaid.

And whereas the Commissioners appointed on behalf of the Governments of the Cape of Good Hope and Natal for the purposes aforesaid, met in the month of June, One Thousand Eight Hundred and Eighty-eight, proceeded to said boundary, and having examined and inspected the said locality, did ascertain, define, fix and beacon off the Boundary Line between the Colonies of the Cape of Good Hope and Natal in terms of and according to the instructions issued by the said respective Governments.

It is agreed as follows :—

The Boundary Line between that part of the Colony of the Cape of Good Hope known as the Amaxesibi Country and the Colony of Natal shall be as defined by the said Commissioners in the memorandum signed by them and dated Kokstad, the thirtieth day of June, One Thousand Eight Hundred and Eighty-eight, a certified Copy of which memorandum is hereunto annexed.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Cape Town, this 26th day of April, 1889.

(Sgd.) HERCULES ROBINSON,
Governor.

Given under my hand and the Public Seal of the Colony of Natal, at Government House, Pietermaritzburg, this third day of April, One Thousand Eight Hundred and Eighty-nine.

(Sgd.) A. E. HAVELOCK,
Governor.

We, the undersigned Commissioners, appointed by His Excellency the Governor of the Colony of the Cape of Good Hope and His Excellency the Governor of the Colony of Natal, to determine the boundary line between the Colony of Natal, and the Amaxesibi Country, having identified the beacon on the Tugeli Mountain, erected in 1862 by Sir W. CURRIE and the Surveyor-General of Natal, hereby certify that we have mutually agreed that a line commencing at the beacon erected on the Tugeli Mountain in 1862 by Sir W. CURRIE and the Surveyor-General of Natal, marked on the Enclosure No. 1 and running about North East from the said beacon directly to the nearest source of the Umtamfuna River at the foot of a precipitous cliff of great height facing Eastwards, shall be the boundary line between the Colony of Natal and the Amaxesibi Country, such line and a line from the said beacon of 1862 to a beacon on the highest point of the Imgeli to the Northwards and marked C, on the enclosure aforesaid, contain an angle of forty-five degrees, and further the boundary between the Colony of Natal and the Amaxesibi Country from the North Eastern termination of the said line at the nearest source of the Umtamfuna River, shall be the Umtamfuna River as provided in a Proclamation issued by His Excellency the Administrator of the Government of the Colony of Natal, on the 7th day of September, 1865.

Dated at Kokstad, this 30th day of June, 1888.

Commissioners for the Cape of Good Hope.

(Signed) W. E. STANFORD,
(Signed) C. P. WATERMEYER,

Commissioner for the Colony of Natal,

(Signed) P. C. SUTHERLAND.

WEST.

See *Ichaboe and Penguin Islands*.
See *Walfish Bay*.

German South-West African Protectorate.

NORTH.

(N.)—*DECLARATION between Germany and Portugal respecting the Limits of their respective Possessions and Spheres of Influence in South-West and South-East Africa.—Lisbon, 30th December, 1886.*

(Translation.)

The Government of His Majesty the German Emperor, and the Government of His Majesty the King of Portugal and the Algarves, animated by the same desire to draw more closely the existing friendly relations between Portugal and Germany, and to gain a firm and secure basis for peaceful co-operation in the opening out of Africa to civilization and commerce, have resolved to establish certain boundaries, within which each of the two Powers shall keep their freedom of action for their colonizing activity.

For this purpose the Undersigned, Henrique de Barros Gomes, State Councillor of His Most Faithful Majesty, and his Secretary of State for Foreign Affairs, and Councillor Richard von Schmidthals, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor, have, in accordance with their full powers, agreed upon the following Articles:—

Boundary Line between German and Portuguese Possessions in South-West Africa.

ARTICLE I.

The Boundary line which shall separate the Portuguese and German Possessions in South-West Africa follows the course of the River Kunene from its mouth to the waterfalls which are formed to the south of the Humbe by the Kunene breaking through the Serra Canna. From this point the line runs along the parallel of latitude to the River Kubango, then along the course of that river to the village of Andara, which is to remain in the German sphere of influence, and from thence due east to the rapids of Catima, on the Zambesi.

Boundary Line between German and Portuguese Possessions in South-East Africa.

ARTICLE II.

The Boundary line which shall separate the Portuguese from the German Possessions in South-East Africa follows the course of the River Rovuma from its mouth to the point where the River M'sinje joins the Rovuma and runs to the westward on the parallel of latitude to the shores of Lake Nyassa.

German Conditional Recognition of Portuguese Right to Territories lying between Angola and Mozambique.

ARTICLE III.

His Majesty the German Emperor recognizes the right of His Majesty the King of Portugal to exercise his influence of sovereignty and civilization in the territories which separate the Portuguese possessions of Angola and Mozambique, without prejudice to the rights which other Powers may have acquired there up to now of exercising their sovereign and civilizing influence.*

And in accordance with this acknowledgment, binds himself not to make acquisitions of sovereignty in the territories in question, not to accept Protectorates in them, and, finally, not to place there any obstacles to the extension of Portuguese influence.

His Majesty the King of Portugal and the Algarves undertakes identical obligation as regards the territories which under Articles I and II of this Agreement, are within the sphere of German action.

Protection of Persons and Property. Acquisition, &c., of Real and Personal Property. Rights of Trade.

ARTICLE IV.

Portuguese subjects in the German Possessions of Africa, and German subjects in the Portuguese Possessions shall enjoy in respect to the protection of their persons and goods, with the acquisition and transfer of personal and real property, and to the exercise of their industry, the same treatment without any difference whatever, and the same rights as the subjects of the nation exercising sovereignty or protection.

* See British Protest against Portuguese Claim to these Territories, 13th August, 1887, *infra*.

Conclusion of Commercial Agreements.

ARTICLE V.

The Portuguese and Imperial Governments reserve to themselves the right of concluding further Agreements to facilitate commerce and navigation, as well as to regulate the frontier traffic in the African Possessions on both sides.

(L.S.) BARROS GOMES.
(L.S.) SCHMIDTHALS.

Validity of Agreement subject to approval.

ADD. ARTICLE.

This Agreement shall come into force and shall be binding for both Powers after having been approved by the Portuguese Cortes, and officially published in both countries.*

Done in duplicate at Lisbon, on the 30th December, 1886.

(L.S.) BARROS GOMES.
(L.S.) SCHMIDTHALS.

BRITISH PROTEST *against Treaties between Portugal and France, and Portugal and Germany.—13th August, 1887.†*

Memorandum transmitted by the British Chargé d'Affaires at Lisbon to the Portuguese Minister for Foreign Affairs.

Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at Lisbon did not fail to forward to Her Majesty's Government copies of the documents as presented to the Portuguese Cortes in the form of White Books, recording the result of the recent negotiations carried on by Portugal with Germany and France, the object of which was the delimitation of their respective spheres of influence in Central Africa.

Maps were annexed to these papers showing the territory which, as Portugal understands, is allowed by the two countries to be reserved to her enterprise. The immense field so coloured in the Maps comprises the entire region lying between Angola and Mozambique, Matabeleland, and the district of Lake Nyassa, up to the latitude of the Rovuma River.

In the districts to which Portugal thus appears to lay a preferential claim, and in which, except near the sea-coast and on portions of the Zambesi River, there is not a sign of Portuguese jurisdiction or authority, there are countries in which there are British Settlements, and others in which Great Britain takes an exceptional interest. Her Majesty's Government feel, therefore, that it is impossible to pass over without notice the official publication of the Maps.

Her Majesty's Chargé d'Affaires has consequently the honour to state to his Excellency the Minister for Foreign Affairs of His Most Faithful Majesty, under instructions which he has received from Her Majesty's Principal Secretary of State for Foreign Affairs, that the attention of Her Majesty's

* Published, with Map, in Portuguese White Book, 1887.

† Parliamentary Paper, "Africa No. 2 (1890)."

Government has been directed to the Maps in question, and that Great Britain considers that it has now been admitted in principle by all the parties to the Act of Berlin that a claim of sovereignty in Africa can only be maintained by real occupation of the territory claimed, and that this doctrine has been practically applied in the recent Zanzibar delimitations. Her Majesty's Chargé d'Affaires is instructed to make a formal protest against any claims not founded on occupation, and to say that Her Majesty's Government cannot recognize Portuguese sovereignty in territory not occupied by her in sufficient strength to enable her to maintain order, protect foreigners, and control the natives.

Her Majesty's Chargé d'Affaires is further directed to state that this protest especially applies to the districts of Lake Nyassa occupied by British traders and missionaries, and to Matabeleland, and to point out that, by the decision of the Delagoa Bay Arbitration (24th July, 1875), Portugal is debarred from extending her dominion into any part of Tongaland beyond the limits of 26° 30' south latitude.

EAST AND SOUTH.

*AGREEMENT between the British and German Governments respecting Africa and Heligoland.— Berlin, July 1, 1890.**

[See Section VIII (A.), Article III.]

See *Ichaboe and Penguin Islands*.

See *Walfish Bay*.

Ichaboe and Penguin Islands.

(O.)—*PROCLAMATION by His Excellency Sir Henry Barkly, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of Her Majesty's Colony of the Cape of Good Hope in South Africa, and of the Territories and Dependencies thereof; and Her Majesty's High Commissioner, &c., &c., &c.*

Whereas by Letters Patent of Her Majesty Queen Victoria, bearing date the 27th day of February, 1867, after reciting, amongst other things, that the Island of Ichaboe, on the South-west Coast of South Africa, had been duly taken possession of for Her said Majesty and on Her behalf, on the 26th day of June, 1861, and that on the 5th day of May, 1866, certain other Islands, Islets, and Rocks, on the said South-west Coast of South Africa, that is to say, Hollandsbird, Mercury, Long Island, Seal Island, Penguin Island, Halifax, Possession, Albatross Rock, Pomona, and Plumpudding and Roast-beef, or Sinclair's Island (therein and hereinafter called the Penguin Islands), had also been duly taken possession of for Her said Majesty and on Her behalf; and that by a Proclamation dated the 16th day of July, 1866, by His Excellency Sir Philip Edmond Wodehouse, the then Governor and Commander-in-Chief of the Colony of the Cape of Good Hope, and of the Territories and Dependencies thereof, and Vice-Admiral of the same, the said Island of Ichaboe and the said Penguin Islands were declared to be annexed to and form part of the said Colony; and that doubts were entertained touching the legality of the said annexation of the said Islands by Proclamation, and that it was expedient that such doubts should be removed, and that the said Islands should be annexed to and form part of the said Colony, if the Legislative Council and House of Assembly thereof desire such annexation, and that until such annexation it was expedient that the affairs of the said Island should

* The eastern boundary is at present (1st September 1898) being delimited by a Joint Commission.

be administered by a Governor to be for that purpose appointed by Her said Majesty: Her said Majesty did in and by the said Letters Patent constitute and appoint the Governor and Commander-in-Chief for the time being of the said Colony of the Cape of Good Hope to be the Governor of the said Island of Ichaboe and Penguin Islands, and did thereby vest in him all the powers and authorities which by the said Letters Patent were given and granted to the Governor for the time being of the said Island of Ichaboe and Penguin Islands, and did (amongst other things) declare her pleasure to be that if at any time thereafter the Legislative Council and House of Assembly of the said Colony of the Cape of Good Hope should by resolution or otherwise request the Governor of the said Island of Ichaboe and Penguin Islands to transfer the same to the said Colony for the purpose of their being annexed to and forming part of the said Colony, and should by law provide that upon such transfer and annexation, all laws which might be in force in the said Colony on the day on which the said Island of Ichaboe and Penguin Islands should be annexed thereto, should immediately upon such annexation take effect and be in force in and upon the said Islands so annexed, then the said Governor should be, and he was thereby authorized and empowered to transfer to the said Colony the said Island of Ichaboe and Penguin Islands, and from and after the date of such transfer the said Islands so transferred should be deemed and taken to be and should be annexed to and form part of the said Colony of the Cape of Good Hope: And whereas Her said Majesty did by the said Letters Patent further declare her pleasure to be that the said Governor of the said Island of Ichaboe and Penguin Islands should declare by Proclamation the said transfer, and from and after the date of such Proclamation the said Letters Patent should cease and be of none effect, so far as related to the appointment of a Governor of the said Islands of Ichaboe and Penguin Islands and his powers thereunder, but not further or otherwise, and not so as to affect any instruments, acts, matters, or things, made or done by him while such Governor as aforesaid in pursuance of the powers thereby conferred on him.

And whereas the said Legislative Council and House of Assembly of the said Colony of the Cape of Good Hope have, by resolutions bearing date respectively the 16th and 11th days of June, 1874, requested me to transfer the said Island of Ichaboe and Penguin Islands to the said Colony of the Cape of Good Hope for the purpose of their being annexed to and forming part of the said Colony, and have by law, to wit, by the "Ichaboe and Penguin Islands Act, 1874," provided that upon such transfer and annexation all laws which may then be in force in the said Colony shall immediately upon such annexation take effect and be in force in and upon the said Islands so annexed.

I do hereby, pursuant to the said Letters Patent, proclaim, and make known, and declare, that I have, by an instrument bearing even date herewith executed under and by virtue of the powers and authority vested in me by the said Letters Patent, transferred the said Island of Ichaboe and the said Penguin Islands to the said Colony of the Cape of Good Hope, and that the said Islands shall henceforth be deemed, and taken to be, and shall be, annexed to and form part of the said Colony.

GOD SAVE THE QUEEN !

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, this 9th day of July, 1874.

By command of His Excellency the Governor in Council,

HENRY BARKLY, Governor.
J. C. MOLTENO, Colonial Secretary.

Mozambique.

NORTH.

(P.)—*DECLARATION between Germany and Portugal respecting the Limits of their respective Possessions and Spheres of Influence in South-West and South-East Africa.*—Lisbon, 30th December, 1886.

[See (N.), page 334.]

SOUTH and WEST.

TREATY between Great Britain and Portugal, defining the spheres of influence of the two countries in Africa.—Lisbon, June 11, 1891.

[See Section I (L.), Articles I, II and III ; pages 43-4.]
See (A.), page 322.

WEST.

(Q.)—*TREATY between Portugal and the Transvaal Republic.*—July 29, 1869.*

[Ratifications exchanged at Pretoria, July 10, 1871.]

(Translation.)

His Majesty the King of Portugal and of the Algarves and the Government of the South African Republic, equally animated by the desire of establishing permanent relations of peace, friendship, commerce, and boundaries between their respective countries, territories, and people, have resolved to conclude a Treaty for that purpose, and have therefore appointed as their Plenipotentiaries, with full powers to negotiate the said Treaty ; that is :

His Majesty the King of Portugal and of the Algarves, Commander Alfredo Duprat, Consul-General of Portugal in the Colony of the Cape of Good Hope, and in the South of Africa, his Plenipotentiary ;

And the Government of South Africa (Transvaal Republic) a Commission authorised by the Honourable National Council 8th June, 1869, consisting of Messrs. Martinus Wessels Pretorius, President of the Republic, the Senators Heinrich Julius Ueckermann, Joseph Johannes Fourie, John Robert Lys, Martinus Jacobus Viljaen, Stephanus Johannes Paulus Kruger, Commander-in-Chief, and Mr. Bernard Cornelis Ernest Proes, Secretary-General of the Government ;

Who, after exchanging the said full powers, which were found in good order and due form, have agreed upon the following Articles :

I. There shall be inviolable peace and perfect friendship between His Majesty the King of Portugal and of the Algarves, his heirs and successors, and the Government of the South African Republic, throughout the extent of their dominions and territories, and between their subjects and citizens respectively, without distinction of persons or places.

II. The two Contracting Parties, wishing to place the commerce of the respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that there shall be reciprocal freedom of commerce between their territories. The subjects and citizens of each of them may with all security for their persons and property enter all the places and rivers in the territories of the other where foreigners may be allowed to trade. They shall be at liberty to stay and reside in any and every part of the said territories where foreigners of European origin are allowed to reside, to attend to their

* For partial continuation of validity of this Treaty see Section I (C.), Article XXI, page 13. For boundary see Article XXIII, § 2, page 343.

commercial concerns, and for this purpose they shall enjoy the same rights, protection, security, and privileges as are enjoyed, or shall be enjoyed, by the native subjects or citizens of the country in which they reside, on condition that they submit to the laws, regulations, usages, and customs established therein, and which are observed by the native subjects or citizens.

III. The freedom of commerce stipulated by this Treaty shall be extended to every sort of merchandise, excepting only arms and munitions of war of every kind, which articles shall be subject to the special Custom House regulations of each of the Contracting Parties.

IV. In like manner, it is stipulated that the subjects or citizens of either of the Contracting Parties are not, and shall not, be allowed to carry on the Slave Trade in the territories of the other. Those who are found to be engaged in that trade shall be arrested and delivered to the authorities of the country to which they belong, to be tried in conformity with the laws. The slaves who have been bought shall be declared free immediately, and the authorities of the two countries shall communicate to each other what has taken place in this respect.

V. All other merchandise and things not excepted in the two preceding Articles shall be held and considered as free and as objects of free and lawful commerce, so that they may be carried and conveyed with all freedom, even to hostile places, excepting only such as are besieged or blockaded at the time; and, in order to prevent any doubt on this point, it is declared that only such places are to be considered as besieged or blockaded as are effectually menaced by a belligerent force able to prevent the entrance of neutrals.

VI. The importation of any articles produced by the soil or the industry of the Transvaal Republic into the dominions of Portugal, as well as the importation of any articles produced by the soil or the industry of the Portuguese dominions into the territories of Transvaal, shall not be subject to any higher or other duties than those which are paid or shall be paid for the same articles produced by the soil or the industry of any other foreign country: and likewise no other or higher duties or taxes shall be imposed on the exportation of any articles to the Portuguese dominions, or to the territories of the Transvaal Republic respectively, than those which are paid for the exportation of the same articles to any other foreign country; nor shall any prohibition or restriction be imposed on the importation and exportation between the dominions of Portugal and the territories of the Transvaal Republic, which is not in like manner applicable to all other nations.

VII. If either of the Contracting Parties should grant in future any special favour in articles of commerce to any other nation, that favour shall be immediately extended to the other party, either absolutely, if it has been so granted to the other nation, or on stipulation of the same compensation if the concession has been conditional.

VIII. All privileges of transit, and all premiums or gratuities and return of duties granted within the territories of one of the Contracting Parties on the importation or exportation of any foreign articles, shall be in like manner granted to the same articles produced by the soil or the industry of the other Contracting Party.

IX. All the traders and other subjects and citizens of the two countries shall be at full liberty to manage their business personally in all places subject to the jurisdiction of either of them in regard to the consignment and sale of their property and merchandise by wholesale or by retail; for in all these cases they are to be considered as subjects or citizens of the country in which they reside, or at least as on the same footing as the subjects or citizens of the most favoured nation.

X. The subjects and citizens of either of the Contracting Parties shall not be liable to any embargo, nor to be detained with their merchandise or effects for military expeditions, or for any other purpose, whether of private or public interest, without sufficient indemnification to those concerned.

XI. The subjects and citizens of each of the two Contracting Parties may dispose of the movable property which they possess in the territories under the jurisdiction of the other, by sale, donation, will, or in any other manner; and their heirs, who are subjects or citizens of the other party, shall succeed to the said movable property, either by will or *ab intestato*, and they may, either personally or by attorney, take possession of such property, and dispose thereof as they think fit, only paying the duties, imposts, or charges that the inhabitants of the country where the property is would have to pay in similar cases; and if the heir should be absent, an account of the said property is to be taken, in the same manner as it would be taken for the property of a native in like case, unless the lawful owner has given directions for the delivery of the property. If any doubts should arise as to the rights of various claimants to such property, that doubt shall be finally decided by the laws and judges of the country where the property is; but if the claimants so agree, the question shall be decided by arbitrators appointed by them, and the award of these arbitrators, given in writing, shall have the same force and effect as if it had been pronounced by the respective judge.

And in regard to real property, if the above-mentioned heirs should be forbidden to take possession of the inheritance because they are foreigners, the term of 3 years shall be granted to them, to dispose of it as they think proper, and to settle the accounts and withdraw the produce from the country; no impediment shall be put in their way, nor shall they be liable to any other charges, than such as are established by the laws of the country, and they shall be exempted from all detraction/dues on the part of the Governments of the respective countries.

XII. Both the Contracting Parties formally promise and bind themselves to each other to afford their special protection to the persons and property of the subjects or citizens of the other, of all classes, who may be passing through or staying in the territories subject to their jurisdiction; and the said persons shall have free access to the courts of justice to bring their judicial suits, on the same terms as it may be usual and customary to observe with the subjects or citizens of European origin of the country in which they are; and for this they may employ in defence of their rights in all their actions, such advocates, attorneys, and agents, as they may think fit; and the parties themselves, as well as their agents, shall have permission to be present at the decisions and sentences of the Courts in all cases wherein they are concerned; they may likewise be present at all the depositions and evidence which are taken and produced in such actions, in the same manner as the national subjects or citizens are allowed to be present.

XIII. It is likewise stipulated that, as far as possible, all subjects or citizens of either of the Contracting Parties who, being accused of the crimes of murder, arson, robbery, false coining, and fraudulent bankruptcy, may have taken refuge from justice in the territories of the other, shall be reciprocally delivered up, if demanded.

XIV. Wills, certificates of marriage, and any other documents, issued by the competent authorities of one of the Contracting Parties, and which have to be produced before the Courts or other authorities of the other party, shall have full validity there, if they are authenticated by the respective Consular Agents.

XV. The subjects and citizens of both the Contracting Parties shall enjoy the most perfect and complete freedom of conscience in the territories subject to the jurisdiction of each of them; they cannot be molested on account of their religious belief so long as they respect the laws of the country and the established customs. Moreover, the bodies of the subjects or citizens of one of the Contracting Parties who die in the territories of the other shall be buried in the ordinary cemeteries, or in some other decent and fitting place, and they shall be protected from all violation or insult.

XVI. The two Contracting Parties reciprocally concede to each other the right for each to have in the commercial lands of the other, where foreigners are allowed to trade, Consuls, Vice-Consuls, or Commercial Agents of their own appointment, who shall enjoy the same rights, attributions, prerogatives, and immunities, as the Consuls, Vice-Consuls, and Commercial Agents of the most favoured nation; they shall also receive all the protection and assistance necessary for the proper discharge of their functions; nevertheless, each of the Contracting Parties reserves the right of excepting those places where the admission and residence of the said Consuls, Vice-Consuls, or Commercial Agents, may appear not to be convenient.

It is, however, expressly declared that, in case the said Consuls, Vice-Consuls, or Commercial Agents, behave illegally or in an inconvenient manner in regard to the laws or Government of the country in which they reside, they may in such case be prosecuted and punished in conformity with the laws, and be suspended from the exercise of their functions by the offended Government, which must inform the other of the reasons which it had to act thus; it is, nevertheless, understood that the archives and documents relative to the business of the Consulate shall be inviolably respected and carefully guarded under the seals of the Consuls, Vice-Consuls, or Commercial Agents, and of the authority of the place where they reside; and no magistrate can, under any pretext, seize the said archives and documents, nor interfere with them in any way.

XVII. In order that the Consuls, Vice-Consuls, and Commercial Agents of the two Contracting Parties may enjoy the rights, prerogatives, and immunities which appertain to them as public functionaries, they must, before they enter upon the exercise of their functions, present their diploma in due form to the Government to which they are accredited, and when they have obtained its exequatur they shall be held and considered such by all the authorities, magistrates, and inhabitants of the Consular district in which they reside.

XVIII. It is likewise stipulated that the Consuls, their secretaries, and the persons attached to the service of the Consuls, if they are not subjects or citizens of the country in which the Consuls reside, shall be exempt from all public service, and also from every kind of tribute and taxes, excepting those which they are obliged to pay for their trade or property, and which the subjects or citizens and the native and foreign inhabitants of the country in which they reside are also obliged to pay; in everything else they shall be subject to the laws of the respective countries.

XIX. Both the Contracting Parties agree to concede to the Envoys, Ministers, and other Public Agents of each other respectively the same favours, immunities, and exemptions as are enjoyed, or shall be enjoyed by those of the most favoured nations.

XX. If one of the Contracting Parties should be at war with another State, no subject or citizen of the other Contracting Party shall assist the said enemy, or co-operate with him hostilely against the said Contracting Party with which he is at war, on pain of forfeiting his right to the protection of the Government to which he belongs.

XXI. If by any fatality, which is not to be expected, and which God forbid, the two Contracting Parties should be at war with each other, the term of 6 months shall be granted to the traders residing on the coasts and in the ports, and the term of a year to those who live in the interior, to arrange their affairs, and to convey their effects where they choose; for this they shall receive the necessary passport, granting them all the protection they require until they arrive at the appointed place.

The subjects and citizens of all other classes, who are settled in the territories of the two Contracting Parties, shall be respected and maintained in the full enjoyment of their individual liberty and property, even in the said case of war; on condition that their particular behaviour is not such as to forfeit this protection, which, from considerations of humanity, the two Contracting Parties undertake to afford them.

XXII. The debts owing by persons belonging to one of the Contracting Parties to those of the other, the shares and money which they may have in public funds, or in public or private banks, shall never be sequestered or confiscated in any case of war, or of national contention.

XXIII. His Majesty the King of Portugal and of the Algarves and the Government of the Transvaal Republic, wishing to render as durable as the circumstances allow, the relations which are about to be established between the two Contracting Parties by means of this general Treaty or Convention of Peace, Friendship and Commerce, solemnly declare that they agree on the following points:

1. The present Treaty shall be in force for the space of 6 years, reckoned from the day of the exchange of the ratifications, and if 12 months before the expiration of that term, neither of the Contracting Parties shall have given official notice to the other of its intention to stop the execution of the said Treaty, the Treaty shall still remain obligatory for the space of a year beyond the aforesaid time, and so thereafter until the lapse of the 12 months following such notice, at whatever time it shall have been given. And it is, moreover, stipulated that after the lapse of a year subsequent to the receipt of the said notice of either of the Contracting Parties by the other, this Treaty shall cease and terminate entirely in all that relates to commerce (excepting free transit) and in all the provisions respecting peace, friendship, and free transit, it shall remain permanently and perpetually obligatory for both the Contracting Parties.

2. The district of the Bay of Lorenzo-Marquez, which is denominated Delagoa Bay, in the English hydrographic charts, being the most southern of the Portuguese possessions in East Africa, it is understood that in those regions of the African continent the stipulations of this Treaty shall be executed on the part of the Crown of Portugal, in the territories that belong to it which to the south have for their limits the line drawn from a point in 26° 30' south latitude in the direction due west up to the mountains of Le Bombo; thence along the summit of the said mountains as far as the pass of the river Comatie, where that river runs between the mountains of Le Bombo; thence to N.N.E. up to the mountain called Pokiones-kop, which is to the north of the river Oliphant where it runs in those parts; thence to N.N.W. to the nearest point of the ridge of Chicundo where the river Umbovo runs; thence in a straight line as far as the junction of the rivers Pafori and Limpopo.

3. If any one or more of the subjects or citizens of either of the Contracting Parties should infringe any of the Articles of this Treaty, that subject or citizen shall be individually responsible for such infraction, and the harmony and good understanding between the two countries shall not be thereby interrupted; each of the Contracting Parties undertaking not to protect the delinquent in any way, and not to sanction such violation.

4. If unfortunately (which is not to be expected) any of the Articles of the present Treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the Contracting Parties shall order or authorise any acts of reprisal, nor shall declare war against the other for grievances of offence or damage, until the Contracting Party which considers itself injured shall first have presented to the other a note of the said offences or damages duly proved, with a demand for justice and satisfaction, and these have been denied to it, or delayed without just cause. And even in this last case neither of the Contracting Parties shall commit any act of reprisal or of hostility against the other, until both have applied to a Power friendly to both of them, and chosen by common accord, in order that the said Power, taking cognizance of all the circumstances that have occurred, may advise them what they ought to do to maintain the good understanding between them.

5. Nothing contained in this Treaty shall be understood to impair what has been established by former public Treaties with other Sovereigns or States, and still remaining in force.

XXIV. This Treaty shall be approved and ratified by His Majesty the King of Portugal and of the Algarves, and by the Government of the Transvaal Republic, and the ratifications shall be exchanged in the city of the Cape of Good Hope, within a year reckoned from the date of the signature, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the present Treaty in duplicate originals in the Portuguese and Dutch languages, and have confirmed it with the seal of their arms.

Done at Pretoria on the 29th of the month of July, in the year from the birth of our Lord Jesus Christ, 1869.

(L.S.) ALFREDO DUPRAT, *Consul-General and Plenipotentiary of Portugal.*

(L.S.) MARTINUS WESSELS PRETORIUS, *President of the Republic.*

(L.S.) HEINRICH JULIUS UECKERMANN.

(L.S.) JOSEPH JOHANNES FOURIE.

(L.S.) JOHN ROBERT LYS.

(L.S.) MARTINUS JACOBUS VILJAEN.

(L.S.) STEPHANUS JOHANNES PAULUS KRUGER.

(L.S.) BERNARD CORNELIS ERNEST PROES.

INTERNATIONAL AWARD as to interpretation of Article II of the Treaty of June, 1891.

[See (Y.), page 350.]

See Section I (F.), Article I; page 23.

Natal.

(R.)—*ORDER IN COUNCIL defining the Boundaries of the Colony of Natal.*
—London, February 3, 1858.

At the Court at Buckingham Palace, the 3rd day of February, 1858.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Whereas there hath this day been laid before Her Majesty in Council the draft of a Proclamation to be promulgated in the said Colony of Natal, declaring and making known the boundaries of the said Colony (a copy of which is hereunder written):—

COLONY OF NATAL.

Proclamation.

Whereas we have thought fit, by and with the advice of our Privy Council, and in exercise of the power and authorities to us in that behalf appertaining, to proclaim, declare, and make known, that the Colony of Natal shall from henceforth, or until some further or other provision be made by us in that behalf, include, comprehend and denote all and singular the territory or territories lying and being within the limits following, that is to say,—

Within a line on the north-east from the mouth of the River Tugola, along the right bank of that river to the junction of the said river with the River Umzinyati, otherwise Buffalo; from thence along the right bank of the said Umzinyati, otherwise Buffalo River, to the source of the first affluent, which it receives from the Drakensberg, or Quahlamba Mountains, issuing from the point where these mountains cease to be a continuous chain, and which is now known as Division Stream; from thence along the crest or watershed of the said mountains to the source of the principal western branch of the Umzimkulu River; from thence along the said branch to its junction with the other branch, or branches, of the said last-mentioned river; from thence along the last-mentioned river to where it empties itself into the sea; and from thence along the sea to the mouth of the Tugela River as aforesaid.

We do for that end publish this our Royal Proclamation, and do hereby declare and make known that the boundaries aforesaid are henceforth to be the boundaries of our said Colony of Natal.

GIVEN, &c.

Her Majesty is, therefore, pleased, by and with the advice of Her Privy Council, to approve of the said Proclamation, and to order, and in pursuance of the powers and authorities to her in that behalf appertaining, it is hereby ordered that the said Proclamation shall be promulgated by John Scott, Esq., Her Majesty's Lieutenant Governor and Commander-in-Chief in and over the said Colony of Natal, or by the person for the time being administering the government thereof, on or before the 1st day of January, 1859*, and that upon and from and after such promulgation thereof, the boundaries aforesaid are to be the boundaries of Her Majesty's Colony of Natal.

WM. L. BATHURST.

(S.)—*LETTERS PATENT, annexing part of Nomansland to the Colony of Natal.—Westminster, December 9, 1863.*

Whereas by a treaty made on the 11th day of April, 1850, between Faku, Chief of the Amapondas, on the one part, and Walter Harding, Esq., on behalf of Her Britannic Majesty, on the other part, the said Faku did cede and make over to Her Britannic Majesty all the territory therein mentioned, lying between the Umtamfuna and Umzimkulu Rivers and between the Quahlamba Mountains and the sea: And whereas it is our pleasure to annex to our said Colony of Natal part of the said territory, bounded as follows, that is to say—on the north-east, by the Umzimkulu River, from the mouth of the said river to its junction with the Ibisi on the north and north-west, by a line drawn from the said junction to the nearest point of the ridge, or watershed, dividing the waters of the Ibisi from those of the Umzimkuliwana, thence along the said ridge to the Ingela Range; thence along the Ingela Range, keeping the watershed to a large beacon recently erected by the Surveyor-General of the said Colony of Natal and Sir Walter Currie, at the western extremity of the said Range and thence straight to the nearest source of the Umtamfuna; on the south-west by the Umtamfuna River, from the said source thereof to the sea, and on the south-east by the sea, from the mouth of the Umtamfuna to that of the Umzimkulu River. Now, know ye, and we do hereby declare our pleasure to be, that from and after a day to be named by the Officer administering the Government of our Colony of Natal, by any proclamation to be by him issued, within our said Colony,* so mentioned shall for all purposes whatever, be annexed to, and form part of, our said Colony of Natal.

(T.)—*LETTERS PATENT passed under the Great Seal of the United Kingdom, for annexing the British Possession of Zululand to the Colony of Natal.*

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India:

To all to whom these presents shall come, Greeting.

Whereas it is expedient that the British Possession of Zululand should be annexed to and form part of Our Colony of Natal. Now We do by these Our Letters Patent, under the Great Seal of Our United Kingdom of Great Britain and Ireland, authorise Our Governor for the time being of Our said Colony of Natal, by Proclamation under his hand and the Public Seal of the said Colony, to declare that, from and after a day to be therein mentioned, the said Possession of Zululand shall be annexed to and form part of Our said Colony.

II. And We do hereby direct Our said Governor not to issue any such proclamation as aforesaid unless the Legislature of Our said Colony of Natal shall have passed a law providing that the said Possession shall, on a day to be appointed by Our said Governor by Proclamation, become part of Our said Colony.

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

* Proclamation issued September 7, 1865, appointing September 13, 1865, as the day from and after which the territory in question should be annexed to, and form part of, the Colony of Natal.

IV. And We do further direct and enjoin that these Our Letters Patent shall be read and proclaimed at such place or places as Our said Governor shall think fit within Our said Colony of Natal.

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the First day of December, in the Sixty-first year of Our reign.

By Warrant under the Queen's Sign Manual.

MUIR MACKENZIE.

(U.)—*PROCLAMATION—Annexation of Zululand.*

[No. 104, 1897.]

WALTER HELY-HUTCHINSON, Governor.

By His Excellency the Honourable Sir Walter Francis Hely-Hutchinson, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population, and Governor of Zululand.

Whereas by Letters Patent passed under the Great Seal of the United Kingdom of Great Britain and Ireland, by Warrant under Her Majesty's Sign Manual, dated at Westminster the First day of December, 1897, the Governor of Natal is authorised by Proclamation under his hand and the Public Seal of the Colony to declare that from and after a day to be therein mentioned the Possession of Zululand shall be annexed to and form part of the said Colony of Natal:

And whereas by the said Letters Patent it was directed that the Governor shall not issue any such Proclamation as aforesaid unless the Legislature of Natal shall have passed a law providing that the said Possession shall on a day to be appointed by Our said Governor by Proclamation become part of the said Colony of Natal:

And whereas an Act has been passed by the Legislature of Natal to provide for the annexation to the Colony of Natal of the Territory of Zululand:

And whereas it is in the said Act amongst other things provided that from and after the taking effect of the Act the Territory of Zululand shall become annexed to and shall thenceforth be a portion of the Colony of Natal, and further that the said Act shall come into operation upon such day as the Governor shall notify by Proclamation:

And whereas I have by Proclamation notified that the said Act shall come into operation on Thursday, the Thirtieth day of December, 1897:

Now, therefore, in pursuance of the powers in me vested as aforesaid, I, the Governor of Natal, do hereby proclaim, declare, and make known that from and after Thursday, the Thirtieth day of December, 1897, the said Territory or Possession of Zululand shall be annexed to and form part of the Colony of Natal.

GOD SAVE THE QUEEN!

Given under my hand and the Public Seal of the Colony, at Government House, Pietermaritzburg, Natal, this twenty-ninth day of December, One thousand eight hundred and ninety-seven.

HENRY BINNS,
Colonial Secretary.

See *Zululand*.

WW 2

Nyassaland.

(V.)—*NOTIFICATION. British Protectorate over Nyassaland Districts.*

“ Foreign Office, 14th May, 1891.

“ It is hereby notified for public information that, under and by virtue of Agreements with the Native Chiefs, and by other lawful means, the territories in Africa, hereinafter referred to as the Nyassaland Districts, are under the Protectorate of Her Majesty the Queen.

“ The British Protectorate of the Nyassaland Districts comprises the territories bounded on the east and south by the Portuguese Dominions; and to the west by a frontier which, starting on the south from the point where the boundary of the Portuguese Dominions is intersected by the boundary of the Conventional Free Trade Zone defined in the 1st Article of the Berlin Act, follows that line northwards to the point where it meets the line of the geographical Congo Basin, defined in the same Article, and thence follows the latter line to the point where it touches the boundary between the British and German spheres, defined in the 2nd paragraph of the 1st Article of the Agreement of the 1st July, 1890.”

AGREEMENT between the British and German Governments, respecting Africa and Heligoland.—Berlin, July 1, 1890.

[See Section VIII (B.), Article I.]

TREATY between Great Britain and Portugal, defining the Spheres of Influence of the two countries in Africa.—Lisbon, June 11, 1891.

[See Section I (L.), Article I; page 43.]

Orange Free State.

(W.)—*ORDER IN COUNCIL, ordering Letters Patent to be issued, revoking the Letters Patent of the 22nd March, 1851,* and constituting the Orange River Territory to be a distinct Government.—London, January 30, 1854.*

At the Court at Buckingham Palace, the 30th day of January, 1854.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas there was this day read at the board a letter from the Most Noble the Duke of Newcastle, one of Her Majesty's Principal Secretaries of State, to the Lord President of the Council, transmitting a draft of letters patent revoking Her Majesty's letters patent of the 22nd March, 1851, constituting the Orange River Territories to be a distinct Government. Her Majesty having taken the same into consideration, was pleased, by and with the advice of her Privy Council, to approve thereof and to order, as it is hereby ordered, that the Most Noble the Duke of Newcastle, one of Her Majesty's Principal Secretaries of State, do cause a warrant to be prepared for Her Majesty's royal signature for passing letters patent conformable to the said draft (which is herewith annexed) under the great seal of Great Britain.

C. C. GREVILLE.

* See Hertslet's *State Papers*, Vol. LIV. Page 1115.

Draft of Letters Patent under the Great Seal for revoking the Letters Patent of 22nd March, 1851, constituting the Orange River Territories a distinct Government.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to all to whom these presents shall come, greeting:

Whereas we did by certain letters patent under the great seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster, the 22nd day of March, 1851, in the 14th year of our reign, ordain and appoint that the territories north of the Great Orange River, including the countries of Moshesh, Moroko, Moletsani, Sinkonayala, Adam Kok, Gert Taaybosch, and of other minor Chiefs, so far north as to the Vaal River, and east to the Drakensberg or Quathlamba mountains, should thenceforth become and be constituted a distinct and separate Government, to be administered in our name and on our behalf by our Governor and Commander-in-chief for the time being in and over our settlement of the Cape of Good Hope in South Africa, as upon relation being had to the said recited letters patent will more fully and at large appear.

And we did thereby reserve to us, our heirs and successors, full power and authority to revoke, alter, or amend the said letters patent as to us should seem meet.

Now know ye, that we have revoked and determined, and by these presents do revoke and determine, the said recited letters patent, and every clause, article, and thing therein contained.

CONVENTION of Bloemfontein, 1854.

[See Section I (A.), Article I; page 2.]

CONVENTION of Aliwal North, 1869.

[See Section I (B.), Article I; page 4.]

MEMORANDUM OF AGREEMENT between the Right Honourable the Earl of Carnarvon and His Honour President Brand.—July 13, 1876.

[See Section I (E.), Article I; page 21.]

Rhodesia.

NORTH.

(X.)—*AGREEMENT between Great Britain and His Majesty King Leopold II, Sovereign of the Independent State of the Congo, relating to the Spheres of Influence of Great Britain and the Independent State of the Congo in East and Central Africa.—Signed at Brussels, 12th May, 1894.**

The Undersigned, the Honourable Sir Francis Richard Plunkett, a Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the King of the Belgians, on behalf of the British

* Parliamentary Paper, Treaty Series No. 15 (1894).

Government, and M. van Eetvelde, Officer of the Order of Leopold, Grand Cross of the Orders of St. Gregory the Great, of Christ of Portugal, and of the African Redemption, &c., Secretary of State of the Interior of the Independent State of the Congo, on behalf of the Government of the Independent State of the Congo, duly authorised by their respective Governments, have agreed as follows :

His Majesty the King of the Belgians, Sovereign of the Independent State of the Congo, having recognised the British sphere of influence, as laid down in the Anglo-German Agreement of the 1st July, 1890, Great Britain undertakes to give to His Majesty a lease of territories in the western basin of the Nile, under the conditions specified in the following Articles :

The frontier between the Independent Congo State and the British sphere to the north of the Zambesi shall follow a line running direct from the extremity of Cape Akalunga on Lake Tanganika, situated at the northernmost point of Cameron Bay at about $8^{\circ} 15'$ south latitude, to the right bank of the River Luapula, where this river issues from Lake Moero. The line shall then be drawn directly to the entrance of the river into the lake, being, however, deflected towards the south of the lake so as to give the Island of Kilwa to Great Britain. It shall then follow the "thalweg" of the Luapula up to its issue from Lake Bangweolo. Thence it shall run southwards along the meridian of longitude of the point where the river leaves the lake to the watershed between the Congo and Zambesi, which it shall follow until it reaches the Portuguese frontier.

AGREEMENT between the British and German Governments, respecting Africa and Heligoland.—Berlin, July 1, 1890.

[See Section VIII (B.), Article II.]

EAST.

*NOTIFICATION of 14th May, 1891.**

[See (V.), page 348.]

TREATY between Great Britain and Portugal, defining the Spheres of Influence of the two countries in Africa.—Lisbon, June 11, 1891.

[See Section I (L.), Article II; page 43.]

(Y.)—*INTERNATIONAL AWARD as to interpretation of Article II of the Treaty of June, 1891.†*

[Extract from Government Notice (British South Africa Company) No. 119 of 1897.]

Secretary's Office, Salisbury,
27th July, 1897.

I. As regards the first section of the frontier in dispute, according to the designation used in the Joint Note of Reference ("Compromis") the line on leaving the point where latitude $18^{\circ} 30'$ intersects longitude 33° east of Greenwich runs due west to a point situated at the intersection of $18^{\circ} 30'$

* Published in the *London Gazette*, 15th May, 1891.

† A Joint Declaration defining the matter of controversy was signed and published in London on 7th J anuary, 1895. For correspondence and Map see *Parliamentary Paper, Africa, No. 3* (1897).

by a straight line drawn from the stone pinnacle on the crest of Mahemasemika (or Massimique) and a height on the northern spur of Mount Panga marked 6,340 feet. From this point of intersection of the parallel of latitude it ascends in a straight line to the above mentioned point marked 6,340 feet; then after following the watershed to the point marked 6,504 feet, it runs in a straight line to the summit of Mount Panga (6,970 feet). From this point it runs in a straight line to the point marked 3,890 feet, and thence it runs also in a straight line crossing the River Inyamkarara (or Inhamucarara) to the point marked 6,740 feet, situated to the north of Mount Gorongoe. After this it follows the watershed, passing through the point marked 4,960 feet, and 4,650 feet, till it reaches the summit of Mount Shuara, or Chuara (5,540 feet), and then following the watershed between the Inyamkarara and the Shimezi (or Chimeza, 3,700 feet) reaches the trigonometrical point marked on Mount Venga or Vengo, 5,550 feet. From Mount Venga it follows the watershed between the upper valley of the Inyamkarara and the Revue, and subsequently that between the Revue and the Odzi, as far as the point at which the spur branches off which forms the watershed between the Menini (or Munene) and the Zombi (or Zombe), whence it follows the crest of this spur to Mount Vumba (4,950 feet). From Mount Vumba it runs in a straight line to the trigonometrical point situated on the Serra Chaura between four and five kilom. east of the main watershed, and thence in a straight line to a point situated at the eastern extremity of Serra Inyamatumba (4,650 feet). From there it follows the watershed, which encloses on the north the valley of the Mangwingi (or Munhinga) till it rejoins the main watershed between the Save and Revue. It follows this watershed to the point where the small spur branches off, which encloses on the north the upper valley of the little Mussapa (or Mussapa Pegueno) and runs along the crest of this spur to the point marked 5,100 feet, whence it runs due east, crossing the little Massapa, and reaching the crest of the eastern slope of Mount Gazane, which it follows till it meets the meridian of longitude 33° east of Greenwich, after this it follows this meridian, crossing the Great Mussapa (defile of Chimanimani) till it reaches the point marked A on the map hereto annexed.

II. As regards the second section of the frontier, which is comprised between the end of the preceding section and the point where the upper part of the eastern slope of the plateau cuts longitude $32^{\circ} 30'$ east of Greenwich the boundary follows the line shown on the map hereto annexed, by the letters A.B.C.D.E.F.G.H.I.J.K.L.M.N.O., meeting the meridian $32^{\circ} 30'$ at about latitude $20^{\circ} 42' 17''$.

III. As to the third section, which concerns the territory which extends from the intersection of the edge of the eastern slope by $32^{\circ} 30'$ in latitude about $20^{\circ} 42' 17''$ to the point at which the Rivers Save and Lunde meet, the line following the aforesaid meridian $32^{\circ} 30'$ runs in a straight line to the centre of the main channel of the Save, and then ascends this channel to its confluence with the Lunde, where the frontier submitted to our arbitration comes to an end.

The map referred to may be seen at the offices of all the Company's Civil Commissioners and at the Surveyor-General's Office, Salisbury.

By command of His Honour the Administrator.

JAS. ROBERTSON, Acting Under Secretary.

Nyassaland.

(V.)—*NOTIFICATION. British Protectorate over Nyassaland Districts.*

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AGREEMENT between the British and German Governments, respecting Africa and Heligoland.—Berlin, July 1, 1890.

[See Section VIII (B.), Article I.]

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[See Section I (L.), Article I; page 43.]

Orange Free State.

(W.)—*ORDER IN COUNCIL, ordering Letters Patent to be issued, revoking the Letters Patent of the 22nd March, 1851,* and constituting the Orange River Territory to be a distinct Government.—London, January 30, 1854.*

At the Court at Buckingham Palace, the 30th day of January, 1854.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas there was this day read at the board a letter from the Most Noble the Duke of Newcastle, one of Her Majesty's Principal Secretaries of State, to the Lord President of the Council, transmitting a draft of letters patent revoking Her Majesty's letters patent of the 22nd March, 1851, constituting the Orange River Territories to be a distinct Government. Her Majesty having taken the same into consideration, was pleased, by and with the advice of her Privy Council, to approve thereof and to order, as it is hereby ordered, that the Most Noble the Duke of Newcastle, one of Her Majesty's Principal Secretaries of State, do cause a warrant to be prepared for Her Majesty's royal signature for passing letters patent conformable to the said draft (which is herewith annexed) under the great seal of Great Britain.

C. C. GREVILLE.

* See Hertslet's *State Papers*, Vol. LIV. Page 1115.

Draft of Letters Patent under the Great Seal for revoking the Letters Patent of 22nd March, 1851, constituting the Orange River Territories a distinct Government.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to all to whom these presents shall come, greeting:

Whereas we did by certain letters patent under the great seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster, the 22nd day of March, 1851, in the 14th year of our reign, ordain and appoint that the territories north of the Great Orange River, including the countries of Moshesh, Moroko, Moletsani, Sinkonayala, Adam Kok, Gert Taaybosch, and of other minor Chiefs, so far north as to the Vaal River, and east to the Drakensberg or Quathlamba mountains, should thenceforth become and be constituted a distinct and separate Government, to be administered in our name and on our behalf by our Governor and Commander-in-chief for the time being in and over our settlement of the Cape of Good Hope in South Africa, as upon relation being had to the said recited letters patent will more fully and at large appear.

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[See Section I (A.), Article I; page 2.]

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MEMORANDUM OF AGREEMENT between the Right Honourable the Earl of Carnarvon and His Honour President Brand.—July 13, 1876.

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Rhodesia.

NORTH.

(X.)—*AGREEMENT between Great Britain and His Majesty King Leopold II, Sovereign of the Independent State of the Congo, relating to the Spheres of Influence of Great Britain and the Independent State of the Congo in East and Central Africa.—Signed at Brussels, 12th May, 1894.**

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* Parliamentary Paper, Treaty Series No. 15 (1894).

Government, and M. van Eetvelde, Officer of the Order of Leopold, Grand Cross of the Orders of St. Gregory the Great, of Christ of Portugal, and of the African Redemption, &c., Secretary of State of the Interior of the Independent State of the Congo, on behalf of the Government of the Independent State of the Congo, duly authorised by their respective Governments, have agreed as follows :

His Majesty the King of the Belgians, Sovereign of the Independent State of the Congo, having recognised the British sphere of influence, as laid down in the Anglo-German Agreement of the 1st July, 1890, Great Britain undertakes to give to His Majesty a lease of territories in the western basin of the Nile, under the conditions specified in the following Articles :

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AGREEMENT between the British and German Governments, respecting Africa and Heligoland.—Berlin, July 1, 1890.

[See Section VIII (B.), Article II.]

EAST.

*NOTIFICATION of 14th May, 1891.**

[See (V.), page 348.]

TREATY between Great Britain and Portugal, defining the Spheres of Influence of the two countries in Africa.—Lisbon, June 11, 1891.

[See Section I (L.), Article II; page 43.]

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by a straight line drawn from the stone pinnacle on the crest of Mahemasemika (or Massimique) and a height on the northern spur of Mount Panga marked 6,340 feet. From this point of intersection of the parallel of latitude it ascends in a straight line to the above mentioned point marked 6,340 feet; then after following the watershed to the point marked 6,504 feet, it runs in a straight line to the summit of Mount Panga (6,970 feet). From this point it runs in a straight line to the point marked 3,890 feet, and thence it runs also in a straight line crossing the River Inyamkarara (or Inhamucarara) to the point marked 6,740 feet, situated to the north of Mount Gorongoe. After this it follows the watershed, passing through the point marked 4,960 feet, and 4,650 feet, till it reaches the summit of Mount Shuara, or Chuara (5,540 feet), and then following the watershed between the Inyamkarara and the Shimezi (or Chimeza, 3,700 feet) reaches the trigonometrical point marked on Mount Venga or Vengo, 5,550 feet. From Mount Venga it follows the watershed between the upper valley of the Inyamkarara and the Revue, and subsequently that between the Revue and the Odzi, as far as the point at which the spur branches off which forms the watershed between the Menini (or Munene) and the Zombi (or Zombe), whence it follows the crest of this spur to Mount Vumba (4,950 feet). From Mount Vumba it runs in a straight line to the trigonometrical point situated on the Serra Chaura between four and five kilom. east of the main watershed, and thence in a straight line to a point situated at the eastern extremity of Serra Inyamatumba (4,650 feet). From there it follows the watershed, which encloses on the north the valley of the Mangwingi (or Munhinga) till it rejoins the main watershed between the Save and Revue. It follows this watershed to the point where the small spur branches off, which encloses on the north the upper valley of the little Mussapa (or Mussapa Pegueno) and runs along the crest of this spur to the point marked 5,100 feet, whence it runs due east, crossing the little Massapa, and reaching the crest of the eastern slope of Mount Gazane, which it follows till it meets the meridian of longitude 33° east of Greenwich, after this it follows this meridian, crossing the Great Mussapa (defile of Chimanimani) till it reaches the point marked A on the map hereto annexed.

II. As regards the second section of the frontier, which is comprised between the end of the preceding section and the point where the upper part of the eastern slope of the plateau cuts longitude $32^{\circ} 30'$ east of Greenwich the boundary follows the line shown on the map hereto annexed, by the letters A.B.C.D.E.F.G.H.I.J.K.L.M.N.O., meeting the meridian $32^{\circ} 30'$ at about latitude $20^{\circ} 42' 17''$.

III. As to the third section, which concerns the territory which extends from the intersection of the edge of the eastern slope by $32^{\circ} 30'$ in latitude about $20^{\circ} 42' 17''$ to the point at which the Rivers Save and Lunde meet, the line following the aforesaid meridian $32^{\circ} 30'$ runs in a straight line to the centre of the main channel of the Save, and then ascends this channel to its confluence with the Lunde, where the frontier submitted to our arbitration comes to an end.

The map referred to may be seen at the offices of all the Company's Civil Commissioners and at the Surveyor-General's Office, Salisbury.

By command of His Honour the Administrator.

JAS. ROBERTSON, Acting Under Secretary.

SOUTH-EAST.

CONVENTION between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the South African Republic.—London, February 27, 1884.

[See Section I (F.), Article I; page 23.]

SOUTH.

See *Bechuanaland Protectorate*.

SOUTH-WEST.

AGREEMENT between the British and German Governments, respecting Africa and Heligoland.—Berlin, July 1, 1890.

[See Section VIII (B.), Article III.]

NORTH-WEST.

TREATY between Great Britain and Portugal defining the Spheres of Influence of the two Countries in Africa.—Lisbon, June 11, 1891.

[See Section I (L.), Article IV; page 44.]

See Section VII (A.), § 1; (B.) § 2; (D.) § 4.

South African Republic.

CONVENTION between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the South African Republic.—London, February 27, 1884.

[See Section I (F.), Article I; page 23.]

NORTH-EAST.

(Z.) *TREATY of Friendship, Commerce, and Boundaries between Portugal and the Transvaal Republic.—Pretoria, July 29, 1869.**

See (Q.), Article XXIII, § 2.

SOUTH-EAST.

CONVENTION between Great Britain and the South African Republic, defining the new Boundary, and providing for the Renunciation on behalf of the New Republic of claim to exercise a Protectorate over Zululand, &c.—Pretoria, June 11, 1888; Cape Town, June 20, 1888.

[See Section I (H.), Article II; page 37.]

SOUTH-WEST.†

AWARD of the Referee appointed by the President of the Orange Free State, under Article II of the Convention between Great Britain and the South African Republic of February 27, 1884.—Kunana, August 5, 1885.

[See (L.); page 331.]

* For continued validity of this clause alone, see Section I (C.), Article XXI; page 13 *supra*.

† For a detailed account of the history of the Western boundary see Memorandum of Transvaal Deputation, 1883, *Bluebook C.*—3947 (1884), page 12.

Swaziland.

CONVENTION between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the South African Republic.—London, February 27, 1884.

[See Section I (*F.*), Article I; page 23.]

CONVENTION between Great Britain and the South African Republic for the settlement of the affairs of Swaziland.—Near Charlestown and Volksrust, December 10, 1894.

[See Section I (*M.*), Article XIII; page 51.]

NOTE.

The Territory of the Little Free State has not been delimited. A sketch map will be found in Bluebook C.—6200.

The Territory is thus described :

Sir Hercules Robinson to Lord Knutsford. (Cape Town, November 21, 1888).

[EXTRACT.]

The Territory called the Little Free State is a tract of about 50,000 acres in the western part of Swaziland, alleged to have been granted to Ferreira and Maritz in freehold, about 15 years ago, by the Swazie King.

Komati Observer, November, 1888.

Those who are watching the various phases of Swaziland affairs will learn with considerable surprise that King Umbandine has signed a document by which Mr. Gert Ferreira is authorised to offer the border strip of territory, known as the Little Free State, to the Transvaal Government. The strip of territory known as the Little Free State comprises, we believe, about 10 farms of 5,000 acres each, and was granted, some 15 years ago, to Auchim Ferreira and Ignas Maritz, in freehold, for the sum of £500, or the equivalent.

Walfish Bay.

(A.A.)—*PROCLAMATION by Richard Cossantine Dyer, Esquire, Staff-Commander in command of Her Majesty's ship "Industry," at present lying at anchor off the Port or Settlement of Walfish Bay.**

Whereas it is expedient that the Port or Settlement of Walfish Bay, together with a certain portion of the territory surrounding the same, shall be taken possession of on behalf of Her Britannic Majesty Queen Victoria, and, subject to the pleasure of Her Majesty in that behalf, be declared a Dependency of the United Kingdom of Great Britain and Ireland: Now, therefore, I, Richard Cossantine Dyer, the officer in command of Her Majesty's ship *Industry*, at present lying at anchor off the said settlement, do, in the name of Her said Britannic Majesty, Queen Victoria, take possession of the said port or settlement of Walfish Bay, together with the territory hereinafter described and defined, in token whereof I have this day hoisted the British flag over the said port, settlement, and territory, and I do proclaim, declare, and make known that the sovereignty and dominion of Her said Britannic Majesty shall be and the same are hereby declared over the said port, settlement, and territory of Walfish Bay; and I do further proclaim, declare, and make known that the said territory of Walfish Bay

* Confirmed by Letters Patent, 14th December, 1878.

* See Hertlet's *Commercial Treaties*, Vol. XVII, page 23.

so taken possession of by me as aforesaid shall be bounded as follows: that is to say, on the south by a line from a point on the coast 15 miles south of Pelican Point to Scheppmansdorp; on the east by a line from Scheppmansdorp to the Rooibank, including the Plateau, and thence to 10 miles inland from the mouth of the Swakop River; on the north by the last 10 miles of the course of the said Swakop River.

This Proclamation of Her Majesty's sovereignty and dominion shall take effect forthwith, but shall be subject to Her Majesty's gracious confirmation and disallowance.

GOD SAVE THE QUEEN!

Given under my hand and seal at Walfisch Bay, this 12th day of March, 1878.

RICHARD C. DYER,
Staff-Commander in command

AGREEMENT between the British and German Governments respecting Africa and Heligoland.—Berlin, July 1, 1890.

See Section VIII (B.), Article III.

NOTE.

Annexed to Cape Colony by Act (Cape of Good Hope) No. 35 of 1884.

Annexation proclaimed in the Cape of Good Hope Government Gazette, 7th August, 1884: "Within the boundaries described in the Proclamation of 12th March, 1878."

British flag hoisted 18th December, 1884.

Zululand.

NORTH.

(B.B.)—*NOTIFICATION of the inclusion within the boundaries of Zululand of the Territories of the Chiefs Deamana (Umcamanu) and Sibonda.—Pietermaritzburg, December 9, 1888.*

[ZULULAND, No. 32, 1888.]

GOVERNMENT NOTICE.*

It is hereby notified, for general information, that whereas, in the Proclamation issued on the 14th of May, 1887, under the hand and seal of the Governor of Natal, then Her Majesty's Special Commissioner for Zulu affairs, and now Governor of Zululand, it is declared and made known that Zululand shall be and shall be taken to be, a British Possession from and after the 19th May, 1887, and whereas the tribes now under the Chiefs Deamana (Umcamana) and Sibonda, and the lands conquered by them have for many years been under the Zulu Kings and Chiefs, and, therefore, formed part of the Zulu Sovereignty now under Her Majesty's Sovereignty.

The territories occupied by those Chiefs, and by their people are included within the boundaries of Her Majesty's territory of Zululand.

Sibonda's territory thus included in Zululand lies on the north side of the Umkuzi River, extends 45 miles, more or less, in a northerly direction along the coast from St. Lucia Bay, or Lake, towards the southern limits of Tongaland, and comprises the locality known as Sordwana Point, together with the lands and waters adjacent thereto.

* Natal Government Gazette, December 11, 1888.

Deamana's (Umcamana's) territory, thus included in Her Majesty's territory of Zululand, adjoins Sibonda's territory on the south-west, and extends 10 miles, more or less, in a northerly direction beyond the Umkuzi River, towards the southern limit of Tongaland.*

By His Excellency's Command,

GERALD BROWN, *Secretary for Zululand.*

Government House,
Pietermaritzburg, Natal,
December 9th, 1888.

(C.C.)—*PROCLAMATION. British Sovereignty over Territories of certain Native Chiefs in Zululand (Amatongaland, Maputaland, or Tembeland).—23rd April, 1895.*

PROCLAMATION in the name of Her Most Gracious Majesty, Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, &c.

Whereas it is expedient that the territories bounded on the south and east by the Pongola River, on the north by the Maputa or Usutu River, and on the west by Swaziland and the South African Republic, being the territories of the Native Chiefs Umbegeza, Mdhlaleni, Sambane or Zambaan, and of other Native Chiefs therein residing, should be added to the dominions of Her Majesty Queen Victoria:

And whereas Her Majesty has been pleased to authorize me to take the necessary steps for giving effect to her pleasure in the matter:

Now, therefore, I, Walter Francis Hely-Hutchinson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of the Territory of Zululand, do hereby, by command of Her Most Gracious Majesty Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, &c., conveyed to me through Her Principal Secretary of State for the Colonies, proclaim and declare to all men that the full Sovereignty of the territories bounded on the south and east by the Pongola River, on the north by the Maputa or Usutu River, and on the west by Swaziland and the South African Republic, is vested in Her Most Gracious Majesty, Queen Victoria, Her heirs and successors for ever.

GOD SAVE THE QUEEN!

Given under my hand and seal at Pietermaritzburg, Natal, this 23rd day of April, 1895.

By command of His Excellency the Governor of Zululand,

H. M. TABERER,
Secretary for Zululand.

(D.D.)—*NOTIFICATION. British Protectorate over part of Amatongaland (Maputaland or Tembeland).—Natal, 11th June, 1895.*

[See (B), page 323.]

* See Hertlet's *Commercial Treaties*, Vol. XVIII, p. 789.

EAST.

ARRANGEMENT between Great Britain and Germany, relative to their respective Spheres of Action in portions of Africa.—April 29, June 16, 1885.

[See Section VIII (A.)]

SOUTH.

ORDER IN COUNCIL defining the Boundaries of the Colony of Natal.—London, February 3, 1858.

[See (R.) page 345.]

WEST.

CONVENTION between Great Britain and the South African Republic defining the new Boundary, &c.

[See Section I (H.), Article 1; page 37.]

NOTE.

The northern boundary between Zululand and Amatongaland has been only approximately delimited. A sketch map is given in Bluebook C.—6200. The line is described in the following correspondence:—

(1.)—*Sir C. B. H. Mitchell to Lord Knutsford. (Received October 14, 1889.)*

[EXTRACT.]

On the whole I incline to the opinion that the limit of Zululand should be proclaimed as including the territories of these two chiefs, Zambane and Mbegeza, and that the line should be taken as north from the Pongolo along the watershed of the Lebombo mountains until it meets the Usutu river, thence by the course of this river eastward to its junction with the Pongolo, thence southward along the Pongolo to the northern boundary of Umginti, then eastward to the sea along the northern limit of the territories of the chiefs Fagoti, Umcamana, and Sibonda.

(2.)—*C. R. Saunders to Resident Commissioner. (Eshowe, September 21, 1889.)*

[EXTRACT.]

They admitted also that, up to the time of Usibebu's overthrow by the Boers, the northern boundary of the district occupied by the tribes of Sibonda, Ncamana, and Manaba, was as follows:—

From a gap between the Sandu and Ngomane hills, on the coast, to a point of Lake Sibai, which is the nearest point at which that lake approaches the sea, and about two miles wide; thence along the northern bank of the lake to where a small stream bearing no name joins that lake; thence to an eminence between two bushes, where there is an open space or gap known as Sidhlagadhla, in a north-westerly direction to another prominence named Ingadu; from thence along the border of the district occupied by the headman, Mapotsho, who is one of the Maputa. They admitted having encroached upon Ncamana's district since Sibebu's defeat in 1884, their only reason for doing so being that Tshaka at one time allowed them to locate a few kraals there. Their reason for occupying Manaba's district, they stated, was that Ndabuko and Dinuzulu had given them permission to do so after his defeat by Sambana, after Usibebu's overthrow, and that the Pelandaba military kraal had only been erected since 1886; they admitted having always konzad to the Zulus, and it was in consideration of this that Ndabuko and Dinuzulu had

allowed them to occupy Manaba's district. Kraals belonging to the Maputs are scattered throughout this district, and the remnants of Manaba's tribe who remained in it were forced to become Tonga subjects.

The Indunas admitted that, as Zulu tributaries, the English Government, after the Zulu war, had a perfect right to have taken over the whole of their country as a British possession.

The next morning I proceeded to define the boundary crossing the Imseli stream, where I met the Tonga Indunas. I defined the boundary so as to include the whole of the districts occupied by the five Chiefs, Sibonda, Ncamana, Fogoti, Mjindi, and the late Manaba, the northern boundaries of which tribes are stated above.

The points mentioned form a well-defined boundary, and on the Siglhagadhla and Ingatu prominences I erected beacons.

From the Ingatu the boundary line runs almost due east to west, in a straight line with the Umgwavuma gap to the Pongola river; the distance between the various points are approximately as follows:—

From the coast to the point of Lake Sibai, about two miles; from thence to the next point where the stream runs into Lake Sibai, about 10 miles; from thence to the Sidhagadhla, about seven miles; from thence to the Pongola, about 25 miles. I might here mention that the only means I had of calculating the various distances was by the time it occupied travelling there. I think, however, they will be found to be approximately correct.

With reference to the tribes of Sambana and Mbigiza they should be included in Zululand, as they are undoubtedly Zulu subjects, and do not wish to be under the Boer rule. They would have British protection and submit willingly to any laws enforced. Should it be decided to include this district in Zululand, a well defined boundary might be defined, as follows:—

From the Pongola Poort, along the western slopes of the Bomba, or Swaziland, to the Usutu or Maputa river, along the Maputa river to its junction with the Pongola, and along that river to the point where the boundary line as defined by me touches it.

(3.)—*Lord Knutsford to Sir C. B. H. Mitchell. (Downing Street, January 10, 1890.)*

[EXTRACT.]

I am of opinion that no delay need take place in proclaiming the territories of the Chiefs Fokoti, Umgindi, and the late Manaba to be part of Zululand, as was done in the case of Sibonda and Ncamana, and in this opinion I may say that both Sir Hercules Robinson and Sir Arthur Havelock concur. It will perhaps be better to defer any precise definition of the northern boundaries of these Chiefs' territories, for, although there can be little doubt that the boundary line beacons out by Mr. Saunders in presence of Zambili's envoys is a true one, the sketch maps which accompanied your Despatch of the 25th September, as well as that which accompanied your former despatch of the 17th September, are obviously not to be relied upon, and there does not seem to be material for a satisfactory description of the line. I request that you will take the first opportunity that offers of determining the chief points of Mr. Saunders' line in such a manner as to permit of their true position being noted on the maps.

SECTION VII.—CHARTERED COMPANIES.

(A.)—*CHARTER of the British South Africa Company.—29th October, 1889.*

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

To all to whom these presents shall come, Greeting.

Whereas a Humble Petition has been presented to Us in Our Council by the Most Noble James, Duke of Abercorn, Companion of the Most Honourable Order of the Bath; the Most Noble Alexander William George Duke of Fife, Knight of the Most Ancient and Most Noble Order of the Thistle, Privy Councillor; the Right Honourable Edric Frederick Lord Gifford, V.C.; Cecil John Rhodes, of Kimberley, in the Cape Colony, Member of the Executive Council and of the House of Assembly of the Colony of the Cape of Good Hope; Alfred Beit, of 29, Holborn Viaduct, London, Merchant; Albert Henry George Grey, of Howick, Northumberland, Esquire; and George Cawston, of 18, Lennox Gardens, London, Esquire, Barrister-at-Law.

And whereas the said Petition states amongst other things:—

That the Petitioners and others are associated for the purpose of forming a Company or Association, to be incorporated, if to Us should seem fit, for the objects in the said Petition set forth, under the corporate name of The British South Africa Company.

That the existence of a powerful British Company, controlled by those of Our subjects in whom We have confidence, and having its principal field of operations in that region of South Africa lying to the North of Bechuanaland and to the west of Portuguese East Africa, would be advantageous to the commercial and other interests of Our subjects in the United Kingdom and in Our Colonies.

That the Petitioners desire to carry into effect divers concessions and agreements which have been made by certain of the chiefs and tribes inhabiting the said region, and such other concessions agreements grants and treaties as the Petitioners may hereafter obtain within the said region or elsewhere in Africa, with the view of promoting trade commerce civilization and good government (including the regulation of liquor traffic with the natives) in the territories which are or may be comprised or referred to in such concessions agreements grants and treaties as aforesaid.

That the Petitioners believe that if the said concessions agreements grants and treaties can be carried into effect, the condition of the natives inhabiting the said territories will be materially improved and their civilization advanced, and an organization established which will tend to the suppression of the slave trade in the said territories, and to the opening up of the said territories to the immigration of Europeans, and to the lawful trade and commerce of Our subjects and of other nations.

That the success of the enterprise in which the Petitioners are engaged would be greatly advanced if it should seem fit to Us to grant them Our Royal Charter of incorporation as a British Company under the said name or title, or such other name or title, and with such powers, as to Us may seem fit for the purpose of more effectually carrying into effect the objects aforesaid.

That large sums of money have been subscribed for the purposes of the intended Company by the Petitioners and others, who are prepared also to subscribe or to procure such further sums as may hereafter be found requisite for the development of the said enterprise, in the event of Our being pleased to grant to them Our Royal Charter of incorporation as aforesaid.

Now therefore We, having taken the said Petition into Our Royal consideration in Our Council and being satisfied that the intentions of the Petitioners are praiseworthy and deserve encouragement and that the enterprise in the Petition described may be productive of the benefits set forth therein, by Our Prerogative Royal and of Our especial grace certain knowledge and mere motion, have constituted erected and incorporated and by this Our Charter for Us and Our Heirs and Royal successors do constitute erect and incorporate into one body politic and corporate by the name of The British South Africa Company, the said James Duke of Abercorn, Alexander William George Duke of Fife, Edric Frederick Lord Gifford, Cecil John Rhodes, Alfred Beit, Albert Henry George Grey and George Cawston, and such other persons and such bodies as from time to time become and are members of the body politic and corporate by these presents constituted erected and incorporated, with perpetual succession and a common seal, with power to break alter or renew the same at discretion and with the further authorities powers and privileges conferred, and subject to the conditions imposed by this Our Charter: And We do hereby accordingly will ordain give grant constitute appoint and declare as follows (that is to say):—

I. The principal field of the operations of the British South Africa Company (in this Our Charter referred to as "the Company") shall be the region of South Africa lying immediately to the north of British Bechuanaland and to the north and west of the South African Republic and to the west of the Portuguese Dominions.

II. The Company is hereby authorized and empowered to hold, use and retain for the purposes of the Company and on the terms of this Our Charter, the full benefit of the concessions and agreements made as aforesaid, so far as they are valid, or any of them, and all interest, authorities and powers comprised or referred to in the said concessions and agreements. Provided always that nothing herein contained shall prejudice or affect any other valid and subsisting concessions or agreements which may have been made by any of the chiefs or tribes aforesaid, and in particular nothing herein contained shall prejudice or affect certain concessions granted in and subsequent to the year 1880 relating to the territory usually known as the district of the Tati; nor shall anything herein contained be construed as giving any jurisdiction, administrative or otherwise, within the said district of the Tati, the limits of which district are as follows, viz., from the place where the Shasi River rises to its junction with the Tati and Ramaquaban Rivers, thence along the Ramaquaban River to where it rises and thence along the watershed of those Rivers.

III. The Company is hereby further authorised and empowered, subject to the approval of one of Our Principal Secretaries of State (herein referred to as "Our Secretary of State") from time to time, to acquire by any concession agreement grant or treaty, all or any rights interests authorities jurisdictions and powers of any kind or nature whatever, including powers necessary for the purposes of government and the preservation of public order in or for the protection of territories, lands, or property comprised or referred to in the concessions and agreements made as aforesaid or affecting other territories, lands, or property in Africa, or the inhabitants thereof, and to hold, use and exercise such territories, lands, property, rights, interests,

authorities, jurisdictions and powers respectively for the purpose of the Company, and on the terms of this Our Charter.

IV. Provided that no powers of government or administration shall be exercised under or in relation to any such last-mentioned concession agreement grant or treaty, until a copy of such concession agreement grant or treaty, in such form and with such maps or particulars as Our Secretary of State approves verified as he requires, has been transmitted to him, and he has signified his approval thereof either absolutely or subject to any conditions or reservations; and provided also that no rights, interests, authorities, jurisdictions or powers of any description shall be acquired by the Company within the said district of the Tati as hereinbefore described, without the previous consent in writing of the owners for the time being of the concessions above referred to relating to the said district, and the approval of Our Secretary of State.

V. The Company shall be bound by and shall fulfil all and singular the stipulations on its part contained in any such concession agreement grant or treaty as aforesaid, subject to any subsequent agreement affecting those stipulations approved by Our Secretary of State.

VI. The Company shall always be and remain British in character and domicile, and shall have its principal office in Great Britain, and the Company's principal representative in South Africa and the Directors shall always be natural born British subjects, or persons who have been naturalized as British subjects by or under an Act of Parliament of Our United Kingdom; but this Article shall not disqualify any person nominated a Director by this Our Charter, or any person whose Election as a Director shall have been approved by Our Secretary of State, from acting in that capacity.

VII. In case at any time any difference arises between any chief or tribe inhabiting any of the territories aforesaid and the Company, that difference shall, if our Secretary of State so require, be submitted by the Company to him for his decision, and the Company shall act in accordance with such decision.

VIII. If at any time Our Secretary of State thinks fit to dissent from or object to any of the dealings of the Company with any foreign power and to make known to the Company any suggestion founded on that dissent or objection, the Company shall act in accordance with such suggestion.

IX. If at any time Our Secretary of State thinks fit to object to the exercise by the Company of any authority, power, or right within any part of the territories aforesaid, on the ground of there being an adverse claim to or in respect of that part, the Company shall defer to that objection until such time as any such claim has been withdrawn or finally dealt with or settled by Our Secretary of State.

X. The Company shall to the best of its ability preserve peace and order in such ways and manners as it shall consider necessary, and may with that object make ordinances (to be approved by Our Secretary of State) and may establish and maintain a force of police.

XI. The Company shall to the best of its ability discourage and, so far as may be practicable, abolish by degrees, any system of slave trade or domestic servitude in the territories aforesaid.

XII. The Company shall regulate the traffic in spirits and other intoxicating liquors within the territories aforesaid, so as, as far as practicable, to prevent the sale of any spirits or other intoxicating liquor to any natives.

XIII. The Company as such, or its officers as such, shall not in any way interfere with the religion of any class or tribe of the peoples of the territories aforesaid or of any of the inhabitants thereof, except so far as may be necessary in the interests of humanity, and all forms of religious worship or religious ordinances may be exercised within the said territories and no hindrance shall be offered thereto except as aforesaid.

XIV. In the administration of justice to the said peoples or inhabitants, careful regard shall always be had to the customs and laws of the class or tribe or nation to which the parties respectively belong, especially with respect to the holding, possession, transfer and disposition of lands and goods and testate or intestate succession thereto, and marriage divorce and legitimacy and other rights of property and personal rights, but subject to any British laws which may be in force in any of the territories aforesaid, and applicable to the peoples or inhabitants thereof.

XV. If at any time our Secretary of State thinks fit to dissent from or object to any part of the proceedings or system of the Company relative to the peoples of the territories aforesaid or to any of the inhabitants thereof, in respect of slavery or religion or the administration of justice, or any other matter, he shall make known to the Company his dissent or objection, and the Company shall act in accordance with his directions duly signified.

XVI. In the event of the Company acquiring any harbour or harbours, the Company shall freely afford all facilities for or to Our ships therein without payment, except reasonable charges for work done or services rendered or materials or things supplied.

XVII. The Company shall furnish annually to Our Secretary of State, as soon as conveniently may be after the close of the financial year, accounts of its expenditure for administrative purposes, and of all sums received by it by way of public revenue, as distinguished from its commercial profits, during the financial year, together with a report as to its public proceedings and the condition of the territories within the sphere of its operations. The Company shall also on or before the commencement of each financial year furnish to Our Secretary of State an estimate of its expenditure for administrative purposes, and of its public revenue (as above defined) for the ensuing year. The Company shall in addition from time to time furnish to Our Secretary of State any reports, accounts or information with which he may require to be furnished.

XVIII. The several officers of the Company shall, subject to the rules of official subordination, and to any regulations that may be agreed upon, communicate freely with Our High Commissioner in South Africa, and any others Our officers, who may be stationed within any of the territories aforesaid, and shall pay due regard to any requirements, suggestions or requests which the said High Commissioner or other officers shall make to them or any of them, and the Company shall be bound to enforce the observance of this article.

XIX. The Company may hoist and use on its buildings and elsewhere in the territories aforesaid, and on its vessels, such distinctive flag indicating the British character of the Company as Our Secretary of State and the Lords Commissioners of the Admiralty shall from time to time approve.

XX. Nothing in this Our Charter shall be deemed to authorise the Company to set up or grant any monopoly of trade; provided that the establishment of or the grant of concessions for banks, railways, tramways, docks, telegraphs, waterworks, or other similar undertakings or the establishment of any system of patent or copyright approved by Our Secretary of State, shall not be deemed monopolies for this purpose. The Company shall

not, either directly or indirectly, hinder any Company or persons who now are, or hereafter may be, lawfully and peaceably carrying on any business, concern, or venture within the said District of the Tati hereinbefore described, but shall, by permitting and facilitating transit by every lawful means to and from the District of the Tati, across its own territories, or where it has jurisdiction in that behalf, and by all other reasonable and lawful means, encourage, assist and protect all British subjects who now are, or hereafter may be, lawfully and peaceably engaged in the prosecution of a lawful enterprise within the said District of the Tati.

XXI. For the preservation of elephants and other game, the Company may make such regulations and (notwithstanding anything hereinbefore contained) may impose such licence duties on the killing or taking of elephants or other game as they may see fit: Provided that nothing in such regulations shall extend to diminish or interfere with any hunting rights which may have been or may hereafter be reserved to any native chiefs or tribes by treaty, save so far as any such regulations may relate to the establishment and enforcement of a close season.

XXII. The Company shall be subject to and shall perform and undertake all the obligations contained in or undertaken by Ourselves under any treaty agreement or arrangement between Ourselves and any other State or Power whether already made or hereafter to be made. In all matters relating to the observance of this Article or to the exercise within the Company's territories for the time being of any jurisdiction exercisable by Us under the Foreign Jurisdiction Acts, the Company shall conform to and observe and carry out all such directions as may from time to time be given in that behalf by Our Secretary of State, and the Company shall appoint all necessary officers to perform such duties, and shall provide such Courts and other requisites as may from time to time be necessary for the administration of justice.

XXIII. The original share capital of the Company shall be £1,000,000 divided into 1,000,000 shares of £1 each.

XXIV. The Company is hereby further specially authorised and empowered for the purposes of this Our Charter from time to time—

- (i) To issue shares of different classes or descriptions, to increase the share capital of the Company, and to borrow moneys by debentures or other obligations.
- (ii) To acquire and hold, and to charter or otherwise deal with steam vessels and other vessels.
- (iii) To establish or authorise banking companies and other companies and undertakings or associations of every description, for purposes consistent with the provisions of this Our Charter.
- (iv) To make and maintain roads, railways, telegraphs, harbours, and any other works which may tend to the development or improvement of the territories of the Company.
- (v) To carry on mining and other industries, and to make concessions of mining forestal or other rights.
- (vi) To improve, develop, clear, plant, irrigate and cultivate any lands included within the territories of the Company.
- (vii) To settle any such territories and lands as aforesaid, and to aid and promote immigration.
- (viii) To grant lands for terms of years or in perpetuity, and either absolutely, or by way of mortgage or otherwise.
- (ix) To make loans or contributions of money or money's worth, for promoting any of the objects of the Company.
- (x) To acquire and hold personal property.

- (xi) To acquire and hold (without licence in mortmain or other authority than this Our Charter) lands in the United Kingdom, not exceeding five acres in all at any one time for the purposes of the offices and business of the Company, and (subject to any local law) lands in any of Our Colonies or Possessions and elsewhere convenient for carrying on the management of the affairs of the Company, and to dispose from time to time of any such lands when not required for that purpose.
- (xii) To carry on any lawful commerce, trade, pursuit, business, operations, or dealing whatsoever in connection with the objects of the Company.
- (xiii) To establish and maintain agencies in Our Colonies and Possessions, and elsewhere.
- (xiv) To sue and be sued by the Company's name of incorporation, as well in Our Courts in Our United Kingdom, or in Our Courts in Our Colonies or Possessions, or in Our Courts in Foreign countries or elsewhere.
- (xv) To do all lawful things incidental or conducive to the exercise or enjoyment of the rights, interests, authorities and powers of the Company in this Our Charter expressed or referred to, or any of them.

XXV. Within one year after the date of this Our Charter, or such extended period as may be certified by Our Secretary of State, there shall be executed by the Members of the Company for the time being a Deed of Settlement, providing so far as necessary for—

- (i) The further definition of the objects and purposes of the Company.
- (ii) The classes or descriptions of shares into which the capital of the Company is divided, and the calls to be made in respect thereof, and the terms and conditions of membership of the Company.
- (iii) The division and distribution of profits.
- (iv) General Meetings of the Company; the appointment by Our Secretary of State (if so required by him) of an Official Director, and the number qualification appointment remuneration rotation removal and powers of Directors of the Company and of other officers of the Company.
- (v) The registration of Members of the Company, and the transfer of shares in the capital of the Company.
- (vi) The preparation of annual accounts to be submitted to the Members at a General Meeting.
- (vii) The audit of those accounts by independent auditors.
- (viii) The making of byelaws.
- (ix) The making and using of official seals of the Company.
- (x) The constitution and regulation of Committees or Local Boards of Management.
- (xi) The making and execution of supplementary deeds of settlement.
- (xii) The winding up (in case of need) of the Company's affairs.
- (xiii) The government and regulation of the Company and of its affairs.
- (xiv) Any other matters usual or proper to be provided for in respect of a chartered Company.

XXVI. The Deed of Settlement shall, before the execution thereof, be submitted to and approved by the Lords of Our Council, and a certificate of their approval thereof, signed by the Clerk of Our Council, shall be endorsed on this Our Charter and be conclusive evidence of such approval, and on the Deed of Settlement, and such Deed of Settlement shall take effect from the date of such approval, and shall be binding upon the Company, its members, officers and servants, and for all other purposes whatsoever.

XXVII. The provisions of the Deed of Settlement or of any supplementary Deed for the time being in force, may be from time to time repealed, varied or added to by a supplementary Deed, made and executed in such manner as the Deed of Settlement prescribes. Provided that the provisions of any such Deed relative to the Official Director shall not be repealed, varied or added to without the express approval of Our Secretary of State.

XXVIII. The Members of the Company shall be individually liable for the debts, contracts, engagements and liabilities of the Company to the extent only of the amount, if any, for the time being unpaid on the shares held by them respectively.

XXIX. Until such Deed of Settlement as aforesaid takes effect the said James Duke of Abercorn shall be the President; the said Alexander William George Duke of Fife, shall be Vice-President; and the said Edric Frederick Lord Gifford, Cecil John Rhodes, Alfred Beit, Albert Henry George Grey, and George Cawston, shall be the Directors of the Company; and may on behalf of the Company do all things necessary or proper to be done under this Our Charter by or on behalf of the Company: Provided always that notwithstanding anything contained in the Deed of Settlement of the Company, the said James Duke of Abercorn, Alexander William George Duke of Fife, and Albert Henry George Grey, shall not be subject to retire from office in accordance with its provisions but shall be and remain Directors of the Company until death, incapacity to act, or resignation, as the case may be.

XXX. And We do further will, ordain and declare that this Our Charter shall be acknowledged by Our Governors and Our naval and military officers and Our consuls, and Our other officers in our Colonies and Possessions, and on the high seas, and elsewhere, and they shall severally give full force and effect to this Our Charter, and shall recognise and be in all things aiding to the Company and its officers.

XXXI. And We do further will, ordain and declare that this Our Charter shall be taken construed and adjudged in the most favourable and beneficial sense for, and to the best advantage of the Company as well in Our Courts in Our United Kingdom, and in our Courts in Our Colonies or Possessions, and in Our Courts in Foreign countries or elsewhere, notwithstanding that there may appear to be in this Our Charter any non-recital, mis-recital, uncertainty or imperfection.

XXXII. And We do further will, ordain and declare that this Our Charter shall subsist and continue valid, notwithstanding any lawful change in the name of the Company or in the Deed of Settlement thereof, such change being made with the previous approval of Our Secretary of State signified under his hand.

XXXIII. And We do further will, ordain and declare that it shall be lawful for Us Our heirs and successors, and We do hereby expressly reserve to Ourselves Our heirs and successors the right and power by writing under the Great Seal of the United Kingdom at the end of 25 years from the date of this Our Charter, and at the end of every succeeding period of ten years, to add to alter or repeal any of the provisions of this Our Charter or to enact other provisions in substitution for or in addition to any of its existing provisions: Provided that the right and power thus reserved shall be exercised only in relation to so much of this Our Charter as relates to administrative and public matters. And We do further expressly reserve to Ourselves Our heirs and successors the right to take over any buildings or works belonging to the Company and used exclusively or mainly for administrative or public purposes, on payment to the Company of such reasonable compensation as may be agreed, or as failing agreement may be

settled by the Commissioners of Our Treasury. And We do further appoint, direct and declare that any such writing under the said Great Seal shall have full effect and be binding upon the Company, its members, officers and servants, and all other persons, and shall be of the same force, effect and validity as if its provisions had been part of and contained in these presents.

XXXIV. Provided always and We do further declare that nothing in this Our Charter shall be deemed or taken in anywise to limit or restrict the exercise of any of Our rights or powers with reference to the protection of any territories or with reference to the government thereof should we see fit to include the same within our dominions.

XXXV. And We do lastly will, ordain and declare without prejudice to any power to repeal this Our Charter by law belonging to Us Our heirs and successors, or to any of Our courts, ministers or officers independently of this present declaration and reservation, that in case at any time it is made to appear to us in Our Council that the Company has substantially failed to observe and conform to the provisions of this Our Charter, or that the Company is not exercising its powers under the concessions, agreements, grants and treaties aforesaid, so as to advance the interests which the petitioners have represented to Us to be likely to be advanced by the grant of this Our Charter, it shall be lawful for Us Our heirs and successors, and we do hereby expressly reserve and take to Ourselves Our heirs and successors the right and power by writing under the Great Seal of Our United Kingdom to revoke this Our Charter, and to revoke and annul the privileges, powers, and rights hereby granted to the Company.

In Witness whereof We have caused these Our letters to be made patent.

Witness Ourselves at Westminster, the twenty-ninth day of October, in the fifty-third year of our reign.

By warrant under the Queen's Sign Manual.

(L.S.) MUIR MACKENZIE.*

(B.)—ORDER IN COUNCIL of 9th May, 1891.

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

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY,
Lord President,
Lord Steward,
Earl of Coventry.

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

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

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

* Published in the *London Gazette* of 20th December, 1889.

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

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

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

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

The High Commissioner may remove any officer so appointed.

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

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

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

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

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

as if the judgment, decree, order, or sentence had been made or given under the ordinary jurisdiction of the Court.

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

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

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

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

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

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

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

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

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

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

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

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

C. L. PEEL.

(C.)—ORDER IN COUNCIL amending the Order of the 9th May, 1891, providing for the exercise of Her Majesty's jurisdiction in certain Territories of South Africa which are under the protection of Her Majesty.

At the Court at Osborne House, Isle of Wight, the 30th day of July, 1891.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

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

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

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

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

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

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

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

C. L. PEEL.

(D.)—ORDER IN COUNCIL, Matabeleland, 1894.

At the Court at Windsor, the 18th day of July, 1894.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY.

His Royal Highness the Duke of York.

Lord President.
Lord Privy Seal.
Lord Steward.

Sir Henry Ponsonby.
Sir John Cowell.

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

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

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

I. This Order may be cited as the Matabeleland Order in Council, 1894.

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

Parts.	Articles.
I. Interpretation and Application...	III-VI
II. Administration and Legislation	VII-XXV
III. Judicial	XXVI-XLIII
IV. Land Commission	XLIV-LIV
V. Judicial Notice. Commencement	LV-LVII

PART I.—INTERPRETATION AND APPLICATION.

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

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

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

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

“ The Company ” means the British South Africa Company.

“ Charter ” means Her Majesty’s Charter of the 29th day of October, 1889, incorporating the Company.

“ High Court ” means the High Court of Matabeleland constituted by this Order.

“ The Judge ” means the Senior Judge of the High Court, or the sole Judge of the High Court so long as there is only one, and includes an Acting Judge.

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

“ Magistrate ” means a Magistrate appointed under this Order and includes an acting Magistrate.

“ Proclamation ” means a Proclamation issued by the High Commissioner under an Order in Council.

“ Ordinance ” means a legislative Ordinance made by the Company under the Charter or under this Order.

“ Regulation ” means a legislative Regulation made by the Administrator and the Council under this Order.

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

“ Supreme Court ” means the Supreme Court of the Colony.

“ Gazette ” means any Official Gazette published within the limits of this Order by authority of the Administrator, and until such Gazette is instituted means the Cape of Good Hope Government Gazette.

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

“ Person ” includes Corporation.

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

IV. The limits of this Order are the parts of South Africa bounded by the Portuguese Possessions, the South African Republic to a point opposite the mouth of the River Shashi, by the River Shashi, and the territories of the

Chief Khama of the Bamangwato to the River Zambesi, and by that river to the Portuguese boundary, including an area of ten miles radius round Fort Tuli, and excluding the area of the district known as the Tati districts as defined by the Charter.

V. A Secretary of State may from time to time, by notice published in the Gazette and in the London Gazette, declare that any parts of South Africa south of the River Zambesi, and under the protection of Her Majesty, shall be included in the limits of this Order, and from the date of the later of such publications this Order shall apply to the parts named therein. A Secretary of State may from time to time by the like notice declare that any part of South Africa for the time being within the limits of this Order shall, until otherwise directed, be excepted from the application of this Order; and from the date of the later publication of such notice, the part named therein shall be excluded from the limits of this Order.

VI. The powers and authorities conferred upon the High Commissioner by Her Majesty's Order in Council of the 9th of May 1891 as amended by Her Majesty's Order in Council of the 30th July 1891, shall continue in force within the limits of this Order concurrently with the powers conferred upon the Company by this Order. The powers conferred upon the Company by this Order are in augmentation of the powers conferred upon it by the Charter.

PART II.—ADMINISTRATION AND LEGISLATION.

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

VIII. The Company may exercise such administration by an officer styled the Administrator, and under him by such other officers as may from time to time be necessary. The Company shall appoint and pay the Administrator and all such officers: but shall obtain the approval of a Secretary of State before appointing any person to the office of Administrator. The salary of the Administrator shall be fixed by the Company, with the approval of a Secretary of State, and shall not be increased or diminished without his approval. The Administrator may be removed from office by a Secretary of State or by the Company with the approval of a Secretary of State.

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

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

XI. The Company, with the approval of a Secretary of State, may appoint some person to act as Administrator in the event of the death, removal, resignation, absence, incapacity, or suspension of the Administrator. The Company, with the approval of a Secretary of State, may remove an Acting Administrator. When there is no Administrator or Acting Administrator within the limits of the Order capable of discharging the duties of the office the Judge may act as Administrator.

XII. There shall be a Council to assist the Administrator, consisting of the Judge, *ex officio*, and three other members; such other members shall be appointed by the Company, with the approval of a Secretary of State, and

may be removed by the Company. At the end of two years from the first appointment of members, and at the end of every succeeding period of two years, one of such members shall retire. The first two members to retire shall be determined by agreement, or, in default of agreement, by lot. Thereafter the member shall retire who has been longest in office without re-appointment. A retiring member may be re-appointed, and shall hold office until the appointment of his successor.

XIII. Whenever any such member of Council resigns, or is removed from office, or dies, the Company shall within nine months thereafter appoint a successor, with the approval of a Secretary of State. In default of such appointment a Secretary of State may appoint. Any member appointed under this article shall hold office for so long only as the person in whose stead he is appointed would have been entitled to hold office.

XIV. The Council shall meet whenever summoned by the Administrator, and shall be competent to discharge its functions notwithstanding the existence of one vacancy among its members, whether caused by a vacancy in the office of Judge or of one of the other members. The Administrator shall preside at all meetings of the Council, and any two members, with the Administrator, shall form a quorum. All questions shall be decided by a majority of the votes of those present, and if the votes are equal, the Administrator shall have a casting vote.

XV. The Administrator shall take the advice of the Council upon all matters of importance affecting the administration of affairs within the limits of this Order, except in cases which are too urgent to admit of their advice being taken. In all such urgent cases he shall as soon as possible summon the Council and acquaint them with the action taken and the reasons therefor.

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

XVII. The Administrator, with the concurrence of the Council, may make, alter, and repeal Regulations. Such Regulations, when promulgated as hereinafter mentioned shall take effect within the limits of this Order as if they were contained in this Order.

A Regulation shall only be valid if—

- (1) Two members of the Council besides the Administrator have concurred in it.
- (2) The High Commissioner has approved it.
- (3) It be promulgated by being published in the Gazette by authority of the High Commissioner.

The production of a copy of the Gazette in which a Regulation purports to be published by authority of the High Commissioner shall be evidence of promulgation, and of the approval of the High Commissioner, and of its having received the requisite concurrence of the Council.

XVIII. At any time within one year after promulgation, a Regulation may be disallowed by a Secretary of State or by the Company. Such disallowance shall be notified in the Gazette by the High Commissioner or by the Administrator, and thereupon the Regulation so disallowed shall cease to have any force or effect, but without prejudice to anything theretofore lawfully done thereunder.

XIX. A Regulation or an Ordinance may, if the Administrator or the Company have previously received the consent of the High Commissioner, amend or repeal a Proclamation : and without such consent a Regulation may suspend the operation of an Ordinance or any part thereof.

A Regulation may at any time be repealed or amended by an Ordinance.

XX. If any Regulation or if any Ordinance of the Company is in any respect repugnant to the provisions of an Order made by Her Majesty in Council, or a Proclamation of the High Commissioner (unless made with his previous consent), such Regulation or Ordinance shall be read subject to such Order or Proclamation, and shall to the extent of such repugnancy be absolutely void.

XXI. The Company by Ordinance approved by a Secretary of State, or the Administrator and Council by Regulation, may empower any local municipal body or other local authority to levy rates for the lawful purposes of such municipal body or local authority, and to make bye-laws for the more efficient carrying out of such purposes, and to prescribe a penalty not exceeding ten pounds sterling for breach of such bye-laws, and to recover such penalties by proceedings before a magistrate.

XXII. The Company may by Ordinance approved by a Secretary of State impose such taxes, including a hut tax in respect of the occupation of native huts, and such Customs duties upon goods entering the limits of this Order as are necessary to provide a revenue for carrying out the effective administration of affairs within the limits of this Order.

XXIII. The Company shall not by Ordinance, nor shall the Administrator and Council by Regulation, impose upon natives any conditions, disabilities, or restrictions which do not equally apply to persons of European descent, save in respect of the following matters :—

(a) The supply of arms, ammunition and liquor.

(b) Any matter in respect of which a Secretary of State, upon the recommendation of the High Commissioner, thinks fit to authorise an Ordinance or Regulation.

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

XXV. In case of a revolt against the Company, or other misconduct committed by a native chief or tribe, the Administrator and Council may impose a reasonable fine upon the offender. The Administrator shall forthwith report every such case to the High Commissioner, who may remit the fine in whole or in part; the Administrator shall give effect to any such remission.

PART III.—JUDICIAL.

XXVI. There shall be a Court of Record, styled the High Court of Matabeleland, with full jurisdiction, civil and criminal, over all persons and over all matters within the limits of this Order, and the law to be administered by the High Court and by the magistrates' courts hereinafter mentioned shall, as nearly as the circumstances of the country permit, be the same as the law in force in the Colony at the commencement of this Order, except so far as that law has been modified by any Order in Council or Proclamation or Ordinance in force at the date of such commencement. The Courts shall give

effect to such Orders in Council, Proclamations, or Ordinances until altered or repealed and to any Order in Council, Proclamation, Ordinance, or Regulation hereafter to be made, except so far as any Proclamation, Ordinance, or Regulation is repugnant to this Order, or to any other Order made by Her Majesty in Council.

XXVII. In civil cases between natives the High Court and the magistrates' courts shall be guided by native law so far as that law is not repugnant to natural justice or morality, or to any Order made by Her Majesty in Council, or to any Proclamation or Ordinance. In any such case the court may obtain the assistance of one or two native assessors, to advise the court upon native law and customs, but the decision of the court shall be given by the Judge or Magistrate alone. In all other respects the court shall follow as far as possible the procedure observed in similar cases in the courts of the Colony.

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

XXIX. -There shall be as many Judges of the High Court, to be paid by the Company, as from time to time may be required. Every Judge shall be appointed by the Company, with the approval of a Secretary of State, and shall hold office during pleasure, but shall only be removed by a Secretary of State. The salaries of the Judges shall be fixed by the Company with the approval of a Secretary of State, and shall not be increased or diminished without his approval.

XXX. If on a vacancy in the office of Judge the Company does not within nine months thereafter appoint a successor, a Secretary of State may appoint some person to be Judge.

XXXI. The High Court shall be held at such places as may from time to time be prescribed by Proclamation or Ordinance. The jurisdiction of the High Court may, until other arrangements are made by Proclamation, be exercised by any Judge thereof sitting alone.

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

XXXIII. The High Commissioner may remit or commute, in whole or in part, any sentence of the High Court.

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

XXXV: In civil matters when the amount or value in dispute exceeds one hundred pounds sterling, an appeal shall lie from the High Court to the Supreme Court.

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

As regards matters not provided for by such rules, the procedure on appeal in the Supreme Court may be the same as the ordinary procedure of

that Court on appeal, and the order of that Court on the appeal shall be certified under its seal to the High Court, which shall give effect thereto.

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

The High Court may, before deciding any matter when the amount or value in dispute exceeds one hundred pounds, state a case in writing for the opinion of the Supreme Court. The High Court shall decide the matter in accordance with the opinion of the Supreme Court, and no appeal shall be brought against such decision unless by leave of the Supreme Court.

The jurisdiction conferred by this Order upon the Supreme Court shall not be exercised until the Legislature of the Colony shall, by resolution or otherwise, have expressed its assent thereto; the High Commissioner shall communicate such assent to the High Court.

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

XXXVII. The Company may from time to time determine the number of magistrates' courts required within the limits of this Order, and by notice in the Gazette, assign to each such court the local limits of the district within which it is to have jurisdiction, and may alter such limits. The Company by the like notice may fix the places at which the court is to be held, and, with the approval of the High Commissioner, may appoint a Magistrate to each such court, and, if occasion requires, an Acting Magistrate, and every person so appointed may exercise all the jurisdiction of the court. A Magistrate appointed to one court may exercise the jurisdiction of any other court if present therein.

XXXVIII. A Magistrate upon appointment by the Company may forthwith enter upon the duties of his office, but the appointment is subject to confirmation by a Secretary of State; if such confirmation is refused, the High Commissioner shall give public notice thereof in the Gazette, and thereupon the powers of the Magistrate will cease. A Magistrate may at any time be removed from office by a Secretary of State, or by the Company with the approval of a Secretary of State.

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

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

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

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

mit a full report of the matter, and the proofs of the alleged misconduct, to a Secretary of State, who may confirm or disallow the suspension. If confirmed, the suspended officer is thereby removed from office; if disallowed, the suspended officer is thereby restored to office, and is entitled to any salary that has been withheld during his suspension.

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

XLIII. The High Commissioner by Proclamation, or the Company by Ordinance approved by a Secretary of State, may make such other or further provisions as from time to time may appear desirable to secure the more efficient working of the several courts constituted by this Order.

PART IV.—LAND COMMISSION.

XLIV. A Land Commission is hereby constituted, consisting of a Judicial Commissioner and two other Commissioners.

XLV. The Judicial Commissioner shall be the Judge, or if at any time there be more than one Judge of the High Court, then such Judge as the High Commissioner shall from time to time appoint under his hand and seal.

XLVI. One of the Commissioners other than the Judicial Commissioner shall be selected by a Secretary of State and one by the Company, and both shall be appointed by the High Commissioner under his hand and seal.

XLVII. If a vacancy occurs in the office of any such other Commissioner by death, resignation, incapacity, or otherwise, the High Commissioner may, under his hand and seal, appoint some other person to fill such vacancy. But such person shall be selected either by a Secretary of State or by the Company, by whichever the person creating the vacancy was selected.

XLVIII. The said other Commissioners shall continue in office until a Secretary of State, after consultation with the Company, shall see fit to direct the High Commissioner to revoke their powers. The High Commissioner may revoke the powers of such Commissioners by notice published in the Gazette. Upon the publication of such notice, the powers and duties of the Land Commission shall become vested in and exercisable by the Judicial Commissioner alone.

XLIX. The Land Commission shall deal with all questions relating to the settlement of natives on the lands in that part of the territories within the limits of this Order which is known as Matabeleland. It shall without delay assign to the natives inhabiting Matabeleland land sufficient for their occupation, whether as tribes or portions of tribes, and suitable for their agricultural and pastoral requirements, including in all cases a fair and equitable proportion of springs or permanent water. It shall also direct the Administrator to deliver to them cattle sufficient for their needs; and the Administrator shall give effect to such direction.

L. The Land Commission shall cause sufficient notices to be given to all persons interested in any matter coming before the Commission so that all persons concerned may be fully heard. The Land Commission shall keep a full record of its proceedings; and in other respects may conduct its proceedings according to rules laid down by itself and published in the Gazette.

LI. The Company shall retain the mineral rights in all land assigned to natives. If the Company should require any such land for the purpose of mineral development or as sites of townships, or for railways or other public works, the Land Commission, upon application by the Company and upon good and sufficient cause shown, may order the natives to remove from such land or any portion thereof, and shall assign to them just and liberal compensation in land elsewhere, situate in as convenient a position as possible, sufficient and suitable for their agricultural and pastoral requirements, containing a fair and equitable proportion of springs or permanent water, and, as far as possible, equally suitable for their requirements in all respects as the land from which they are ordered to remove.

LII. No natives shall be removed from any kraal or from any land assigned to them for occupation, except after full inquiry by, and by Order of, the Land Commission. If any person without such order removes or attempts to remove any native from any kraal or from any land unless in execution of the process of a competent court, he shall, in addition to any other proceedings to which he is liable, be guilty of an offence against this Order, and on conviction before the High Court shall be liable to imprisonment with or without hard labour for any period not exceeding two years, or to a fine not exceeding one hundred pounds sterling, or to both.

LIII. The Land Commission may, if it thinks fit, appoint in any magisterial district a subordinate tribunal, to be called the district land court, to consist of the Magistrate of the district and two assessors selected by the Land Commission. The district land courts shall report or make recommendations to the Land Commission upon all questions remitted to them by that Commission. The Land Commission may deal with such reports or recommendations as it thinks fit.

LIV. The Land Commission shall forward to the High Commissioner, for transmission to a Secretary of State, a report upon every case dealt with by it; and the Secretary of State may review any case, and reverse or modify any decision given or order made by the Land Commission, and may give such directions in the matter as he thinks fit to give, and the Land Commission shall give effect to such directions. Such directions shall, however, only be binding in cases in which the Secretary of State has within twelve months after receiving the report of the Land Commission given notice to the High Commissioner that he intends to review the case.

PART V.—JUDICIAL NOTICE. COMMENCEMENT.

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

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

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

C. L. PEEL.

(E.)—*PORTUGUESE DECREE of February 11, 1891, granting a Charter to the Mozambique Company, as modified by the Decree of July 30, 1891.*

(Translation.)

In view of the Report of the Minister and Secretary of State of the Department of Marine and Colonies ;

With the advice of the Council of Ministers, and of the Consultative Board for the Colonies ;

Availing myself of the powers conferred upon me in the 15th Article of the Additional Act to the Constitutional Charter of the Monarchy :

I hereby decree :—

ART. I. The Government grant to the Mozambique Company, formed in accordance with the Decd of Agreement of the 8th March, 1888, the administration and exploration, under the conditions set forth in this Decree, of the territories of the Province of Mozambique, bounded on the north and on the north-west by the course of the River Zambezi, from its southernmost mouth, and by the actual boundary-line of the district of Tété ; on the west by the internal frontier of the province ; on the south by the course of the River Save as far as its southernmost bar ; on the east by the ocean.

§. This Concession shall not come into operation until the Company shall have increased its capital and modified its Statutes in conformity with the provisions of this Decree.

II. Within the area defined in the foregoing Article the Government alone, either directly or by means of the Company, shall be at liberty to make any Treaties, Conventions, or Contracts with the native Chiefs or tribes, whenever the principal object in view is to regulate or establish relations of a political nature. The Company, however, shall alone be at liberty to make Contracts, Conventions, or Treaties with the said Chiefs and tribes with respect to territorial, mining, and agricultural concessions, or for the construction of railways, roads, canals, telegraphs, and other works of public utility.

§ 1. The Contracts, Treaties, and Concessions entered into or made between the Company and the native Chiefs and tribes shall only come into force after they have been sanctioned by the Government, who may insert therein any conditions or restrictions they may deem expedient.

§ 2. The Company is bound to comply with each and all of the stipulations set forth in those Treaties, Contracts, and Conventions, and also to respect any Treaties that may have been concluded by the Government at the date of this Decree.

III. Should, at any time, a conflict or dispute arise between the Company and the Chiefs and tribes residing within the territories of this Concession, the matter must be referred to the decision of the Government, to which decision the Company must submit.

IV. The Company is bound to comply strictly and faithfully with the clauses and conditions of any Treaties, Conventions, or Agreements which the Government may have already or may hereafter conclude with any foreign State or Power.

[G. 81—'98.]

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V. Should the Government at any time disapprove of the relations between the Company and any foreign State or Power, the Company shall be bound to abstain from the acts thus disapproved, and to adhere to the instructions issued to it by the authorities.

VI. The Company, in order to be able to discharge the powers and functions conferred upon it in virtue of this Decree, shall organize and maintain a police force for service afloat and on land, but the plan of organization and the regulations of the service of such force must be submitted beforehand to the approval of the Government.

§ The Customs service throughout the whole of the territory which forms the subject of this Concession, and on its land frontier as well as on the sea-coast, shall be intrusted to the said police force, inasmuch as the Company is bound to undertake the service referred to.

VII. The Government, after consulting the Company, shall enact the judicial régime for the territories comprised in this Concession; the several Magistrates and judicial officials being appointed by the Crown, and paid by the State.

VIII. The Company shall provide the necessary means of education for the inhabitants of the territories administered by it, by establishing and paying for the Missions, schools of primary instruction, and of trades and professions, in accordance with a plan agreed upon between it and the Government.

IX. The Company shall submit to the approval of the Government the Regulations relative to the trade in alcohol and other inebriating drinks, as well as to arms and gunpowder, which Regulations must be drawn up in harmony with any Treaties or Conventions which are already or may hereafter come into force.

X. The Company is bound, during the first five years reckoning from the date of its formation in accordance with this Decree, to settle within its territory, at such places as may be selected for the purpose, with the assent of the Government, a thousand families of Portuguese colonists or of Portuguese descendants that may be conveyed by the Government for that purpose to any port comprised within the area of this Concession.

Each of these families shall receive from the Company a dwelling-house, plots of ground for cultivation, and agricultural implements, the total cost of which is to be reimbursed in annuities at long periods, which shall not, however, go beyond the period of the Concession granted in this Article.

The other conditions of this colonization shall be laid down in special Regulations, which will have to be submitted by the Company to the sanction of the Government.

XI. Whenever the Government shall disapprove of the system and administrative proceedings of the Company towards the inhabitants of its territory, the Company shall be bound to submit to such disapproval, and to obey the instructions that may be given to it by the authorities.

§. The Government reserve unto themselves the right to interfere, whenever they may deem it to be absolutely requisite for the safety of the Portuguese dominion, or for the preservation of the public peace, in any conflicts of a political nature which may arise between the native Chiefs and tribes in the territories comprised in this Concession.

XII. The ships belonging to the State shall always be allowed to enter freely any ports under the administration of the Company, and shall not be liable to any charges other than the payment of any expenses incurred by such ships on account of any work on board, of any services rendered, or of any supplies of articles or stores.

XIII. The right accorded to the Company to maintain a police force both on shore and on the coast shall not in any way prevent the Government from taking action for the defence of the territories belonging to the nation.

XIV. The Government reserve their right in full of stationing military forces at any point on the frontiers of the territories of this Concession as they may deem proper to guard; and the Company shall not offer any opposition to the stationing of the forces of the State in those territories, or to their transit through the same.

In the event of internal or external hostilities within the area defined in Article I of this Decree, or on its frontiers, the Company shall place at the disposal of the Government the provisions, ammunition, armament, and military stores in its possession, as well as any means of transport by land, by river, or by sea; and the Government shall only pay for the cost of supplies consumed or destroyed in their service, and for the cost of transport. In which event, the whole police force of the Company, as well as any force recruited by it, shall also remain at the orders of the Government, who shall only pay the Company any excess of expenditure incurred in raising and maintaining the said forces.

The troops, officers on duty, and military stores belonging to the State shall, in time of peace, be conveyed by the Company's railways or vessels with a reduction of 75 per cent. on the price charged in the general tariff rates.

The Company shall furnish the Government gratis with the ground they may require for fortifications, military stations, or barracks, for the residences of the judicial, ecclesiastical, and other officials, and also for any establishments of public utility.

XV. The Company shall be held to be a Portuguese Company for all intents and purposes, and its seat and principal offices shall be at Lisbon.

The majorities in its administrative bodies shall always be composed of Portuguese citizens domiciled in Portugal; but the actual Managers who are foreign subjects, provided they shall have resided for more than twenty-five years in Portugal, may be reckoned in the said majorities.

The principal Manager of the Company at Lisbon and its chief representative in Africa must also be Portuguese; the former's domicile must be in the continental part of the kingdom, and the latter's in the territories comprised in this Concession.

§. The Government reserve the right to appoint, within ten years, three Managers of the Company, selecting them from among the actual Managers.

XVI. The Company is at liberty to establish in foreign countries delegate agencies, consisting of Managers residing out of Portugal, should the amount of capital subscribed in those countries justify the establishment of the same.

XVII. The Government will appoint a Royal Commissioner who shall attend the meetings of the administrative and fiscal bodies of the Company, with only a consultative vote; he will take part in the several acts of administration, or else they must be at once notified to him.

§. The Government reserve the right to appoint officials for the civil and financial administration of the territory of the Company, by which the expenditure incurred thereby will have to be defrayed, the amount of which expenditure will be paid annually to the Government by the Company. The officials in each of the districts to be formed with the assent of the Company will be: a Superintendent, a Financial Sub-Delegate, and a clerk, whose functions, especially those of a fiscal nature, will be determined by the Government in accordance with the Company's Regulations. There shall not be more than three districts, and the salaries of the Superintendents shall not be higher than those at present paid to the Superintendents at Bandire, Inhaoxo, and Manica.

XVIII. The Company's officials who may discharge any administrative or fiscal functions, as well as the Commanding Officers of the sea or land police forces, shall, as a rule, be Portuguese subjects; and in the event of their being, exceptionally, foreigners, they shall, as regards any acts performed in the discharge of their functions, be subject to the Portuguese laws, authorities, and Courts of Justice, and for the purpose of making good that subjection, they must take the engagement of renouncing the special *forum* or jurisdiction which they may be entitled to claim.

XIX. The Company engages to construct and to work during the period of the Concession, without any subvention or guarantee on the part of the State, a railway, with steel rails with a minimum weight of 20 kilog. per current metre, in order to connect Pungwe Bay with the inner boundary of the district of Manica, passing through Massikessi. The construction must be finished within the precise term of four years counting from the date when the Government shall order it to be commenced, without which order it cannot be commenced.

§ 1. The general or special kilometrical tariff rates of freight on this railway shall be the same for all parties, and they are not to exceed, without the consent of the Government, those charged in the Cape Colony railways.

§ 2. The Company is not at liberty to transfer to any one the construction and working of this line of railway.

XX. The Company also engages to construct, in addition to the telegraphic lines on the railways, another telegraphic line to connect Pungwe Bay with the right bank of the Zambezi.

§. The Company is bound to construct gratis the road as well as the other works referred to in Article XIV of the Treaty of the 28th May last.*

XXI. The Government make the undermentioned concessions to the Company. :—

(1.) The exclusive right to construct and work, within the territories defined in Article I, any roads, railways, canals, ports on the sea-coast, or internal quays, docks, bridges, telegraph lines, works of irrigation, as well as other works of public or private utility; but the Company shall not have the right to establish any differential tariffs as regards any works or explorations of public utility.

(2.) The right of navigation of the rivers in accordance with Article XII of the Treaty of the 28th May last.† The Company shall allow and facilitate the transit of passengers and merchandise of any kind through the Pungwe, the Busi, the Save, and their tributary rivers, as well as by the roads serving as means of communication where the rivers may not be navigable.

* *Sic. Qy.*, June 11, 1891. See page 47 *supra*.

† *Sic. Qy.*, June 11, 1891. See page 45 *supra*.

(3.) The exclusive right to exercise and to permit any mining industries throughout the whole area of the Concession.

(4.) The exclusive right to the coral, pearl, and sponge fisheries on the coast of the Company's territories.

(5.) The exclusive right to hunt elephants, either directly or by means of permits.

(6.) The right to issue shares, to increase its capital in shares, to obtain money by means of debentures, and to establish Banking Companies in the territories of this Concession. The capital in debentures is always to be guaranteed by works, constructions, or by the ownership of land. The said Banking Companies shall not issue notes or cheques payable at sight so long as the privilege granted to the "Banco Nacional Ultramarino" in Article 3 of the Law of the 14th May, 1864, and extended in Article 3 of the Law of the 27th January, 1876, shall continue in force. As soon as that privilege shall expire, they will be at liberty to issue the same with the previous sanction of the Government.

(7.) The dominion during the period of this Concession of the whole of the lands comprised within the area of the same that may belong to the State, with the exception of the "Prazos da Corôa" (Crown estates), as well as the right of acquiring any lands and of keeping possession of any lands acquired by any lawful means both within and out of the said area.

(8.) The right to acquire and to own in legal form, both in Mozambique and in any other transmarine provinces, the ground it may require for the Company's offices, warehouses, depôts, and other dependencies.

(9.) The right to administer and to explore, in accordance with the laws in force, in so far as they may not be contrary to the clauses of this Decree, the Crown estates comprised within the area of this Concession, as well as the right to recover, in accordance with these laws, the tax named "mussoco" from the inhabitants, with due respect, however, to the rights of the actual tenants.

(10.) The right to recover the taxes on permits for the entry, exit, and transit of merchandise in the territories comprised in this Concession; the said taxes are, however, to be equal for all parties, and they shall not be either higher or lower, without the consent of the Government, than the customs dues levied in the districts of Inhambane and Quilimane; and, moreover, the said taxes are to be levied on such a scale as will secure for national or nationalized articles of merchandise the same proportional advantages accorded to the same in those districts, provided such a course is not precluded by reason of any International Conventions.

§ 1. The transit of merchandise through the territories of this Concession shall be subject to regulations drawn up by the Government, after consultation with the Company, which Regulations are intended to prevent smuggling to the detriment of the State.

§ 2. The products of the Company's territories and exported therefrom will be taxed in the custom-houses of Portugal and of the transmarine provinces at the same rates as any products of Mozambique exported from that province, or as those coming under the most-favoured-nation treatment in virtue of any Customs or Navigation Laws.

§ 3. In the event of any articles of merchandise which are not produced either in the transmarine provinces or in the mother-country being exported from the territories comprised within this Concession, either to the mother-country or to other places in the said transmarine provinces, the

import duties on such articles at the custom-houses in this kingdom and in the Colonies shall not be higher than those which they would have to pay in the said custom-houses had they come from any foreign country, and, moreover, they will be granted a reduction of 50 per cent.

§ 4. The provisions set forth in the foregoing paragraphs, as far as regards the custom-houses of this country, will remain subject to the approval of the Legislature should the Company wish to avail itself of the benefit accorded therein.

(11.) The right to colonize the whole of the territories comprised within this Concession, and to form towns therein, and also to grub up, plant, cultivate, irrigate, and, in general, to improve and explore the country.

(12.) The right to carry on any branch of trade or industry not prohibited by law.

(13.) The right to levy taxes, either in money or in labour, for any works of public utility; nevertheless, the assessment of those taxes, and the method of levying and recovering the same, shall be subject to the consent of the Government.

(14.) The right, in general, to perform any lawful acts that may be necessary for the exercise and fruition of the rights and interests granted and secured by this Decree.

XXII. The Company is bound to hoist and make use throughout the whole of the territories comprised in this Concession, as well as in its buildings and vessels, the Portuguese flag, to which it is, however, at liberty to add some special distinguishing sign.

XXIII. The Company can transfer the dominion of the free territories accorded to it in No. 7 of Article XXI, which territories, in order that the dominion over them may become perpetual, must remain subject to the payment of an annual ground-rent ("fôro ou canon") of not less than 10 reis (0.53*d.*) per hectare (2.471 acres), to be received by the Company during the period of the Concession, and to be recovered after the expiration of the same by the Government. The transfer of the Company's rights over more than 5,000 hectares (12,355 acres) of contiguous territory to one individual or Company must be sanctioned by the Government.

The Company shall respect any private property lying within the area of this Concession, as well as any property of any Municipality, or of other administrative bodies at present in existence, and will allow the natives to keep the lands required for the cultivation of articles of food for their subsistence.

The unowned lands comprised within an area of 5 kilom. (3.105 miles) in width around the existing towns are to be equally divided between the State and the Company.

§. The buildings and lands adhering thereto ("inherentes") shall continue to be the property of the State, which will have the right to transfer them, or to lease them to the Company by special contract.

XXIV. The exercise of the exclusive rights of the pearl and coral fisheries, and of hunting elephants, as well as the exploration of woods and forests, shall be subject to special Regulations approved by the Government, the object of such Regulations being to prevent the destruction of those sources of revenue.

XXV. The Company will have the right to lease, or to, partly, transfer, in any manner recognised by law, to any individuals, partnerships, Societies, or Companies, the agricultural, mining, commercial, or industrial Concessions made to it in Article XXI, and those individuals, partnerships, Societies, or Companies will be subject to the taxes and imposts referred to in Nos. 10 to 14 of the aforesaid Article.

§ 1. Whenever the Company may wish to transfer in full any of the rights conferred upon it in virtue of Article XXI to any other Company, individual, or undertaking, such transfer will be dependent upon the approval of the Government.

§ 2. These transfers will be considered as approved in the event of the Government, within twenty days, reckoning from the date of the presentation of these deeds of transfer at the Department of Marine and Colonies, not adopting any decision upon the matter.

XXVI. Any partnerships, Societies, Companies, or individuals working any concessions of the Mozambique Company, of whatever nature they may be, shall explicitly bind themselves to submit to the Portuguese laws and authorities, and to submit to the decision of the Portuguese Courts of Justice any disputes and lawsuits that may arise between them and the Government, the Company holding the original Concession, or other sub-concessionnaires.

XXVII. The Company is expressly forbidden to transfer, either for ever or provisionally, wholly or partly, to any foreign Government or Power, any of the rights conferred upon it in virtue of this Decree. It is also forbidden to transfer, either wholly or partly, to any other Company any of its political, administrative, or fiscal rights.

XXVIII. The Company, in spite of any Concessions, sub-Concessions, or Contracts, of whatever nature they may be, entered into with any third parties, shall always be responsible to the Government as regards the strict compliance with the clauses of this Decree, and with the Contracts arising therefrom.

XXIX. At the end of twenty-five years, reckoning from the date of the definitive Contract to be made with the Company in virtue of this Decree, and, subsequently, at the end of each period of ten years, the Government shall be at liberty to add to, modify, or revoke any one or more of the provisions contained in that Contract, or to enact any new clauses in substitution for or in amplification of the former clauses, on the understanding that the power thus reserved on the part of the Government shall only be carried out as regards such provisions and clauses as have reference to the concession of any exclusive rights, to the Company's dominion over territories, and to the attributes of the State delegated by the Government.

§ 1. Within the said periods of time, the Government will be at liberty to acquire—on giving compensation for the same—the Company's buildings which are to be exclusively or chiefly used as public offices for the discharge of the public business transferred from the Company to the State, and likewise any property, constructions, and works of public interest susceptible of yielding revenue, such as railways, canals, interior ports, quays, docks, telegraphs, irrigation works, houses and the like.

The amount of compensation to be paid for the buildings intended for public offices shall be the capital which will, at the rate of 5 per cent. per annum, produce an annual rent equal to the average net receipts derived by the Company from the said property and constructions during the three previous years, which capital may be paid either at once or in annual instalments, also with 5 per cent. interest, at the choice of the Government.

Should, however, the basis on which this redemption is calculated appear to be detrimental to the Government or to the Company owing to the state of deterioration of the constructions, to the fact of their not having yet attained the period for yielding a larger revenue or to any other motive, the amount of compensation to be paid may be settled by agreement or by Arbiters, as well as the compensation due for any buildings intended for public offices.

It is understood that, for the purpose of calculating the amount of compensation, the quotas belonging to the State in accordance with Article XXX, the percentage intended for a reserve fund levied on those quotas, and the items representing the benefit derived from the exemption from payment of taxes, are not included in the net receipts derived from that property and constructions.

§ 2. Should the amount of compensation have to be settled by Arbiters, and should their votes be equally divided, an Umpire, to be named by the Supreme Court of Justice in the event of their not agreeing to select one themselves, will decide the matter.

§ 3. Should the Government make up their mind to acquire the whole of the constructions and property of the Company susceptible of yielding revenue, they are bound to purchase also the buildings intended for public offices.

§ 4. The Concession made to the Company as regards mines will last for an indefinite period, in accordance with common law, with reference, however, to such mines as may be worked, and during the working of the same.

XXX. The Government will abstain during twenty-five years from levying any direct or indirect taxes in the territories comprised in this Concession; they shall, however, receive an annual percentage of 7 per cent. from the total net profits of the Company, but the proceeds of the said percentage shall not be less than the total sum of the various receipts of any kind, free from the cost of recovery, accruing to the State from the aforesaid territories for the financial year of 1889-90.

§. The percentage laid down in this Article will be increased to 10 per cent. should the dividend on the shares of the Company, as calculated on the capital really subscribed, amount to 10 per cent. or more.

XXXI. The capital of the Company will be 4,500,000 milreis (1,000,000*l.*), divided in shares of 1*l.*, or 4\$500 reis each.

XXXII. The Company shall be a Joint Stock Limited Liability Company as laid down in its Statutes, which will be subject to the approval of the Government in consultation with the Attorney-General to the Crown and Treasury.

XXXIII. The Company shall submit to the Government, for their approval, any Regulations of public interest which, in addition to those expressly mentioned in this Decree, it may require to issue in the regular discharge of its administrative functions.

§. Any Regulations with regard to which the Government shall not have taken a decision within the term of four months from the date of the presentation of the same to the Department for the Colonies are to be considered as approved.

XXXIV. Within the territories comprised in this Concession, it is lawful for any one to exercise any trade, industry, or profession, provided it is not one of which the monopoly is explicitly reserved in favour of the Company.

§. The Company shall be at liberty to recover taxes for licences from shops for the sale of articles in accordance with No. 9 of Article XXI, provided these shops are not situated within Municipal territory.

XXXV. The Municipal organization shall continue in force in those districts, within the territories comprised in this Concession, in which it now exists, and the same must also be established everywhere where there shall happen to be more than 500 hearths ("fogos"), provided there are at least 100 hearths belonging to families of Portuguese, European, or Indian race.

XXXVI. The Company is bound to respect within the territories comprised in this Concession, and in its intercourse with the respective inhabitants, any religions or modes of worship, as well as any usages or customs of the natives unless they are contrary to humanity and civilization.

XXXVII. The provisions contained in this Decree, as well as the Concessions made therein, shall in no way affect any acquired rights or any other Concessions made up to the date thereof by the Portuguese Government, provided the same shall not have already become null and void.

XXXVIII. Should the Company fail to comply with the stipulations contained in this Decree, to discharge the public functions committed to it, and to respect and comply with the Treaties, Conventions, or Contracts with any foreign Powers, and with the Chiefs of the native tribes; should it abandon the agricultural, mining, commercial, and industrial exploration of the territories comprised in this Concession, the Government shall have the right to rescind the Contract made with the Company, after intimation shall have been given of their decision, without the Company being entitled to claim any compensation.

XXXIX. Any differences that may arise between the Government and the Company as regards the interpretation, execution, and reversion of the Contract shall be referred to a Court of Arbitration, which is to consist of two Arbiters named by the Government, of two named by the Company, and of a fifth Arbiter selected by agreement between them, and, failing such agreement, by the Supreme Court of Justice.

The Court of Arbitration shall give its decision *ex æquo et bono*, and its decision will be final and without appeal.

XL. The period of four months from the date of this Decree is fixed within which the Company must have fulfilled the conditions set forth in the paragraph of Article I increasing its capital and modifying its Statutes according to law. Should it fail to comply with these conditions within the period laid down, which cannot be prorogued, the whole of the provisions contained in this Decree will remain without effect.

XLI. The Government shall draw up the necessary Regulations for the carrying into effect of this Decree.

XLII. Any Laws contrary thereto are hereby revoked.

The said Minister and Secretary of State shall accordingly carry this Decree into effect.

Given at the Palace on the 11th February, 1891.

THE KING.

ANTONIO JOZE ENNES.

[G. 81—'98.]

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SECTION VIII.—MISCELLANEOUS.

PART I.—ARRANGEMENTS RELATING PARTIALLY TO SOUTH AFRICA.

(A.)—*ARRANGEMENT* between Great Britain and Germany, relative to their respective Spheres of Action in portions of Africa.—29th April—16th June, 1885.*

(1) *Earl Granville to Count Münster.*

Foreign Office, 29th April, 1885.

M. l'Ambassadeur,

In my note of the 19th ultimo, I had the honour to forward to your Excellency the draft of a Memorandum of Agreement for separating and defining the spheres of action of Great Britain and Germany in those parts of Africa where the Colonial interests of the two countries might conflict.† In the subsequent negotiations it has been notified that the German Government accept the proposed Agreement with certain modifications. I am consequently now in a position to state that Her Majesty's Government are prepared, on receiving the assent of the German Government, formally to adhere to the following Arrangement.

Gulf of Guinea and interior Districts.

Great Britain engages not to make acquisitions of territory, accept Protectorates, or interfere with the extension of German influences in that part of the coast of the Gulf of Guinea, or in the interior districts to the east of the following line: that is, on the coast, the right river bank of the Rio del Rey entering the sea between $8^{\circ} 42'$ and $8^{\circ} 46'$ longitude east of Greenwich; in the interior a line following the right river bank of the Rio del Rey from the said mouth to its source, thence striking direct to the left river bank of the Old Calabar or Cross River, and terminating after crossing that river at the point about $9^{\circ} 8'$ of longitude east of Greenwich, marked "Rapids" on the English Admiralty Chart.

Germany engages not to make acquisitions, accept Protectorates, or interfere with the extension of British influence in the coast of the Gulf of Guinea lying between the right river bank of the mouth of the Rio del Rey, as above described, and the British Colony of Lagos; nor in the interior to the west of the line traced in the preceding paragraph.

Victoria, Ambus Bay, to remain a British Possession.

Both Powers agree to withdraw any Protectorates already established within the limits thus assigned to the other, a reservation being specially made as to the settlement of Victoria, Ambus Bay, which will continue to be a British Possession.‡

East Coast. British Flag at Santa Lucia Bay.

Germany engages to withdraw her protest against the hoisting of the British flag at Santa Lucia Bay,

* See also Arrangements, 27th July—2nd August, 1886, Hertalet's *Map of Africa by Treaty*, Vol. II, page 612; 1st July, 1890, Art. IV, § 2, *Ibid.* page 647; 14th April, 1893, *Ibid.* page 654; and 16th November, 1893, *Ibid.* page 658.

† See Hertalet's *State Papers*, Vol. LXXVI, page 755.

‡ A Notification of the assumption of British Sovereignty over Ambus Bay was issued on the 19th July, 1884. See Hertalet's *Commercial Treaties*, Vol. XVII, page 57. Transferred to Germany, 28th March, 1887.

Coast between Natal and Delagoa Bay.

And to refrain from making acquisitions of territory or establishing Protectorates on the coast between the Colony of Natal and Delagoa Bay.

I shall be glad to receive from your Excellency a formal notification that the German Government accept the arrangement above recorded.

I have, &c.,

GRANVILLE.

(3.) Count Münster to Earl Granville.

(Translation.)

German Embassy, London, 7th May, 1885.

My Lord,

I have had the honour to receive your note of the 29th ultimo on the subject of the negotiations between the Imperial Government and Her Majesty's Government with regard to a separation and definition of their respective spheres of influence in the territories on the Gulf of Guinea.

An understanding of the following nature is therein proposed:—

Gulf of Guinea.

Great Britain engages not to make acquisitions of territory, accept Protectorates, or interfere with the extension of German influence in that part of the coast and interior of Guinea which lies east of the line which is drawn through the right river bank of the Rio del Rey which enters the sea between $8^{\circ} 42'$ and $8^{\circ} 46'$ east longitude to its source, and thence in a straight line turns to the left towards the left river bank of the Old Calabar or Cross River, and crossing that river, terminates at a point about $9^{\circ} 8'$ of east longitude, marked "Rapids" on the English Admiralty Chart.

Germany engages not to make acquisitions, accept Protectorates, or interfere with the extension of British influence in that part of the coast and interior of Guinea which lies between the line as above described, beginning at the mouth of the Rio del Rey and the British Colony of Lagos.

Victoria, Ambas Bay.

Both Powers agree to withdraw all Protectorates which they have already established within the limits hereafter assigned to the other party, a reservation being specially made as to the Settlement of the missionaries at Victoria, Ambas Bay, which will continue to be a British possession.

East Coast. British Flag at Santa Lucia Bay.

Germany declares herself ready to withdraw her protest against the hoisting of the British flag at Santa Lucia Bay,

Coast between Natal and Delagoa Bay.

And to refrain from making acquisitions of territory or establishing Protectorates on the coast between the Colony of Natal and Delagoa Bay.

German Acceptance of Arrangement.

Your Lordship having informed me by your note of the 29th ultimo, above referred to, that, as soon as the German Government declares its assent, the British Government are ready to formally recognize the arrangements proposed above as binding, I have been authorized to declare the acceptance on the part of the Imperial Government of this arrangement.

I take, &c.,

MÜNSTER.

(B.)—*AGREEMENT between the British and German Governments, respecting Africa and Heligoland.—Berlin, 1st July, 1890.**

The Undersigned,—

Sir Edward Baldwin Malet, Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary;

Sir Henry Percy Anderson, Chief of the African Department of Her Majesty's Foreign Office;

The Chancellor of the German Empire, General von Caprivi;

The Privy Councillor in the Foreign Office, Dr. Krauel,—

Have, after discussion of various questions affecting the Colonial interests of Germany and Great Britain, come to the following Agreement on behalf of their respective Governments:—

East Africa. German Sphere of Influence.

ART. I.† In East Africa the sphere in which the exercise of influence is reserved to Germany is bounded—

German Sphere. To the North. River Umba to Victoria Nyanza.‡

1. To the north by a line which, commencing on the coast at the north bank of the mouth of the River Umba [or Wanga], runs direct to Lake Jipé; passes thence along the eastern side and round the northern side of the lake, and crosses the River Lumé; after which it passes midway between the territories of Taveita and Chagga, skirts the northern base of the Kilimanjaro range, and thence is drawn direct to the point on the eastern side of Lake Victoria Nyanza which is intersected by the 1st parallel of south latitude; thence, crossing the lake on that parallel, it follows the parallel to the frontier of the Congo Free State, where it terminates.

Mount Mfumbiro.

It is, however, understood that, on the west side of the lake, the sphere does not comprise Mount Mfumbiro; if that mountain shall prove to lie to the south of the selected parallel, the line shall be deflected so as to exclude it, but shall, nevertheless, return so as to terminate at the above-named point.

* See also Agreements, 14th April, 1893, Herslet's *Map of Africa by Treaty*, Vol. II, page 654, and 15th November, 1893, *Ibid.* page 658.

† See also Article VI.

‡ See Protocol, ^{27th October,} _{24th December,} 1892, Herslet's *Map of Africa by Treaty*, Vol. II, page 652, Agreement, 25th July, 1893, *Ibid.* page 656, and Agreement between Great Britain and Belgium of 12th May, 1894, *Ibid.* Appendix.

German Sphere. To the South. Rovuma River to Lakes Nyassa and Tanganyika (Stevenson's Road).

2. To the south by a line which, starting on the coast at the northern limit of the Province of Mozambique, follows the course of the River Rovuma to the point of confluence of the Msinje; thence it runs westward along the parallel of that point till it reaches Lake Nyassa; thence striking northward, it follows the eastern, northern, and western shores of the lake to the northern bank of the mouth of the River Songwe; it ascends that river to the point of its intersection by the 33rd degree of east longitude; thence it follows the river to the point where it approaches most nearly the boundary of the geographical Congo Basin defined in the 1st Article of the Act of Berlin as marked in the map attached to the 9th Protocol of the Conference.*

From that point it strikes direct to the above-named boundary; and follows it to the point of its intersection by the 32nd degree of east longitude; from which point it strikes direct to the point of confluence of the northern and southern branches of the River Kilambo, and thence follows that river till it enters Lake Tanganyika.

Map. Nyassa-Tanganyika Plateau.

The course of the above boundary is traced in general accordance with a map of the Nyassa-Tanganyika Plateau, officially prepared for the British Government in 1889.*

German Sphere. To the West. River Kilambo to Congo Free State.

3. To the west by a line which, from the mouth of the River Kilambo to the 1st parallel of south latitude, is conterminous with the Congo Free State.

East Africa. British Sphere of Influence.

The sphere in which the exercise of influence is reserved to Great Britain is bounded—

British Sphere. To the South. River Umba to Congo Free State.

1. To the south by the above-mentioned line running from the mouth of the River Umba (or Wanga) to the point where the 1st parallel of south latitude reaches the Congo Free State.

Mount Mfumbiro.

Mount Mfumbiro is included in the sphere.

British Sphere. To the North. River Juba to confines of Egypt (Uganda, &c.).

2. To the north by a line commencing on the coast at the north bank of the mouth of the River Juba; thence it ascends that bank of the river and is conterminous with the territory reserved to the influence of Italy in Gallaland and Abyssinia, as far as the confines of Egypt.†

British Sphere. To the West. Basin of Upper Nile to Congo Free State (Uganda, &c.).

3. To the west by the Congo Free State, and by the western watershed of the basin of the Upper Nile.

* For map see Herstlet's *Map of Africa by Treaty*, Vol. II, to face page 643.

† See Protocol between the British and Italian Governments, Herstlet's *Map of Africa by Treaty*, page 665

Withdrawal by Germany in favour of Great Britain of Protectorate over Witu.

ART. II * In order to render effective the delimitation recorded in the preceding Article, Germany withdraws in favour of Great Britain her Protectorate over Witu.

Recognition by Great Britain of Sultan of Witu's Sovereignty.

Great Britain engages to recognize the sovereignty of the Sultan of Witu† over the territory extending from Kipini to the point opposite the Island of Kwyhoo, fixed as the boundary in 1887.

Withdrawal of German Protectorate over adjoining Coast up to Kismayu,‡ to all other Territories North of Tana, and to Islands of Patta and Manda.

Germany also withdraws her Protectorate over the adjoining coast up to Kismayu, as well as her claims to all other territories on the mainland, to the north of the River Tana, and to the Islands of Patta and Manda.

South West Africa. German Sphere of Influence.

ART. III.§ In South-West Africa the sphere in which the exercise of influence is reserved to Germany is bounded—

Namaqualand. Damaraland, &c.

1. To the south by a line commencing at the mouth of the Orange River, and ascending the north bank of that river to the point of its intersection by the 20th degree of east longitude.

2. To the east by a line commencing at the above-named point, and following the 20th degree of east longitude to the point of its intersection by the 22nd parallel of south latitude, it runs eastward along that parallel to the point of its intersection by the 21st degree of east longitude; thence it follows that degree northward to the point of its intersection by the 18th parallel of south latitude; it runs eastward along that parallel till it reaches the River Chobe; and descends the centre of the main channel of that river to its junction with the Zambesi, where it terminates.

German Access to the Zambesi.

It is understood that under this arrangement Germany shall have free access from her Protectorate to the Zambesi by a strip of territory which shall at no point be less than 20 English miles in width.

South West Africa. British Sphere of Influence. Bechuanaland, Kalahari, &c.

The sphere in which the exercise of influence is reserved to Great Britain is bounded to the west and north-west by the above-mentioned line.

Lake Ngami.

It includes Lake Ngami.

* See also Article XI. On the 22nd October, 1889, the establishment of a German Protectorate over the District lying between Witu and Kismayu was announced in the German Official Gazette, and on the 20th December following the British Government were informed that the German Government maintained the claim of the Sultan of Witu to the Islands of Manda and Patta, and did not recognize the right of the British East Africa Company to take over the administration of these Islands in consequence of the concession granted to the Company by the Sultan of Zanzibar.

† The flag of the British East Africa Company was hoisted in all the towns of Wituland at the end of April or beginning of May, 1892.

‡ See also Article XI.

§ See also Article VI.

Map.

The course of the above boundary is traced in general accordance with a map officially prepared for the British Government in 1889.*

Walfisch Bay.

The delimitation of the southern boundary of the British territory of Walfisch Bay is reserved for arbitration, unless it shall be settled by the consent of the two Powers within two years from the date of the conclusion of this Agreement.† The two Powers agree that, pending such settlement, the passage of the subjects and transit of goods of both Powers through the territory now in dispute shall be free; and the treatment of their subjects in that territory shall be in all respects equal. No dues shall be levied on goods in transit. Until a settlement shall be effected the territory shall be considered neutral.

Line of Boundary between the British Gold Coast Colony and the German Protectorate of Togo.‡ Volta Districts.

ART. IV. In West Africa—

1. The boundary between the German Protectorate of Togo and the British Gold Coast Colony commences on the coast at the marks set up after the negotiations between the Commissioners of the two countries of the 14th and 28th of July, 1866; and proceeds direct northwards to the 6° 10' parallel of north latitude; thence it runs along that parallel westward till it reaches the left bank of the River Aka; ascends the mid-channel of that river to the 6° 20' parallel of north latitude; runs along that parallel westwards to the right bank of the River Dohawe or Shavoe; follows that bank of the river till it reaches the parallel corresponding with the point of confluence of the River Deine with the Volta; it runs along that parallel westward till it reaches the Volta; from that point it ascends the left bank of the Volta till it arrives at the neutral zone established by the Agreement of 1888, which commences at the confluence of the River Dakka with the Volta.

Each Power engages to withdraw immediately after the conclusion of this Agreement all its officials and employé's from territory which is assigned to the other Power by the above delimitation.

Gulf of Guinea. Rio del Rey Creek.

2. It having been proved to the satisfaction of the two Powers that no river exists on the Gulf of Guinea corresponding with that marked on maps as the Rio del Rey, to which reference was made in the Agreement of 1885,§ a provisional line of demarcation is adopted between the German sphere in the Cameroons and the adjoining British sphere, which, starting from the head of the Rio del Rey Creek, goes direct to the point, about 9° 8' of east longitude, marked "Rapids" in the British Admiralty chart.||

* See also Article VI.

† Not yet settled (September 1, 1898).

‡ On the 5th July, 1884, an Agreement was signed between Germany and Togo, by which the territory of the King of Togo, situated on the West Coast of Africa from the eastern frontier of Porto Seguro to the western frontier of Lome or Bay Beach, was placed under the Protectorate of Germany.

§ See Agreement, ^{29th April,} 1885, Hertslet's *Map of Africa by Treaty*, Vol. II, page 596.

|| See also Agreements, 14th April, 1893, Hertslet's *Map of Africa by Treaty*, Vol. II, page 654, and 15th November, 1893, *Ibid.* page 658.

Freedom of Goods from Transit Dues between River Benué and Lake Chad.

ART. V. It is agreed that no Treaty or Agreement, made by or on behalf of either Power to the north of the River Benué, shall interfere with the free passage of goods of the other Power, without payment of transit dues, to and from the shores of Lake Chad.

Treaties in Territories between the Benué and Lake Chad.

All Treaties made in territories intervening between the Benué and Lake Chad shall be notified by one Power to the other.

Lines of Demarcation subject to Modification.

ART. VI. All the lines of demarcation traced in Articles I to IV shall be subject to rectification by agreement between the two Powers, in accordance with local requirements.

*Boundary Commissioners to be Appointed.**

It is specially understood that, as regards the boundaries traced in Article IV, Commissioners shall meet with the least possible delay for the object of such rectification.

Non-interference of either Power in Sphere of Influence of the other.

ART. VII. The two Powers engage that neither will interfere with any sphere of influence assigned to the other by Articles I to IV. One Power will not in the sphere of the other make acquisitions, conclude Treaties, accept sovereign rights or Protectorates, nor hinder the extension of influence of the other.

No Companies or Individuals of either Power to exercise Sovereign Rights in Sphere of Influence of the other.

It is understood that no Companies nor individuals subject to one Power can exercise sovereign rights in a sphere assigned to the other, except with the assent of the latter.

Application of Berlin Act in Spheres of Influence within Limits of Free Trade Zone.

ART. VIII. The two Powers engage to apply in all the portions of their respective spheres, within the limits of the free zone defined by the Act of Berlin of 1885, to which the first five articles of that Act are applicable at the date of the present Agreement

Freedom of Trade.

The provisions of those articles according to which trade enjoys complete freedom ;

Navigation of Lakes, Rivers, &c.

The navigation of the lakes, rivers, and canals, and of the ports on those waters is free to both flags ;

Differential Duties. Transport or Coasting Trade.

And no differential treatment is permitted as regards transport or coasting trade ;

* See Agreements, 14th April, 1893, Hertslct's *Map of Africa by Treaty*, Vol. II, page 664, and 15th November, 1893, *Ibid.* page 658.

Duties on Goods.

Goods, of whatever origin, are subject to no dues except those, not differential in their incidence, which may be levied to meet expenditure in the interest of trade;

Transit Dues.

No transit dues are permitted;

Trade Monopolies.

And no monopoly or favour in matters of trade can be granted.

Settlements in Free Trade Zone.

The subjects of either Power will be at liberty to settle freely in their respective territories situated within the free trade zone.*

Freedom of Goods from Transit Dues, &c.

It is specially understood that, in accordance with these provisions, the passage of goods of both Powers will be free from all hindrances and from all transit dues between Lake Nyassa and the Congo State, between Lakes Nyassa and Tanganyika, on Lake-Tanganyika, and between that lake and the northern boundary of the two spheres.

Trading and Mineral Concessions. Real Property Rights.

ART. IX. Trading and mineral concessions, and rights to real property, held by Companies or individuals, subjects of one Power, shall, if their validity is duly established, be recognized in the sphere of the other Power. It is understood that concessions must be worked in accordance with local laws and regulations.

Protection of Missionaries.

ART. X. In all territories in Africa belonging to, or under the influence of either Power, missionaries of both countries shall have full protection.

Religious Toleration and Freedom.

Religious toleration and freedom for all forms of divine worship and religious teaching are guaranteed.

Cession to be made by Sultan of Zanzibar to Germany of Possessions on the Mainland and of Island of Mafia.

ART. XI. Great Britain engages to use all her influence to facilitate a friendly arrangement, by which the Sultan of Zanzibar shall cede absolutely to Germany his Possessions on the mainland comprised in existing Concessions to the German East African Company, and their Dependencies, as well as the Island of Mafia.†

It is understood that His Highness will, at the same time, receive an equitable indemnity for the loss of revenue resulting from such cession.

* See Hertslet's *Map of Africa by Treaty*, Vol. II, map to face page 246.

† On the 27th-28th October, 1890, an exchange of Notes took place between the Representatives of Great Britain and Germany, at Berlin (with the consent of the Sultan of Zanzibar), for the permanent cession to Germany of the coast line between the Rivers Umba and Rovuma, and of the Island of Mafia.

German Recognition of British Protectorate over remaining Dominions of Sultan of Zanzibar, including Islands of Zanzibar and Pemba, and Witu.

Germany engages to recognize a Protectorate of Great Britain over the remaining dominions of the Sultan of Zanzibar, including the Islands of Zanzibar* and Pemba, as well as over the dominions of the Sultan of Witu,†

Withdrawal of German Protectorate up to Kismayu.

And the adjacent territory up to Kismayu,‡ from which her Protectorate is withdrawn. It is understood that if the cession of the German Coast has not taken place before the assumption by Great Britain of the Protectorate of Zanzibar,§ Her Majesty's Government will, in assuming the Protectorate, accept the obligation to use all their influence with the Sultan to induce him to make that cession at the earliest possible period in consideration of an equitable indemnity.

ART. XII. *Cession of Heligoland by Great Britain to Germany.*||

EDWARD B. MALET.
H. PERCY ANDERSON.
v. CAPRIVI.
K. KRAUEL.

Berlin, 1st July, 1890.

PART II.—TREATIES PARTIALLY DETERMINED.

(C.)—*CONVENTION for the Settlement of the Transvaal Territory.—Signed at Pretoria, 3rd August, 1881.*

HER Majesty's Commissioners for the settlement of the Transvaal Territory, duly appointed as such by a Commission passed under the Royal Sign Manual and Signet, bearing date the 5th of April, 1881, do hereby undertake and guarantee, on behalf of Her Majesty, that from and after the 8th day of August, 1881, complete self-government, subject to the suzerainty of Her Majesty, Her heirs and successors, will be accorded to the inhabitants of the Transvaal Territory, upon the following terms and conditions, and subject to the following reservations and limitations:—

I. ¶ The said Territory, to be herein-after called the Transvaal State, will embrace the land lying between the following boundaries, to wit:

[See Convention of 1884, Section I (F.), Article I, page 23, and for subsequent alterations see Section VI, *sub verbis* South African Republic.]

II. Her Majesty reserves to Herself, Her heir and successors, (a) the right from time to time to appoint a British Resident in and for the said State, with such duties and functions as are herein-after defined; (b) the

* See Notification of British Protectorate over Sultan of Zanzibar's Dominions, 4th November, 1890. Hertslet's *Map of Africa by Treaty*, page 766.

† See also Art. II. See Notification of British Protectorate over Witu, &c., 19th November, 1890. Hertslet's *Map of Africa by Treaty*, Vol. I, page 327.

‡ See also Art. II. The Harbour and District of Kismayu were assigned to the British sphere of influence by § 1 of the Anglo-Italian Agreement of 24th March, 1891.

§ Provisional Agreement signed 14th June, 1890. Notification of British Protectorate, 4th November, 1890.

|| See Hertslet's *Map of Europe by Treaty*, vol. iv, p. 3286.

¶ The Articles of this Convention were superseded by the Articles of the Convention of London, 1884. See Preamble, page 23 *supra*.—"the following Articles of a new Convention, signed, etc., shall, when ratified by the Volksraad of the South African Republic, be substituted for the Articles embodied in the Convention of 3rd August, 1881."

right to move troops through the said State in time of war, or in case of the apprehension of immediate war between the Suzerain Power and any foreign State, or Native tribe in South Africa; and (e) the control of the external relations of the said State, including the conclusion of treaties, and the conduct of diplomatic intercourse with foreign powers, such intercourse to be carried on through Her Majesty's diplomatic and consular officers abroad.

III. Until altered by the Volksraad or other competent authority, all laws, whether passed before or after the annexation of the Transvaal territory to Her Majesty's dominions, shall, except in so far as they are inconsistent with, or repugnant to, the provisions of this Convention, be and remain in force in the said State, in so far as they shall be applicable thereto: Provided that no future enactment specially affecting the interests of natives shall have any force or effect in the said State without the consent of Her Majesty, Her heirs and successors, first had and obtained and signified to the Government of the said State through the British Resident: Provided further, that in no case will the repeal or amendment of any law which have been enacted since the annexation have a retrospective effect so as to invalidate any acts done or liabilities incurred by virtue of such laws.

IV. On the 8th day of August, 1881, the Government of the said State, together with all rights and obligations thereto appertaining, and all State property taken over at the time of annexation, save and except munitions of war, will be handed over to Messrs.

Stephanus Johannes Paulus Kruger,
Martinus Wessel Pretorius, and
Petrus Jacobus Joubert, or the

survivor or survivors of them, who will forthwith cause a Volksraad to be elected and convened; and the Volksraad thus elected and convened will decide as to the further administration of the Government of the said State.

V. All sentences passed upon persons who may be convicted of offences contrary to the rules of civilised warfare, committed during the recent hostilities, will be duly carried out, and no alteration or mitigation of such sentences will be made or allowed by the Government of the Transvaal State without Her Majesty's consent, conveyed through the British Resident. In case there shall be any prisoners in any of the gaols of the Transvaal State, whose respective sentences of imprisonment have been remitted in part by Her Majesty's Administrator, or other officer administering the Government, such remission will be recognised and acted upon by the future Government of the said State.

VI. Her Majesty's Government will make due compensation for all losses or damage sustained by reason of such acts as are in the 8th Article herein-after specified, which may have been committed by Her Majesty's forces during the recent hostilities, except for such losses or damage as may already have been compensated for, and the Government of the Transvaal State will make due compensation for all losses or damage sustained by reason of such acts as are in the 8th Article herein-after specified, which may have been committed by the people who were in arms against Her Majesty during the recent hostilities, except for such losses or damage as may already have been compensated for.

VII. The decision of all claims for compensation, as in the last preceding article mentioned, will be referred to a Sub-Commission, consisting of the Honourable George Hudson, the Honourable Jacobus Petrus de Wet, and the Honourable John Gilbert Kotzé.

In case one or more of such Sub-Commissioners shall be unable or unwilling to act, the remaining Sub-Commissioner or Sub-Commissioners will, after consultation with the Government of the Transvaal State, submit for the approval of Her Majesty's High Commissioner the names of one or more persons to be appointed by him to fill the place or places thus vacated.

The decision of the said Sub-Commissioners, or of a majority of them, will be final.

The said Sub-Commissioners will enter upon and perform their duties with all convenient speed. They will, before taking evidence, or ordering evidence to be taken, in respect of any claim, decide whether such claim can be entertained at all under the rules laid down in the next succeeding article.

In regard to claims which can be so entertained, the Sub-Commissioners will, in the first instance, afford every facility for an amicable arrangement as to the amount payable in respect of any claim, and only in cases in which there is no reasonable ground for believing that an immediate amicable arrangement can be arrived at will they take evidence, or order evidence to be taken.

For the purpose of taking evidence and reporting thereon, the Sub-Commissioners may appoint deputies, who will without delay submit records of the evidence and their reports to the Sub-Commissioners.

The Sub-Commissioners will arrange their sittings, and the sittings of their deputies, in such a manner as to afford the greatest convenience to the parties concerned and their witnesses. In no case will costs be allowed to either side, other than the actual and reasonable expenses of witnesses whose evidence is certified by the Sub-Commissioners to have been necessary. Interest will not run on the amount of any claim except as is herein-after provided for.

The said Sub-Commissioners will forthwith, after deciding upon any claim, announce their decision to the Government against which the award is made, and to the claimant.

The amount of remuneration payable to the Sub-Commissioners and their deputies will be determined by the High Commissioner after all the claims have been decided upon. The British Government and the Government of the Transvaal State will pay proportionate shares of the said remuneration, and of the expenses of the Sub-Commissioners and their deputies, according to the amounts awarded against them respectively.

VIII. For the purpose of distinguishing claims to be accepted from those to be rejected the Sub-Commissioners will be guided by the following rules, viz. : Compensation will be allowed for losses or damage sustained by reason of the following acts committed during the recent hostilities, viz. :—
(a) commandeering, seizure, confiscation, or destruction of property, or damage done to property ; (b) violence done or threats used by persons in arms.

In regard to acts under (a), compensation will be allowed for direct losses only.

In regard to acts falling under (b), compensation will be allowed for actual losses of property, or actual injury to the same, proved to have been caused by its enforced abandonment.

No claims for indirect losses, except such as are in this article specially provided for, will be entertained.

No claims which have been handed in to the Secretary of the Royal Commission after the 1st day of July, 1881, will be entertained, unless the Sub-Commissioners shall be satisfied that the delay was reasonable.

When claims for loss of property are considered, the Sub-Commissioners will require distinct proof of the existence of the property, and that it neither has reverted, nor will revert, to the claimant.

IX. The Government of the Transvaal State will pay and satisfy the amount of every claim awarded against it within one month after the Sub-Commissioners shall have notified their decision to the said Government, and in default of such payment the said Government will pay interest at the rate of six per cent. per annum from the date of such default; but Her Majesty's Government may, at any time before such payment, pay the amount, with interest, if any, to the claimant in satisfaction of his claim, and may add the sum thus paid to any debt which may be due by the Transvaal State to Her Majesty's Government, as herein-after provided for.

X. The Transvaal State will be liable for the balance of the debts for which the South African Republic was liable at the date of annexation, to wit: the sum of £48,000 in respect of the Cape Commercial Bank Loan, and £85,667 in respect of the Railway Loan, together with the amount due on the 8th August, 1881, on account of the Orphan Chamber debt, which now stands at £27,226 15s., which debts will be a first charge upon the revenues of the State. The Transvaal State will moreover be liable for the lawful expenditure lawfully incurred for the necessary expenses of the Province since annexation, to wit: the sum of £265,000, which debt, together with such debts as may be incurred by virtue of the 9th Article, will be a second charge upon the revenues of the State.

XI. The debts due as aforesaid by the Transvaal State to Her Majesty's Government will bear interest at the rate of three and a half per cent., and any portion of such debt as may remain unpaid on the 8th August, 1882, shall be repayable by a payment for interest and Sinking Fund of six pounds and ninepence per £100 per annum, which will extinguish the debt in twenty-five years. The said payment of six pounds and ninepence per £100 shall be payable half-yearly, in British currency, on the 8th February and 8th August in each year: Provided always that the Transvaal State shall pay, in reduction of the said debt, the sum of £100,000 before the 8th August, 1882, and shall be at liberty at the close of any half-year to pay off the whole or any portion of the outstanding debt.

XII. All persons holding property in the said State on the 8th day of August, 1881, will continue to enjoy the rights of property which they have enjoyed since the Annexation. No person who has remained loyal to Her Majesty during the recent hostilities shall suffer any molestation by reason of his loyalty; or be liable to any criminal prosecution or civil action for any part taken in connexion with such hostilities; and all such persons will have full liberty to reside in the country, with enjoyment of all civil rights, and protection for their persons and property.

XIII. Natives will be allowed to acquire land, but the grant or transfer of such land will in every case be made to and registered in the name of the Native Location Commission, herein-after mentioned, in trust for such natives.

XIV. Natives will be allowed to move as freely within the country as may be consistent with the requirements of public order, and to leave it for the purpose of seeking employment elsewhere, or for other lawful purposes, subject always to the Pass Laws of the said State, as amended by the Legislature of the Province, or as may hereafter be enacted, under the provisions of the 3rd Article of this Convention.

XV. The provisions of the 4th Article of the Sand River Convention are hereby re-affirmed, and no slavery or apprenticeship partaking of slavery will be tolerated by the Government of the said State.

XVI. There will continue to be complete freedom of religion and protection from molestation for all denominations, provided the same be not inconsistent with morality and good order; and no disability shall attach to any person in regard to rights of property by reason of the religious opinions which he holds.

XVII. The British Resident will receive from the Government of the Transvaal State such assistance and support as can by law be given to him for the due discharge of his functions. He will also receive every assistance for the proper care and preservation of the graves of such of Her Majesty's Forces as have died in the Transvaal; and, if need be, for the expropriation of land for the purpose.

XVIII. The following will be the duties and functions of the British Resident:—

- (1.) He will perform duties and functions analogous to those discharged by a Chargé d'Affaires and Consul-General.
- (2.) In regard to natives within the Transvaal State, he will (a) report to the High Commissioner, as representative of the Suzerain, as to the working and observance of the provisions of this Convention; (b) report to the Transvaal authorities any cases of ill-treatment of Natives, or attempts to incite Natives to rebellion, that may come to his knowledge; (c) use his influence with the Natives in favour of law and order; and (d) generally perform such other duties as are by this Convention entrusted to him, and take such steps for the protection of the persons and property of Natives as are consistent with the laws of the land.
- (3.) In regard to natives not residing in the Transvaal, (a) he will report to the High Commissioner and the Transvaal Government any encroachments reported to him as having been made by Transvaal residents upon the land of such Natives, and in case of disagreement between the Transvaal Government and the British Resident, as to whether an encroachment has been made, the decision of the Suzerain will be final. (b) The British Resident will be the medium of communication with Native Chiefs outside the Transvaal, and, subject to the approval of the High Commissioner, as representing the Suzerain, he will control the conclusion of treaties with them, and (c) he will arbitrate upon every dispute between Transvaal residents and Natives outside the Transvaal (as to acts committed beyond the boundaries of the Transvaal) which may be referred to him by the parties interested.
- (4.) In regard to communications with Foreign Powers, the Transvaal Government will correspond with Her Majesty's Government through the British Resident and the High Commissioner.

XIX. The Government of the Transvaal State will strictly adhere to the boundaries defined in the first article of this Convention, and will do its utmost to prevent any of its inhabitants from making any encroachment upon lands beyond the said State. The Royal Commission will forthwith appoint a person who will beacon off the boundary line between Ramatlabama and the point where such line first touches the Griqualand West boundary, midway between the Vaal and Hart Rivers. The person so appointed will be instructed to make an arrangement between the owners of the farms "Grootfontein" and "Valleifontein" on the one hand and the Barolong authorities on the other by which a fair share of the water supply of the said farms shall be allowed to flow undisturbed to the said Barolongs.

XX. All grants or titles issued at any time by the Transvaal Government in respect of land outside the boundary of the Transvaal State, as defined in Article I, shall be considered invalid and of no effect, except in so far as any such grant or title relates to land that falls within the boundary of the Transvaal State; and all persons holding any such grant so considered invalid and of no effect will receive from the Government of the Transvaal State, such compensation, either in land or in money, as the Volksraad shall determine. In all cases in which any Native Chiefs or other authorities outside the said boundaries have received any adequate consideration from the Government of the former South African Republic for land excluded from the Transvaal by the first Article of this Convention, or where permanent improvements have been made on the land, the British Resident will, subject to the approval of the High Commissioner, use his influence to recover from the native authorities fair compensation for the loss of the land thus excluded or of the permanent improvements thereon.

XXI. Forthwith, after the taking effect of this Convention, a Native Location Commission will be constituted, consisting of the President (or in his absence the Vice-President) of the State, or someone deputed by him, the Resident, or someone deputed by him, and a third person to be agreed upon by the President (or the Vice-President, as the case may be) and the Resident; and such Commission will be a standing body for the performance of the duties herein-after mentioned.

XXII. The Native Location Commission will reserve to the Native tribes of the State such locations as they may be fairly and equitably entitled to, due regard being had to the actual occupation of such tribes. The Native Location Commission will clearly define the boundaries of such locations, and for that purpose will, in every instance, first of all ascertain the wishes of the parties interested in such land. In case land already granted in individual titles shall be required for the purpose of any location, the owners will receive such compensation, either in other land or in money, as the Volksraad shall determine. After the boundaries of any location have been fixed, no fresh grant of land within such location will be made, nor will the boundaries be altered without the consent of the Location Commission. No fresh grants of land will be made in the districts of Waterberg, Zoutpansberg, and Lydenberg, until the locations in the said districts respectively shall have been defined by the said Commission.

XXIII. If not released before the taking effect of this Convention, Sikukuni, and those of his followers who have been imprisoned with him, will be forthwith released, and the boundaries of his location will be defined by the Native Location Commission in the manner indicated in the last preceding Article.

XXIV. The independence of the Swazis, within the boundary line of Swaziland, as indicated in the first Article of this Convention, will be fully recognised.

XXV. No other or higher duties will be imposed on the importation into the Transvaal State of any article the produce or manufacture of the dominions and possessions of Her Majesty, from whatever place arriving, than are or may be payable on the like article the produce or manufacture of any other country, nor will any prohibition be maintained or imposed on the importation of any article the produce or manufacture of the dominions and possessions of Her Majesty, which shall not equally extend to the importation of the like articles, being the produce or manufacture of any other country.

XXVI. All persons other than natives conforming themselves to the laws of the Transvaal State (*a*) will have full liberty, with their families, to enter, travel, or reside in any part of the Transvaal State; (*b*) they will be entitled to hire or possess houses, manufactories, warehouses, shops, and premises; (*c*) they may carry on their commerce either in person or by any agents whom they may think fit to employ; (*d*) they will not be subject, in respect of their persons or property, or in respect of their commerce or industry, to any taxes, whether general or local, other than those which are or may be imposed upon Transvaal citizens.

XXVII. All inhabitants of the Transvaal shall have free access to the Courts of Justice for the prosecution and defence of their rights.

XXVIII. All persons, other than natives, who established their domicile in the Transvaal between the 12th day of April, 1877, and the date when this Convention comes into effect, and who shall within twelve months after such last-mentioned date have their names registered by the British Resident, shall be exempt from all compulsory military service whatever. The Resident shall notify such registration to the Government of the Transvaal State.

XXIX. Provision shall hereafter be made by a separate instrument for the mutual extradition of criminals, and also for the surrender of deserters from Her Majesty's forces.

XXX. All debts contracted since the Annexation will be payable in the same currency in which they may have been contracted.

All uncanceled postage and other revenue stamps issued by the Government since the Annexation will remain valid, and will be accepted at their present value by the future Government of the State. All licences duly issued since the Annexation will remain in force during the period for which they may have been issued.

XXXI. No grants of land which may have been made, and no transfers or mortgages which may have been passed since the date of Annexation, will be invalidated by reason merely of their having been made or passed after such date.

All transfers to the British Secretary for Native Affairs in trust for Natives will remain in force, the Native Location Commission taking the place of such Secretary for Native Affairs.

XXXII. This Convention will be ratified by a newly elected Volksraad within the period of three months after its execution, and in default of such ratification this Convention shall be null and void.

XXXIII. Forthwith after the ratification of this Convention, as in the last preceding article mentioned, all British troops in Transvaal Territory will leave the same, and the mutual delivery of munitions of war will be carried out.

Signed at Pretoria this 3rd day of August, 1881.

HERCULES ROBINSON,
President and High Commissioner.

EVELYN WOOD, Major-General,
Officer Administering the Government.

J. H. DE VILLIERS.

We, the undersigned, Stephanus Johannes Paulus Kruger, Martinus Wessel Pretorius, and Petrus Jacobus Joubert, as representatives of the Transvaal burghers, do hereby agree to all the above conditions, reservations, and limitations, under which self-government has been restored to the inhabitants of the Transvaal Territory, subject to the suzerainty of Her Majesty, Her heirs and successors, and we agree to accept the Government of the said Territory, with all rights and obligations thereto appertaining, on the 8th day of August, 1881, and we promise and undertake that this Convention shall be ratified by a newly elected Volksraad of the Transvaal State within three months from this date.

Signed at Pretoria, this 3rd day of August, 1881.

S. J. P. KRUGER,
M. W. PRETORIUS,
P. J. JOUBERT.

(D.)—*AGREEMENT between Great Britain and the New Republic, respecting the Boundary between the New Republic in Zululand and the Zulu Nation.—Signed at Pietermaritzburg, October 22, 1886.**

MEMORANDUM of terms of settlement agreed upon between Sir A. E. Havelock, K.C.M.G., &c., representing Her Majesty's Government, and a Deputation composed of Mr. L. J. Meyer, Mr. P. R. Spies, and Mr. D. J. Esselen, on behalf of the Boer Settlers of the New Republic in Zululand.

ART. I. It is agreed that a line of demarcation be drawn between the territory to remain in occupation and possession of the settlers of the New Republic in Zululand, and the territory to be left in the undisturbed occupation and possession of the Zulu Nation. This line to be as follows:—

Beginning from the waggon-drift where the road from the Inkandhla Mountain crosses the Umhlatuzi River ;

Thence along the waggon-road to the Ulundi Drift over the White Umfolozi River ;

Thence following the south bank of the White Umfolozi River upwards to Beacon No. I of the line of the "second inspection" ;

Thence to Beacon No. II on the Idhlebe Hill ;

Thence to Beacon No. III, called the Ceza, on the Impembeni Mountains ;

Thence to Beacon No. IV of the line of the "second inspection" ;

Thence to the nearest source of the Impalaza Spruit ;

Thence down the north bank of the Impalaza Spruit to its junction with the Umkuzana Spruit ;

Thence down the north bank of the Umkuzana Spruit to its junction with the Umkuzi River ;

Thence down the north bank of the Umkuzi River to the Poort where it passes through the Libombo Mountains ;

* The obligations of the New Republic were, after its amalgamation with the South African Republic in September 14, 1887, assumed by the South African Republic. See Section I (H), Article VI, page 40 *supra*.

Thence along the watershed of the Libombo Mountains to the Pongolo River Poort.

Proviso (A).—Provided that the right of passage with vehicles or otherwise along the road now existing, or any road which may be made from Central Zululand across the “Mkuzana” and “Mkuzi” Rivers to and across the Pongolo River, shall be reserved to all persons of all nationalities without let or hindrance, and without payment of licence or toll.

Proviso (B).—Provided that all settlers having received allotments within the area below described may continue to occupy and possess such allotments. This area to be included within the following boundaries:—

From the Ulundi Drift, on the White Umfolozi River, down the south bank of the White Umfolozi River to a spot on the south bank opposite the Hlopekulu Hill;

Thence in a straight line southward across the Imfule River and over the Makassana Mountains down to the Umhlatuzi River to a spot on the north bank opposite the Hlokohloko Mountain;

Thence up the north bank of the Umhlatuzi River to the drift where the waggon-road leading to the Inkandhla crosses it;

Thence along the waggon-road to the drift across the White Umfolozi River called Ulundi Drift.

II. Mr. Lucas J. Meyer and his colleagues of the deputation agree, on behalf of the settlers of the New Republic, to take all such measures and to make all such arrangements with all persons claiming rights or privileges in the territory which is to be left, as provided in Article I, in the undisturbed occupation and possession of the Zulu nation, as may be required for the due carrying out of the stipulations of the said Article I, subject to the conditions of Proviso (B).

III. It is agreed that a Commission be appointed, composed of four or more persons, two or more of such persons to be nominated by Sir A. E. Havelock, on behalf of Her Majesty's Government and the Chiefs of the Zulu people on their own behalf and on that of the Zulu nation, and of an equal number of persons to be nominated by Mr. Lucas Meyer on behalf of the settlers of the New Republic, to determine and mark the line of demarcation described in Article I above, and also the boundaries described in Proviso (B) to that Article.

IV. Mr. Lucas Meyer and his colleagues of the deputation agree, on behalf of the settlers of the New Republic, to abandon all claims that may have been made by the New Republic to a Protectorate over the Zulu nation, provided that the Zulu nation makes no objection to such abandonment of claim of a Protectorate.

V. Mr. Lucas Meyer and his colleagues of the deputation agree, on behalf of the settlers of the New Republic, to guarantee to all missionary bodies of all nationalities all rights to lands and other privileges, duly proved, which may have been granted to them by the late King Cetywayo and his predecessors.

VI. Her Majesty's Government, on being satisfied that the conditions and stipulations above set forth have been duly fulfilled, will take steps to enter into a Convention with the Boer settlers of the New Republic, recognizing the New Republic as an independent State, the provisions of

such Convention being generally based on the provisions of the Convention made in London in 1884* between Her Majesty and the South African Republic.

In witness of the above terms of settlement, Sir A. E. Havelock, K.C.M.G., &c., representing Her Majesty's Government, and a deputation, composed of Mr. Lucas J. Meyer, Mr. P. R. Spies, and Mr. D. J. Esselen, on behalf of the Boer settlers of the New Republic in Zululand, sign this Memorandum in duplicate.

Government House, Pietermaritzburg, Natal, the 22nd October, 1886.

A. E. HAVELOCK.
L. J. MEYER.
P. R. SPIES.
D. J. ESSELEN.

As witness to signatures :

H. C. SHEPSTONE.
P. HUGO.

PART III. PARTICULAR AWARDS AND AGREEMENT.

(E.)—*PROTOCOL between Great Britain and Germany, for the settlement of British Claims in Territories under German Protection in South-West Africa.—Berlin, July 15, 1886.*

The undersigned Commissioners, having met and discussed fully those British claims in the territories placed under German protection in South-West Africa, upon which Messrs. Bieber and Shippard, the Commissioners at Cape Town, had disagreed, agree to submit to their Governments the following recommendations:—

1. *Ebony Mines.*

That if Robert Lewis or his assigns desire to work this mine, he or they be at liberty to do so, and to convey the ore to the coast, until the 21st September, 1898, without payment to, and without hindrance or interference by the Colonial Company.

2. *Sandwich Harbour.*

That Mr. Anders Ohlson (trading as A. Ohlson and Co.) and Messrs. De Pass, Spence, and Co., respectively, be held to have acquired a full title in perpetuity for themselves and their assigns to the lands and buildings which they respectively have heretofore occupied in Sandwich Harbour for the purposes of the fishery, together with the right to each firm of taking at any time any other sites on the shore of this harbour, and of erecting buildings thereon, should the sand, as has happened before, shift so as to render useless the land which is now, or at any future time may be, occupied by the buildings; it being understood that any site so taken becomes the absolute property of Messrs. De Pass, Spence, and Co., or of Mr. Ohlson, or their respective assigns, as the case requires, and that they have no further claim to the land which they previously occupied; but that neither firm nor their assigns are entitled to take any site occupied by other persons, nor to take any site the occupation of which would interfere with other persons.

* See Hertslet's *State Papers*, Vol. LXXV Page 5.

That it should be further recognized that the firms of A. Ohlson and De Pass, Spence & Co. have the right of coast fishery in Sandwich Harbour, and along the coast between Sandwich Harbour and the point 23° 20' south latitude, 14° 31' east longitude, with the right of landing on and using for fishery purposes any part of the coast not in the private possession of third parties, subject always to the observance of any laws and regulations which may be issued by the competent authorities. The said firms shall not, however, have any right to hinder other persons from also fishing there, or from establishing themselves in Sandwich Harbour.

3. *Hottentot Bay.*

That Messrs. De Pass, Spence, and Co. have in like manner acquired a full title in perpetuity for themselves and their assigns to the guano deposits at Hottentot Bay, and to the land which they now occupy there for carrying on fishery or collecting of guano.

4. *Unnamed Islets and Rocks.*

That Messrs. De Pass, Spence, and Co., and their assigns, be free to make use, as they have hitherto done, of these islets and rocks, including Shark Island, without payment until the expiry of their lease, that is to say, until the 30th June, 1895; and if the British Government waive all claim to the sovereignty of these islands and rocks, and acknowledge the sovereignty of Germany over them, then that the latter Power should consent to confer no private rights over them to any persons other than the lessees for the time being of the 12 British islands named in the Letters Patent of the 27th February, 1867.

Upon this understanding the British Commissioner will recommend his Government to acknowledge forthwith the sovereignty of Germany in these islets and rocks.

5. *Mainland Claims.*

That Messrs. De Pass, Spence, and Co. should be held to have acquired for themselves and their assigns a full title in perpetuity to the Pomona mine, with 2 English miles of land round the mine on every side; and that they should have the right to use the lagoon for their vessels, and to make use of the land round the lagoon for all purposes as they have done hitherto, without payment and without hindrance or disturbance by the Colonial Company, and if irreconcilable disputes between the firm and the Company should arise as to the proper exercise of these rights on land, then that the chief officer of the German Government within the Protectorate shall allot to Messrs. De Pass, Spence, and Co., or their assigns, sufficient land for the purposes of their business, conveniently situated on the shore of the lagoon, and that the land so allotted shall become the absolute property in perpetuity of the persons to whom the same is allotted, but that such allotting of land shall in no way affect or lessen their right to use the lagoon for their vessels.

Berlin, July 15, 1886.

CHARLES S. SCOTT.
R. KRAUEL.

Sir E. Malet to Count Bismarck.

Berlin, October 23, 1886.

M. LE SECRÉTAIRE d'ÉTAT,

Her Majesty's Government have had under their consideration the Protocol signed by Dr. Krauel and Mr. Scott, containing the joint recommendations of the Imperial and British Commissioners for a settlement of certain outstanding British claims in the Imperial Protectorate of South-west Africa, in regard to which the Commissioners at Cape Town failed to arrive at an agreement. I have now the honour to inform your Excellency, by direction of Her Majesty's Principal Secretary of State for Foreign Affairs, that the arrangements embodied in the Protocol in question are approved and accepted by Her Majesty's Government. In acquainting your Excellency with this decision, I am directed to add that Her Majesty's Government would be glad to be informed whether the Imperial Government in like manner approve and accept the arrangement in question.

I have, &c.,

EDWARD B. MALET.

Count Bismarck.

Count Hatzfeldt to the Earl of Iddesleigh.

(Translation.)

German Embassy, London, November 13, 1886.

MY LORD,

In a note of the 23rd ultimo the British Ambassador in Berlin informed the Imperial Government that his Government agreed to the proposals contained in the Protocol, the German version of which is herewith inclosed, respecting the rights of British subjects in the South-west African Territories under German protection, which Protocol was signed on the 15th July last by Mr. Scott, the First Secretary of the English Embassy in Berlin, and Dr. Krauel, Privy Councillor of Legation.

Sir Edward Malet stated at the same time that the British Government wished to be informed whether the Imperial Government also agreed to the proposals in question.

In reply, I am instructed to express the concurrence of my Government in the proposals made in the inclosed Protocol.

The Imperial Government is prepared to take the necessary steps to communicate the provisions of the Protocol to those interested, and as far as necessary to superintend the execution of those provisions through the Imperial officials in the protected territory.

I have, &c.,

v. HATZFELDT.

The Earl of Iddesleigh.

(F.)—AWARD of the Arbitrator with reference to the matters in controversy between the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Government of the South African Republic, relative to Article 14 of the Convention of London of 1884, Law No. 3, of 1885, of the South African Republic, as amended in 1886, and certain correspondence between these two Governments.

Whereas certain questions have arisen between the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Government of the South African Republic with reference to the 14th Article of a certain Convention entered into in London on the 27th day of February 1884 by the representatives of the said Governments, on behalf of the said Governments respectively, with reference to Law No. 3, of 1885, enacted, and in the year 1886 amended, by the Volksraad of the South African Republic, and with reference to certain despatches thereunto relating.

And whereas the said Governments have agreed to submit the said questions to arbitration, and have nominated me, the undersigned, Melius de Villiers, as arbitrator, to decide and determine the matters in controversy between the said Governments; and I, the arbitrator so nominated, have taken upon myself the burden of such arbitration.

And whereas it has been agreed, on behalf of the said Governments, that the arbitrator, taking into consideration the statements of the case put forward by the Government of Her Majesty and the Government of the South African Republic respectively, and of the correspondence therein cited, might decide as to him, the arbitrator, should appear to be equitable and just.

And whereas Her Majesty's Government, in their statement of the case, claim:—

“(a.) That the Indian and other Asiatic traders, being British subjects, be allowed to reside in the towns of the South African Republic in some quarters (wards and streets) which, for sanitary purposes, may be assigned to them.

“(b.) That they may be allowed to carry on their trade or business in shops or stores in any part of the town.”

And whereas the Government of the South African Republic, in their statement of the case, claim:—

“(a) That the South African Republic is fully entitled to make such regulations concerning Coolies, Arabs, Malays, and Mahomedan subjects of the Turkish Empire as it may think fit.

“(b) That Her Majesty's Government is not entitled to object when the Government of the South African Republic prohibit Coolies, Arabs, Malays, and Mahomedan subjects of the Turkish Empire from having business premises in villages and towns on other places than those assigned by the Government.”

And whereas I, the said arbitrator, have heard the counsel instructed on behalf of the said Governments respectively, and considered their arguments, and have carefully investigated the aforesaid questions and the documents relating thereto.

And whereas it was agreed and understood that I, the said arbitrator, should give my award on the aforesaid questions in writing, in duplicate, to be communicated to the Governments before-mentioned respectively.

Now, therefore I, the said arbitrator, do make this my award in writing, in manner following, that is to say:—

- (a.) The claims of Her Majesty's Government and of the Government of the South African Republic respectively are disallowed, save and except to the extent and degree following, that is to say :
- (b.) The South African Republic is bound and entitled in its treatment of Indian and other Asiatic traders, being British subjects, to give full force and effect to Law No. 3, of 1885, enacted, and in the year 1886 amended, by the Volksraad of the South African Republic, subject (in case of objections being raised by or on behalf of any such persons to any such treatment as not being in accordance with the provisions of the said law as amended) to sole and exclusive interpretation in the ordinary course by the tribunals of the country.

In witness whereof I, the said Melius de Villiers, have hereunto set my hand, this 2nd day of April, 1895.

MELIUS DE VILLIERS.

(G).—*CONVENTION* entered into between His Excellency Sir Henry Barkly, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of Her Majesty's Colony of the Cape of Good Hope in South Africa and of the Territories and Dependencies thereof, and Her Majesty's High Commissioner, &c., &c., for and on behalf of the Colony of the Cape of Good Hope, of the one part, and His Honour J. H. Brand, President of the Orange Free State, &c., &c., for and on behalf of the Government of the Orange Free State of the other part.*

Whereas it is desirable that a Bridge or Bridges should be constructed across the Orange River, between the said Colony of the Cape of Good Hope and the said Orange Free State :

And whereas the Parliament of the said Colony and the Volksraad of the said Orange Free State have respectively made certain provisions in order to facilitate the construction of such Bridge or Bridges, to wit, the Acts 15 of 1871, 12 of 1872, and 26 of 1874, of the said Colony, and the Resolutions of the said Volksraad of the 2nd day of June, 1869, the 20th day of May, 1872, and the 13th day of June, 1874 :

Now, therefore, in order to facilitate and promote the construction of a Bridge or Bridges as aforesaid, it is agreed, by and between the said parties hereto acting as aforesaid, as follows, that is to say:—

- I. A Bridge or Bridges may be constructed across the Orange River at one or more of the following places, to wit,—Aliwal North, Bethulie, and Colesberg, either by or on behalf of the Government of the said Colony, or by any person or persons, company or companies, duly authorized thereto by the Government of the said Colony, the exact sites to be determined upon by or with the consent of the said respective Governments.

* See *Cape of Good Hope Statutes*, Vol. I, page 1187, Act 15 of 1871 ; also Vol. II, page 1353, Act 26 of 1874 ; and Act 17 of 1889 printed on next page.

II.† Upon the erection of any Bridge or Bridges as aforesaid, the said Government, or any such person or persons, or company or companies as aforesaid, may levy tolls upon such Bridge or Bridges at either end thereof, or on the approaches thereto, as may be thought desirable by such Government, person or persons, company or companies, such tolls not to exceed the rates set forth in the tariff hereto annexed, estimated in current coin of Great Britain and Ireland, and to be payable in such coin; and no tolls to be levied by any one except the said Colonial Government without the sanction of the said Government, and any tolls to be so levied as aforesaid shall be levied at a distance not greater than 100 yards from either end of any such Bridge, or of any embankment or cutting which may form an approach thereto.

III. Such tolls shall be payable by all persons crossing any such Bridge or Bridges, and, as to animals and vehicles, by the owner or person in charge of such animals and vehicles crossing such Bridge or Bridges: Provided that any person or persons actually travelling across such Bridge or Bridges on the immediate service of the Government of the said Colony, or of the Orange Free State, and all vehicles and animals actually the property of Her Majesty Queen Victoria, her heirs or successors, or of either of such Governments, and then employed on the service thereof, and all mails passing across such Bridge or Bridges to or from, or in route to any place beyond the said Colony or the Orange Free State, forwarded by either of the said Governments, and the vehicles and animals then carrying, conveying, or drawing the same, and the drivers or carriers respectively thereof, shall be exempt from payment of any toll.

IV. From and after the opening of any Bridge or Bridges as aforesaid for public traffic, it shall be lawful for the Government of the said Colony, or the person or persons, company or companies, constructing such Bridge or Bridges, if duly authorized thereto by such Government, to levy upon persons, animals, and vehicles crossing or going through the said Orange River, at any place within five miles on either side of any such Bridge, the like tolls as would be leviable upon the same persons, animals, and vehicles crossing the said bridge, saving the like exemptions as are in the third Article hereof provided, and all such tolls shall be payable in like manner as the tolls therein mentioned.

No. 17—1889.]

† *ACT to Abolish Tolls on Bridges over the Orange and Great Kei Rivers.—August 13, 1889.*

Be it enacted by the Governor of the Cape of Good Hope, by and with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

1. The ninth and tenth sections of the Act No. 6 of 1877, commonly called the "Kei Bridge and Natal Telegraph Act, 1877," the second, third, fifth, and sixth sub-sections of the first section of and the Schedule to the Act No. 15 of 1871, and the Act No. 12 of 1884, together with so much of any other provision of the Act No. 15 of 1871, or any other law in force in this Colony as shall be repugnant to or inconsistent with the provisions of this Act shall be and is hereby repealed in respect of the toll-bars and tolls referred to in this Act: provided that nothing in this Act contained shall be deemed or taken to impair or affect the validity of a certain Convention made and entered into by and between the Governor of this Colony and the President of the Orange Free State and published in the Gazette under the Proclamation No. 4, dated the 2nd day of February, 1875.

2. From and after the promulgation of this Act, every toll bar established within this Colony for the purpose of taking tolls at any of the bridges referred to in either of the aforesaid Acts shall be abolished, and thereafter no toll-bar shall be established and no tolls shall be taken at or near any of the said bridges.

3. This Act may be cited for all purposes as the "Orange and Kei Rivers Free Bridges Act, 1889."

- V. From and after the opening of any Bridge or Bridges, as aforesaid for public traffic, no boat or pontoon shall ply for hire or reward of any kind across the said river within a distance of five miles on either side of any of such Bridge or Bridges, under a penalty that any such boat or pontoon may be seized and sold by the Government of the said Colony, or the person or persons, or company or companies, constructing such Bridge as aforesaid for its, his, or their behalf respectively.
- VI. The person entitled to demand and receive the tolls payable as aforesaid may prevent the passing across or along any such Bridge, or the crossing or going through the said river at any place within five miles on either side of any such bridge, of any person, vehicle, or animal, for or in respect of whom or which any toll shall be payable until such toll be paid. And if any person liable to any toll, from whom it has been duly demanded, or who, by any act of his own, intended to prevent a due demand from being made, may have succeeded in preventing such due demand from being made and who, without paying the said toll, and without the consent of the person entitled to demand the same, or without some other lawful authority, may have proceeded through or beyond the place where the same is of right demandable, shall incur a fine of not less than twenty shillings, and not more than ten pounds, to be recovered by suit or action in any competent Court, and in default of payment thereof shall be liable to be imprisoned for any period not exceeding one month.
- VII. Such lands, the property of the Crown and of the said Government of the Orange Free State respectively, as may from time to time be reasonably required by the Government of the said Colony, or by such person or persons, company or companies as aforesaid, for the necessary buildings or maintenance of the said Bridge or Bridges, and of the approaches thereto, and of the toll-houses and other buildings (if any) required, may be taken possession of, occupied, and enjoyed by the Government of the said Colony, or by such person or persons, or company or companies, or its, his, or their servants and agents, free of any charge to be made by either the Government of the said Colony or the Government of the said Orange Free State: Provided, nevertheless, that in case any property not that of the Crown nor of the Orange Free State respectively shall be required for the aforesaid purposes, the Government of the said Colony, or person or persons, or company or companies aforesaid, as the case may be, shall be entitled to purchase, and the owner or owners of the said property shall be authorized and bound to sell the same; and in case of any difference of opinion between the said parties as to the value of the property so required, such value shall be determined by the arbitration of three persons, one to be appointed by the Government of the said Colony, or person or persons, or company or companies as aforesaid, as the case may be, another by the owner or owners of the property aforesaid, and the third by the person or persons so appointed before proceeding in the said reference, and the award of such arbitrators, or any two of them, shall be binding upon all parties concerned.
- VIII. In case any such Bridge or Bridges shall be constructed not by or on behalf of the Government of the said Colony, but by some person or persons, company or companies authorized so to do by the Govern-

ment of the said Colony, and by the said Government of the said Orange Free State, the same shall be constructed in a workman-like, good, and substantial manner, and with fit and proper materials, to the satisfaction of an inspector to be appointed by the Government of the said Colony, and of an inspector to be appointed by the Government of the Orange Free State, or in case of difference between the said inspectors, by an umpire to be appointed by them before commencing their inspection; provided that it shall be competent for the said Governments to appoint one and the same person as inspector on behalf of both, and the said contractor shall give proper security to the satisfaction of the Government of the said Colony to complete such Bridge or Bridges within a certain time, and to maintain such Bridge or Bridges in a good and substantial state of repair, subject to such penalties as may be agreed on, and to be enforced as may be agreed on; any question of good and substantial repair of the said Bridge or Bridges to be determined by the judgment of an inspector or inspectors or umpire as aforesaid.

- IX. Any dispute between travellers passing over the said Bridge or Bridges, or over or across the said river as hereinbefore mentioned of the one part, and the Government of the said Colony or such person or persons, company, or companies, and its, his, or their servants of the other part, shall be determined; and the payment of the tolls so payable as aforesaid may be enforced, and the penalties hereinbefore mentioned recovered, and any other questions between the Government of the said Colony, or such person or persons, company or companies as aforesaid, and other persons relating to any such Bridge or Bridges, and any questions as to the possession of the said Bridge or Bridges, or the sequestration or receipt of the said tolls, may be determined either in any court of the said Colony, or in any court of the said Orange Free State, which, if the suit were between persons resident in the said Colony or Orange Free State respectively, would have been the competent court for such suit, according as the dispute, cause of action, or complaint may have arisen in this Colony or in the said Orange Free State, but any such dispute, cause of action, or complaint arising on any such Bridge may be determined by any competent court of this Colony; and the jurisdiction hereby given shall be deemed the lawful jurisdiction of such court and of the judges and magistrates thereof respectively: Provided that nothing herein contained shall confer jurisdiction upon any court in the said Orange Free State, which, but for this Convention, it would not have possessed, to entertain any suit or proceeding between the Government of the said Colony and the constructor of any Bridge or Bridges as aforesaid.
- X. In case of any Bridge being constructed by any person or persons, company or companies, as aforesaid, who shall raise the capital for the purpose of such construction, by the issue of shares to be subscribed for by the public, and invitations for the subscription of such shares shall be issued in the said Colony, the like invitation should be issued in the Orange Free State.
- XI. In case any of the said Bridges shall not be commenced on or before the first day of January, 1877, this Convention shall not apply to such Bridge or Bridges.

XII. As to any, or either, of the said Bridges which may be constructed by or on behalf of the Government of the said Colony, it shall be competent for the Government of the said Orange Free State at any time after the expiration of twenty-one years from the day on which any such Bridge shall have been first opened for traffic, to give one year's notice to the Government of the said Colony of its desire to receive and have half the revenue to be derived from such Bridge, and thereupon, and upon payment to the Government of the said Colony of one half the cost of constructing such Bridge, and of the Works, Approaches, and Buildings in connection therewith, the said Government of the Orange Free State shall receive and have for its own use and benefit, one half of the revenue to be thenceforth derived from the said Bridge by the Government of the said Colony, and thereupon the Government of the said Orange Free State shall be liable to pay one half of the expenses of collecting the said revenue, and one half of the necessary repairs and maintenance of the said Bridge or Bridges of which the said Government of the said Orange Free State shall receive one half of such revenue as aforesaid.

In case of any difference of opinion between the said Governments as to the costs of such construction, or the amount to be paid for repairs or maintenance, such difference shall be settled by the arbitration of three persons, one to be appointed by the Government of the said Colony, one by the Government of the said Orange Free State, and the third by the persons so appointed before proceeding with the said reference, and the award of such arbitrators, or any two of them, shall be binding and final.

XIII. Should the Government of the said Orange Free State be desirous of constructing any or either of the said Bridges between the said Colony and the said Orange Free State, it shall be competent for the said Government to construct such Bridge, and thereupon, all and singular, the provisions of this Convention as to the Government of the said Colony and the Bridge or Bridges to be constructed by such Government, shall, *mutatis mutandis*, apply to the said Government of the said Orange Free State and the Bridge or Bridges to be constructed by it: Provided that any such dispute, cause of action, or complaint mentioned in the ninth article hereof, arising on such Bridge or Bridges constructed by the said Government of the Orange Free State may be determined by any competent Court of the said Orange Free State: Provided further, that nothing herein contained shall confer jurisdiction upon any Court in the said Colony which but for this Convention it would not have possessed, to entertain any suit or proceeding between the Government of the said Orange Free State and the constructor of any Bridge or Bridges as aforesaid.

XIV. Should any person or persons, company or companies, in the said Orange Free State be willing to construct any or either of the said Bridges between the said Colony and the said Orange Free State, and be authorised by the Government of the said Colony and the Government of the said Orange Free State to construct such Bridge or Bridges before the Government of the said Colony shall have commenced such construction, or have notified to the Government of the said Orange Free State that it is about to commence such construction, and before any person or persons, or company or companies, shall have been authorised by the Government of the said Colony to construct such Bridge or Bridges, it shall be competent for such first-mentioned person or persons, company or companies,

to construct such Bridge or Bridges ; and thereupon all and singular the provisions of this Convention shall, as to a person or persons, company or companies, authorised by the Government of the said Colony, and the Bridge or Bridges to be constructed by such person or persons, company or companies, *mutatis mutandis* apply to such person or persons, company or companies, in the said Orange Free State, and the Bridge or Bridges to be constructed by such person or persons, company or companies.

XV. The provisions of this Convention shall, so far as possible, apply not only to the original constructor of any Bridge or Bridges as aforesaid, but to the successors, representatives, lessee, and assigns of such Constructors.

XVI. It is lastly agreed by and between the said contracting parties that they will do all in their power to obtain any legislative enactment or enactments which may be necessary, in order to give full effect to this Convention and the several stipulations therein.

In witness whereof His Excellency the Governor of the Cape of Good Hope has signed this Convention at Cape Town on the Fifth day of December, One thousand eight hundred and seventy-four.

(Signed) HENRY BARKLY, Governor.

And His Honour the President of the Orange Free State has signed the same at Bloemfontein, on the Twenty-fourth day of December, in the year of our Lord One thousand eight hundred and seventy-four.

(Signed) J. H. BRAND, States' President.

TARIFF REFERRED TO IN ARTICLE 2.

	£	s.	d.
Upon each loaded buck-wagon, drawn by any sort of animals, not exceeding sixteen in number	0	17	6
Upon each buck-wagon carrying not more than 500 lbs., drawn as above	0	7	6
Upon each animal, over and above sixteen, drawing such vehicle ...	0	1	0
Upon each loaded tent or other wagon, not being a buck-wagon, drawn by any sort of animals, not exceeding twelve in number	0	12	6
Upon each wagon carrying not more than 500 lbs., not being a buck-wagon, drawn as above	0	5	0
Upon each animal over and above twelve drawing such wagon ...	0	1	0
Upon each travelling cart, spider, wagon, or other conveyance, drawn by not more than two animals	0	5	0
Upon each animal over and above two drawing such vehicle ...	0	1	0
Upon each saddle horse	0	1	0
Upon each loose or led horse, mule, or ass, and upon each head of cattle and ostrich	0	0	6
Upon sheep or goats or other animals, for every head up to 250, one halfpenny, and one farthing per head on excess.			
Upon each person of twelve years of age and upwards on foot, not engaged in driving or leading any wagon or animals upon which tolls are payable	0	0	3

PART IV.—NON-RATIFIED CONVENTION.

CUSTOMS UNION CONVENTION of 1898.—May, 1898.*

HIS Excellency the Governor of the Colony of the Cape of Good Hope, His Excellency the Governor of the Colony of Natal, and His Honour the President of the Orange Free State, mutually on behalf of their respective Governments, admitting that each Colony and State is entitled to a share in Customs duties collected on goods imported for consumption therein through any of the said Colonies or State and that it is desirable that there should be a general Customs Union between all the Colonies and States of South Africa on the basis,—firstly, of a uniform tariff on all imported goods consumed within such Union, and of an equitable distribution of the duties collected on such goods amongst the parties to such Union; and, secondly, of Free Trade between the Colonies and State in respect of all South African products, and being desirous, pending the establishment of such a general Customs Union, of extending the existing Customs Union,—have agreed on behalf of their respective Governments upon the following articles:—

I. The Customs Union Convention between the Cape Colony and the Orange Free State, entered into in the year 1889, and still subsisting, together with all the Protocols thereto, shall be superseded by this present Convention; provided, however,

- (a) That the supersession of the said Convention and Protocols shall not affect the validity of those Protocols thereto whereby Basutoland and the Bechuanaland Protectorate were admitted to the Customs Union, which Protocols are for reference and certainty set forth as Schedules A and B hereto, and, with the exception of the fourth article of each Protocol, which are obsolete, are to be regarded as embodied herein, this Convention and its corresponding articles being deemed to be in the said Protocols referred to in place of the superseded Convention, and its articles of similar import.
- (b) That, wherever in either of the said Protocols mutual agreement or joint assent is required, the agreement or assent of the Government of Natal shall be deemed to be necessary.
- (c) That the subsisting Convention with all Protocols thereto shall, as between all the parties thereto, continue to be of binding force and effect, until a date to be fixed by agreement among the parties to this present Convention, after the same shall have been signed by the parties thereto, and shall have been also assented to by His Excellency the Governor of the Cape Colony and Her Majesty's High Commissioner for and on behalf of Basutoland and the Bechuanaland Protectorate aforesaid, and after the same shall have been ratified and approved of by the Parliament of each of the said Colonies and by the Volksraad of the Orange Free State; and
- (d) That all accounts or other matters outstanding between any parties to the subsisting Convention, shall, notwithstanding its supersession by this present Convention, be settled and determined under the subsisting Convention and Protocols.

* This Convention, signed at Cape Town on May 6, Bloemfontein May 11, Pietermaritzburg May 12, 1898, has not yet (September 1st, 1898), been ratified by the Cape Colony.

II. The following and none other shall be the Customs Duties upon Goods imported into any place within the Union, and the Government of each Colony, State or Territory within the Union shall be bound to levy and collect within its jurisdiction the said duties upon all goods so imported from outside the limits of the Union.

CUSTOMS UNION TARIFF.

CLASS I.—SPECIAL RATES.

	£	s.	d.
1. Ale, Beer, and Cider: all kinds of strength exceeding two per cent. of proof spirit—			
(a) in vessels of not greater content than one Imperial quart per Imp. gal.	0	1	6
(b) in other vessels, bulk or wood "	0	1	3
2. Acetic Acid "	0	3	0
3. Animals, viz.:—			
(a) mules and geldings, and cattle for slaughter each	1	10	0
(b) sheep for slaughter "	0	5	0
4. Beads, known as "Kafir Beads" per lb.	0	0	3
5. Bicycles, Tricycles and Velocipedes, including accessories per £100	12	10	0
6. Blasting Compounds, including all kinds of explosives suitable and intended for blasting and not suitable for use in firearms per lb.	0	0	3
7. Butter, Butterine, Margarine, Ghee and other substitutes for butter... .. "	0	0	3
8. Candles "	0	0	2
9. Cement per 100 lbs.	0	0	6
10. Cheese per lb.	0	0	3
11. Chicory and substitutes for Coffee per 100 lbs.	0	16	8
12. Coffee:			
(a) raw "	0	6	3
(b) roasted, ground or mixed "	0	16	8
13. Cocoa and Chocolate, unsweetened per lb.	0	0	1
14. Cocoa and Milk, Chocolate and Milk, or Coffee and Milk "	0	0	1
15. Condensed, desiccated or preserved Milk or Cream per 100 lbs.	0	4	2
16. Coals, Coke, or Patent Fuel per ton of 2000 lbs.	0	3	0
17. Confectionery: including sweetened cocoa or chocolate, honey, jams, jellies, preserves, sweetmeats, candied or preserved ginger or chow-chow; and all other kinds compounded made or preserved with sugar, but not including purely medicinal preparations properly classed as apothecary ware... .. per 100 lbs.	0	18	9
18. Corn and grain, viz.: Barley, maize, millet, oats, rye, wheat, beans and peas—			
(a) in the grain,			
or (b) crushed, flaked, ground, hulled, malted, pearled, split or otherwise prepared, except oats not in the grain and bran per 100 lbs.	0	2	0
(c) flour wheaten, or wheaten meal, including pollard "	0	4	6

NOTE.—*Vide Free List and Article XV.*

19. Dates	... ..	per 100 lbs.	0	4	2
20. Fish : cured, dried, pickled, preserved, pressed or smoked, not being of South African catching	per lb.		0	0	1
21. Fodder, viz. : chaff, hay, lucerne, oathay and other fodder, not otherwise described, but not including bran	... ..	per 100 lbs.	0	1	6
22. Fruits : preserved, of all kinds, bottled, tinned or otherwise preserved, including pulp and candied peel	... ..	"	0	18	9
23. Fruit : dried, of all kinds, including almonds and nuts	.. ..	per lb.	0	0	2
24. Ginger : green and dry	... ..	"	0	0	2
25. Gunpowder and other explosives suitable for use in firearms	... ..	"	0	0	6
(and $7\frac{1}{2}$ per cent. <i>ad valorem</i> in addition).					
26. Guns and Gunbarrels, Firearms—					
(a) Single	... ..	per barrel	1	0	0
(b) Double and other	... ..	"	0	15	0
(and in either case $7\frac{1}{2}$ per cent. <i>ad valorem</i> in addition).					
27. Meats :					
(a) cooked, dried, fresh, chilled, frozen, pressed, pickled, salted, smoked, or otherwise cured, or preserved, including lard, fats and other similar substances and soups, but not including extracts and essences or fresh beef, and chilled or frozen fresh beef	... ..	per lb.	0	0	2
(b) fresh beef, and chilled or frozen fresh beef	.. ..	"	0	0	1
28. Matches :					
(a) wooden :					
In boxes or packages of not more than 100 matches	... ..	per gross of boxes or packages	0	2	0
In boxes containing more than 100 but not more than 200 matches	... ..	"	0	4	0
And for every 100 additional matches in boxes or packages	... ..	per gross of 100 matches	0	2	0
(b) fuses, vestas or wax matches or other patent lights used as such : in boxes or packages containing not more than 50	... ..	per gross of boxes or packages	0	2	0
In boxes or packages of more than 50 but not more than 100	... ..	"	0	4	0
And for every 50 additional in boxes or packages	... ..	per gross of 50 matches	0	2	0
29. Ochre (commonly known as "Kafir Ochre")	... ..	per 100 lbs.	0	5	0
30. Oils :					
(a) not essential, perfumed or fish, in vessels of not less than one Imperial quart	... ..	per Imp. gal	0	0	3
(b) essential or perfumed	.. ..	per £100	20	0	0
(c) fish oil	... ..	per Imp. gal	0	1	0
31. Picks and Hoes, Kafir	... ..	each	0	0	6

32. Pickles, Sauces, Chutneys, Chillies, and other condiments	per lb.	0	0	2
33. Pistols and Revolvers	each.	0	5	0
34. Salt :				
(a) rock	per ton of 2,000 lbs.	0	2	0
(b) common, not including refined or table salt ..	"	0	5	0
35. Soap, not including toilet soaps and soap powders and extracts... ..	per 100 lbs.	0	4	2
NOTE.— <i>Vide Article XVII.</i>				
36. Spices	per lb.	0	0	2
37. Spirits :				
(a) Perfumed	per Imp. gal	1	0	0
(b) Liqueurs and cordials exceeding two per cent. of proof spirit, and methylated spirits ..	"	0	15	0
(c) Other sorts, exceeding two per cent., but not exceeding the strength of proof by Sykes' Hydrometer, and so on in proportion for any greater strength	"	0	15	0
NOTE.—The above rates do not apply to spirits distilled from the produce of and in the Union. <i>Vide Free List and Article No. XVI.</i>				
38. Sugar :				
(a) the produce of the cane, not refined, glucose, golden syrup, molasses, saccharum and treacle	per 100 lbs.	0	3	6
(b) not cane, and all refined sugars	"	0	5	0
39. Tallow and substitutes for tallow	"	0	4	2
40. Tamarinds	per lb.	0	0	2
41. Turmeric	"	0	0	1
42. Tea	"	0	0	6
43. Tobacco :				
(a) cigars and cigarillos (and in addition $7\frac{1}{2}$ per cent. <i>ad valorem</i>).	"	0	6	0
(b) Goorak or Gooracco and Hookah mixture and all imitations or substitutes	"	0	6	0
(c) Snuff	"	0	4	0
(d) Cigarettes	"	0	4	0
(e) Manufactured and cut	"	0	3	6
(f) Manufactured but uncut	"	0	3	0
(g) Not manufactured but stemmed	"	0	2	6
(h) Not manufactured and unstemmed leaf	"	0	2	0
44. Vinegar : of standard strength, fit for immediate use as such (<i>i.e.</i> , requiring no more than 40 grains of bi-carbonate of potash to neutralize one ounce Troy)				
(a) in bottles or other vessels of the capacity of not more than one Imperial quart... ..	per Imp. gal	0	1	0
(b) do. do. in larger vessels or in bulk	"	0	0	6
(c) concentrated extract or essence, of greater strength than above	"	0	3	0
45. Vegetables :				
(a) pickled, pressed or otherwise preserved	per lb.	0	0	2
(b) onions, not preserved	"	0	0	1
46. Wine.				
(a) claret, not exceeding 20 per cent. of proof spirit	per Imp. gal	0	6	0

(b) other than (a) exceeding 2 per cent. but not more than 50 per cent. of proof spirit ... per Imp. gal. 0 9 0
(and in addition $7\frac{1}{2}$ per cent. *ad valorem* on all wines when imported not in wood).

(NOTE.—*Wine exceeding 50 per cent. of proof spirit to be classed as spirits*).

47. Wood:

(a) unmanufactured (other than teak)...	... per cub. ft.	0	3	1
(b) planed or grooved (other than teak)	... „	0	0	$1\frac{1}{2}$
(c) teak ... ..	... „	0	0	3

CLASS II.—FREE.

The following articles shall be exempted from payment of Customs Duties on importation:—

48. Agricultural implements and machinery, and all apparatus and plant usually and principally employed in farming operations.
49. All raw produce of South Africa and animals bred in South Africa imported overland.
50. All animals bred and articles grown, produced or manufactured within the Union, except: (a) flour wheaten, or wheaten meal, including pollard, manufactured from other than South African wheat, as to which see Class I, item 18(c) and Article XV; (b) spirits distilled from the produce of and within the Union, if a Customs Duty be imposed under Article XVI.
51. Ambulance materials imported by recognized associations, corps or hospitals lawfully established for instruction or drill in first aid to the wounded.
52. Anchors and chain cables for the use of ships, tugs or lighters.
53. Animals living, except mules and geldings, and cattle and sheep for slaughter.
54. Arms, ammunition, appointments and uniforms for the regular Military, Naval, or Volunteer Imperial or Colonial Forces of Her Majesty or for similar or Burgher Forces of any Government belonging to the Union.
55. Asbestos packing and boiler composition.
56. Atlases, charts, globes and maps.
57. Bags for flour, grain, manure, produce, sugar, wool, coal and minerals, not including paper bags; and bagging and sacking in the piece.
58. Bands and belting of all kinds for driving machinery, binding twine or harvest yarn, boiler tubes, bolting cloth and mill silk.
59. Band instruments and stands, the *bonâ fide* property of any Government belonging to the Union, or of a regular military or volunteer corps, and not the property of individuals.
60. Bones, feathers, ivory, hair, hoofs, horns, shells, skins, teeth, wool and other parts of animals, birds, fishes or reptiles, not being manufactured, polished or further prepared than dried and cleaned, but in their raw and unmanufactured state.
61. Bookbinders' requisites, consisting of boards, cloth, leather, marble paper, skin, thread, tape, vellum, webbing and wire.
62. Books and music, printed, including newspapers and periodicals, not being foreign unauthorised prints of any British or South African copyright work.
63. Bottles and jars of common glass or earthenware; empty or imported full of any article liable to a rated duty and bottles empty commonly used for aerated waters.

64. Boxes, empty, cardboard and wooden, put together or in pieces or shooks: for packing.
65. Brass and copper, and composition metal in bars, ingots, plates and sheets: plain including perforated, but otherwise unmanufactured.
66. Bullion, coin or specie.
67. Carriages, carts, wagons and other wheeled vehicles the manufacture of South Africa imported overland.
68. Church decorations, altars, bells, fonts, lecterns, pulpits, organs, plate or vestments and illuminated windows imported by or for presentation to any religious body.
69. Coir, candlewick, cotton, flax, fibre, flock, hemp and jute: raw, waste or unmanufactured.
70. Consular uniforms and appointments and printed official consular stationery.
71. Cork dust, paper shavings, sawdust, husks and other waste substances intended and suitable for use only as packing material.
72. Corks and bungs.
73. Cups, medals and other trophies imported for presentation or presented as prizes at examinations, exhibitions, shows, or other public competitions, for excellence in art, bravery, good conduct, humanity, industry, invention, manufactures, learning, science, skill or sport, or for honourable or meritorious public services; provided that such articles shall on importation or delivery free from the Customs bear engraved or otherwise indelibly marked on them the name of the presenter or presentee and the occasion or purpose for which presented.
74. Diagrams, designs, drawings, models and plans.
75. Diamonds and other gems or precious stones in their rough state.
76. Dye-nuts, gambier, myrobalans, sumach, valonia and other dye stuff: for leather.
77. Engravings, lithographs, and photographs and enlargements or reproductions of the same.
78. Fire escapes and fire hose and hose-reels.
79. Fire clay, terra alba, and fire bricks.
80. Fish, fresh, and fish ova; also dried, cured or salted fish and raw fish oil of South African catching.
81. Fruit: fresh or green, including cocoa-nuts.
82. Fruit and other produce, driers or evaporators of.
83. Glue.
84. Guano and other substances, animal, mineral, or vegetable, artificial or natural, suitable for use as fertilizers or manures.
85. Hair cloth and springs for furniture.
86. Ice.
87. Iron and steel: angle, bar, channel, hoop, rod, plate, sheet or T; plain, including perforated and galvanized: rough and unmanufactured; not including corrugated sheets.
88. Lead: bar, pipe and sheet.
89. Leather: patent, enamelled, roan and morocco, and pigskin, in the piece.
90. Life-boats, belts and buoys, and other life-saving apparatus imported by any recognised society.
91. Machinery, fitted to be driven by cattle, electric, gas, heat, hydraulic, pneumatic, steam, water or wind power, including spare parts, and apparatus and appliances used in connection with the generating and storing of electric power or gas, but not including electric cable or wire, or the posts for carrying the same, and not including lamp posts, or lamps, or their fittings.
92. Metal of all sorts in bars, blocks, ingots and pigs, for founding, not elsewhere described.

93. Mining buckets, skips, trucks and tubs: wheeled or otherwise: for hauling minerals or ores on rails or wires.
94. Packing or lagging for engines and machinery.
95. Paper for printing books, pamphlets, newspapers and posters, or for lithographic purposes.
96. Paintings, pictures, picture books and etchings.
97. Pipes, piping and tubes of earthenware or metal of all kinds, for gas, drainage, sewerage, irrigation, water-supply or pumping, not including downpiping and guttering, or cocks and taps.
98. Potash and soda, carbonate, bi-carbonate, caustic, crystals and silicate.
99. Printing and lithographic inks.
100. Printing, lithographing, paper cutting, folding, numbering and perforating machines or presses, blocks, formes, fontes, plates, rollers, stones and type; and other apparatus suitable only for use in the book-binding or printing industries.
101. Public stores, imported or taken out of bond by, and *bonâ fide* for the sole and exclusive use of the Government of Her Britannic Majesty, or the Government of any Colony, State or Territory belonging to the Union, provided that a certificate be delivered to the Customs given under the hand of a principal Imperial, Military, Naval, Civil, Commissariat, or Ordnance Secretary or officer, or under the hand of a secretary to any Government within the Union, setting forth that any duty levied on such public stores would be borne directly by the Treasury of his Government: and provided further that no portions of such stores used or unused shall be sold or otherwise disposed of so as to come into the possession of or into consumption by any parties not legally entitled to import the same free of duty, until the intention so to sell or dispose of the stores shall have been notified to the principal officer of Customs in the Colony, State or Territory where they were first imported, to whom the duty leviable according to the tariff then in force shall be paid by the Government selling or disposing of the stores.
102. Railway construction or equipment requisites, such to mean the following:—rails, sleepers, fastenings for rails or sleepers, girders, iron bridge work, culvert tops, locomotives, tenders, ballast trucks, goods wagons, carriages, trollies, engine water tanks, turn tables, permanent or fixed signals and weigh-bridges.
103. Rattans, cane and bamboo unmanufactured.
104. Resin and carbonate of ammonia.
105. Saddle-trees.
106. School furniture and requisities: being all articles certified by the Superintendent-General of Education, or any official appointed for that purpose in any Colony, State or Territory in the Union, to be for use in any school.
107. Sculpture, including casts or models of sculpture.
108. Seeds, bulbs, plants and tubers for planting or sowing only, under such regulations as regards edible kinds as the Customs authorities may impose to safeguard the revenue against diversion into ordinary consumption.
109. Sheep dip, sheep dipping powders, materials suitable only for dip, and dipping tanks.
110. Specimens illustrative of natural history.
111. Sprayers and sprinklers and other apparatus for destroying pests or diseases in stock, plants or trees.
112. Staves.
113. Steam launches, tugs and lighters: provided that when condemned or landed to be broken up, duty shall be paid at the Customs on the hull and all fittings according to the tariff that may then be in force.

114. Sulphur ; substances for destroying pests or diseases in stock, plants or trees, and disinfectants.
115. Thread : boot and shoe makers', saddlers' and sailmakers', and seaming twine.
116. Tin and zinc : bar, plate or sheet, plain or perforated, but otherwise unmanufactured.
117. Telegraphs and telephones : materials and instruments for use in construction and working of telegraph and telephone lines.
118. Tobacco the produce of South Africa, imported overland.
119. Tramway construction requisites, such to mean the following :— rails, sleepers, fastenings for rails or sleepers, iron gates, girders, iron bridge work and culvert tops.
120. Vaccine virus and toxin.
121. Vegetables, fresh or green, but not including potatoes or onions.
122. Water boring apparatus.
123. Wine presses and wine pumps.
124. Wine, spirits, and beer imported direct or taken out of bond by, and for the sole use of, Commissioned Officers serving on full pay in the regular Military or Naval Forces of Her Britannic Majesty, subject to such regulations as the Customs may make for the due protection of the Revenue, provided that if any such liquors shall be sold or otherwise disposed of to or for consumption by any other person not legally entitled to import the same free of duty without the duty being first paid thereon to the Customs according to the tariff then in force, then they shall be forfeited and the parties knowingly disposing of such liquors or into whose possession the same shall knowingly come shall be liable to such penalties as may be prescribed by law.
125. Wool, straw, hay and forage presses.
126. Wire and wire netting for fencing ; droppers, gates, hurdles, posts, standards, strainers, staples, stiles, winders, and other materials or fastenings of metal ordinarily used for agricultural or railway fencing.
127. Wire rope.

CLASS III. GENERAL :—*Ad valorem* 7½ per cent.

128. All goods, wares or merchandise, not elsewhere charged with duty and not enumerated in the Free List and not prohibited to be imported into the Union, shall be liable to a duty of 7½ per cent. *ad valorem*.

NOTE.—*Vide Article XVIII.*

CLASS IV. SPECIAL :—*Ad valorem* 20 per cent.

The following articles shall be liable to a duty of 20 per cent. *ad valorem* :—

129. Blankets and sheets or rugs, cotton or woollen, or manufactures of cotton and wool, commonly used as cotton or woollen blankets or rugs, the single article, in pairs, or in the piece, and coats, jackets or other apparel made of blanketing or baize.
130. Bon-bons, surprise packets and crackers, and other similar fancy confectionery.
131. Cards, playing.
132. Carriages, carts, coaches, wagons and all other wheeled vehicles intended for the conveyance of persons or goods ; including finished or fashioned parts thereof, not being metal parts not usually made in the Union, but required in the manufacture of wheeled vehicles therein : but not including bath chairs, perambulators, toy carts, store trucks or barrows.

- 133. Extracts and essences of all kinds used as food, flavouring or perfumery, including saccharine.
- 134. Fireworks of all descriptions.
- 135. Medicinal preparations, not being drugs for dispensing purposes.
- 136. Perfumery, cosmetics, dyes, powders and soap or other preparations for toilet use and soap powders and extracts.
- 137. Shawls.
- 138. Soup, concentrated or desiccated.

Notwithstanding the provisions of this Article and in lieu of the duty upon other spirits thereby imposed, the Orange Free State shall, by way of import duty, collect upon all spirits distilled from the produce of and in the South African Republic, which may be imported overland into the said State from the said Republic, a duty equal to the duty imposed by the said Republic upon any spirits distilled from the produce of and in any part of the Union, which may be imported into the said Republic; and if any such spirits so imported into the said State shall be therefrom exported into any other part of the Union the said State shall collect a further duty thereon equal to the difference between the duty of fifteen shillings established by this Article and the duty levied as aforesaid by the South African Republic: provided that if at any time the Government of the South African Republic shall have reduced the duty of Customs chargeable on spirits distilled from the produce of and in the Union to the rate of 3s. (three shillings) per gallon, the said State shall be at liberty similarly to reduce its Customs duty on spirits distilled from the produce of and in the said Republic, or of and in any part of South Africa and imported overland to 3s. (three shillings) per gallon.

III. Every Colony, State, and Territory shall be bound to collect the Customs duties payable upon all goods imported within its borders from outside the limits of the Union for exportation from the collecting Colony, State or Territory into any other part of the Union, and to recover for, and pay over to the Government of the Colony, State or Territory into which the goods are so exported for consumption, the duty so collected by it on the goods so imported, subject to a deduction of fifteen per cent. of the duty collected.

IV. The importation of all goods upon which the Customs duties must be paid over by any one party to any other party to the Union, shall be subject to such regulations as may be mutually agreed upon by the Governors of the Cape Colony and Natal and the President of the Orange Free State, for the purpose of securing their respective interests.

V. Every Colony and State belonging to the Union shall be at liberty to pass through any part thereof, under such regulations as may be agreed upon, goods intended for consumption outside the Union duty free, or at such rate as the interests of the forwarding Colony or State may demand.

VI. All accounts as between the parties to the Union shall be made up to the last day of each quarter of the calendar year, and all such accounts shall be adjusted and settled within two months from that date.

VII. All articles the importation whereof shall, at the date of the execution of this Convention, be, by law, prohibited in either of the said Colonies or in the said State, shall remain so prohibited in that Colony or State, unless the prohibition be repealed by its legislature, and such prohibition may be extended by the legislature of any other party to the Union within its jurisdiction.

The Governments of the said Colonies and State may by agreement cause to be prohibited the importation into the Union or any part thereof of

any articles the importation whereof shall, at the date of the execution of this Convention, be prohibited by either of the said Colonies or by the said State, or of any other articles not already so prohibited, and such prohibition shall thereupon remain in force until repealed by joint consent.

Articles, the importation whereof is prohibited in either of the said Colonies or in the said State shall be allowed to pass through the prohibiting Colony or State to any other party not so prohibiting, subject to payment of Custom Duties, at the special or *ad valorem* rate imposed under this Convention upon similar articles and to such regulations as may be agreed upon between the respective Governments.

VIII. Notwithstanding anything to the contrary contained in this Convention, but subject to the provisions of Article VII, every Colony or State belonging to the Union shall permit goods imported thereinto from any place beyond the limits of the Union, and duly warehoused in such Colony or State in accordance with the Customs laws and regulations in force therein, to be removed under bond, without payment of duty to, and to be re-warehoused in bonded warehouses hereafter duly appointed and mutually agreed upon in, any other Colony or State belonging to the Union, subject, however, to the Customs laws in force in such first mentioned Colony or State with regard to the removal of goods in bond, and subject to such regulations with regard thereto as may be mutually agreed upon.

IX. Every Colony or State belonging to the Union to which any goods are removed under Article VIII shall be bound to require that all such goods so removed in bond shall be duly re-warehoused in some such bonded warehouse as is in the said Article defined, according to the quantities and values of the said goods as advised after their first warehousing within the Union, and shall grant and forward to the Collector or other principal officer of Customs in the Colony or State from which the said goods were so removed, certificates under the hand of a duly appointed officer of Customs of the Colony or State to which the said goods are so removed.

X. Every Colony or State belonging to the Union to which any goods may be removed under Article VIII shall, as soon as the said goods shall be re-warehoused therein, collect the duties thereon according to the quantities and values of the said goods as advised after their first warehousing within the Union, and shall pay over to the Colony or State from which the said goods were so removed its share of such duties in manner following :—

- (a) On all goods which may be delivered from any bonded warehouse in such first mentioned Colony or State for consumption, such Colony or State shall collect the full Customs Union duties, and shall be accountable for and pay over to the Colony or State from which the said goods were removed fifteen per cent. of such duties.
- (b) On all goods which may be delivered from any bonded warehouse in such first mentioned Colony or State for removal to places beyond the limits of the Union, such Colony or State shall collect and be accountable for and pay over to the Colony or State from which the said goods were removed, the full Customs Union duties less only such rebate of duties as may be granted on such goods on account of such removal under the regulations which may be from time to time agreed upon by and between the Colonies and States belonging to the Union.

XI. Every Colony or State belonging to the Union which shall collect the duties on any goods which have been removed out of one State into another, in terms of Article VIII, and which shall in terms of Article X pay over such duties to the Colony or State from which the goods were so

removed, shall, in consideration of such collection and paying over, be entitled to receive from the Colony or State to which such duties are paid over in manner aforesaid, repayment of whatever expenses or costs such Colony or State so collecting and paying over shall incur, by the employment of one or more officials solely and exclusively charged with the collecting of the aforesaid duties.

The amount of such expenses and costs shall from time to time be mutually agreed upon between the States or Colonies which are parties to the collecting and receiving of the duties as aforesaid.

XII. Every Colony or State belonging to the Union to which any goods may be removed under Article VIII, and from any bonded warehouse in which the said goods may be again delivered for further removal to any place beyond the limits of the Union shall, at the time of delivery, and subject to such regulations as may be mutually agreed upon, take bond from the persons removing such goods for the due removal thereof to some place beyond the limits of the Union.

XIII. The Government of every Colony or State belonging to the Union to which any goods may be removed under Article VIII, shall render to the Government of the Colony or State from which such goods were so removed a quarterly statement, which shall set forth under suitable and distinct heads the quantities and values as advised after their first warehousing within the Union, of all goods liable to the various rates of duties under the Customs Union Convention, which have been delivered from any bonded warehouse in the Colony or State rendering such statement, either for consumption within such Colony or State, or for removal beyond the limits of the Union; and shall, when requested, render, in addition to such statement, duly certified copies of all warrants on which any such goods have been delivered from any such warehouse, and from which the duties accruing to any Colony or State belonging to the Union may be determined.

XIV. Except in case of duty paid in excess or in error no rebate or refund of any sum in respect of duty paid, or bounty or gratuity in respect of any dutiable article, shall be allowed or granted by either of the said Colonies or the said State, except upon grounds contained in the articles of this Convention, or by mutual agreement.

XV. During a period not to exceed three years, it shall be permitted to the Colony of Natal by suitable legislation to provide for the suspension of the whole or part of the Customs Duty by the foregoing tariff imposed upon the importation for consumption in the said Colony of flour wheaten, or wheaten meal, including pollard, manufactured from other than South African wheat; provided,

(a) That at the same time legislative provision be made for the payment by the Government of the said Colony of a bounty in respect of all flour wheaten or wheaten meal, including pollard, imported upon a due declaration for consumption within the said Colony from any other part of the Union, and manufactured in the Union solely from South African wheat: such bounty to be equivalent to the duty suspended, and to be received and paid in accordance with regulations mutually approved of by the parties immediately concerned;

and (b) that, notwithstanding such suspension, the Colony of Natal, shall, under suitable legislation and regulations, levy and recover and be responsible for the due levying and recovering of all Customs Duty on flour wheaten or wheaten meal, including pollard, not manufactured from South African wheat, if such flour or meal be imported into or exported from the said Colony for consumption in any other part of the Union.

XVI. Any State, Colony or Territory within the Union may at any time levy and impose a Customs Duty upon the importation of spirits of any class distilled from the produce of, and in any other part of the Union; provided,

- (a) That such duty shall not exceed the excise duty at the same time levied and imposed in such State, Colony, or Territory upon the distillation there of spirits of the like class;
 - (b) That upon proof of payment elsewhere within the Union of any excise duty in respect of the spirit so imported, the amount of Customs duty shall be reduced by the amount of excise duty so paid elsewhere;
 - (c) That such Customs Duty shall, if imposed, be so adjusted as to increase proportionately in respect of spirits exceeding the strength of proof by Sykes' Hydrometer;
- and (d) That no higher duty of Customs or excise on spirits distilled from the produce of the vine shall be imposed by any State, Colony or Territory than the duty imposed by it on any other spirits most favourably treated.

XVII. Under such local legislation or regulations as may be prescribed in that behalf by either of the said Colonies or the said State, a rebate of Customs Duty may be allowed to wool-washers in respect of soap imported for and used exclusively in connection with the industry of wool-washing.

XVIII. For the purposes of estimating the amount of Customs Duty whenever levied *ad valorem*, and of the declaration and oaths which may be at any time required by any law or regulations in relation to the collection of such duty, the current value of any goods the duties on which are imposed *ad valorem* or according to the value thereof shall be taken to be the true current value in the open market for such goods at the place of purchase by the importer or his agent, including the cost of packing and packages, but not including agent's commission if it does not exceed five per cent.: provided that in no case shall the true current value as above defined be less than the cost of the goods to the importer at the place of purchase.

XIX. Nothing herein contained shall be deemed or taken to impair the existing obligations of the Orange Free State under Article III as qualified by Article V of the treaty of Potchefstroom, of date the 9th March, 1889, between the said State and the South African Republic.

XX. The principles laid down in this Convention are acknowledged as being of lasting force and effect, and its provisions shall come into operation as provided in Article I, and shall continue thereafter as hereby constituted until the expiration of not less than twelve months from the date of notice given by the Government of either of the said Colonies or the said State of its intention to retire from the Union, which notice shall be given to all the other parties to this Convention; provided, however, that, save by common consent, the date at which such retirement shall take effect shall be the 30th day of June next after the expiration of the period of twelve months aforesaid, and that within one month after receiving such notice any other Government may give like notice of intention to retire from the Union, in which event such retirement shall take effect concurrently with the retirement of the Colony or State first giving notice.

XXI. It shall be competent at any time during the existence of the Union for any other South African State, Colony, or Territory, having a civilized Government, to apply to be included as a party thereto; and upon all the parties hereto signifying their joint assent to such admission and mutually

agreeing to the terms and date of such admission, such South African State, Colony, or Territory shall be admitted, provided it pass the requisite legislation to give effect to the terms of such admission.

XXII. Amendments of or additions to this Convention or any article thereof and the decision of any question of construction can be effected only by the mutual consent of the Governments of the said Colonies and the said State, each of which shall at any Conference have one vote to be cast by the delegate who may be designated for that purpose; but any difference of opinion arising only as to the true construction or meaning of any item in any clause of the foregoing tariff shall after joint deliberation between the said Colonies and State be determined by the decision of any two of the three Governments who are parties hereto; provided that no Government shall be deemed to be hereby bound to accept a construction of any item of the tariff which construction shall be in conflict with any judicial decision binding upon such Government.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Cape Town, this sixth day of May, one thousand eight hundred and ninety-eight.

A. MILNER,
Governor.

Given under my hand and the Public Seal of the Orange Free State, at Bloemfontein, this eleventh day of May, one thousand eight hundred and ninety-eight.

M. T. STEYN,
State President.

Given under my hand and the Public Seal of the Colony of Natal, at Pietermaritzburg, this twelfth day of May, one thousand eight hundred and ninety-eight.

M. H. GALLWEY,
Administrator.

On behalf of Her Majesty's Government of Basutoland I hereby signify my assent to the above Convention and Schedules A and B hereto.

Given under my hand and the Public Seal of Basutoland, at Cape Town, this sixth day of May, one thousand eight hundred and ninety-eight.

A. MILNER,
High Commissioner.

On behalf of Her Majesty's Government of the Bechuanaland Protectorate, I hereby signify my assent to the above Convention and Schedules A and B thereto.

Given under my hand and the Public Seal of the Bechuanaland Protectorate, at Cape Town, this sixth day of May, one thousand eight hundred and ninety-eight.

A. MILNER,
High Commissioner.

[Schedule A. See Section III (*G.*), page 250 (except Article IV).
- Schedule B. See Section III (*H.*), page 252 (except Article IV).]

- [G. 81—'98.]

GGG

ANNEXURES TO SECTION VIII.

(I.)—*CONVENTION of Peace, Commerce, Slave Trade, &c., between the Assistant Frontier Commissioners for settling the Boundaries of the Cape of Good Hope and the Transvaal Boers.—Sand River, January 17, 1852.**

Minutes of a meeting held in the place of Mr. P. A. Venter, Sand River, on Friday, the 16th day of January, 1852, between Major W. Hogge and C. M. Owen, Esq., Her Majesty's Assistant Commissioners for the settling and adjusting of the affairs of the eastern and north-eastern boundaries of the colony of the Cape of Good Hope, on the one part, and the following deputation from the emigrant farmers residing north of the Vaal River:—A. W. J. Pretorius, Commandant-General; H. S. Lombard, Landrost; W. F. Joubert, Commandant-General; C. F. Kruger, Commandant; J. U. Grobbelaar, Raadsted; P. E. Scholtz; P. G. Wolnaoans, Ouderling; J. A. Van Asevegen, Veld Cornet; F. J. Botes, Veld Cornet; U. F. S. Basson, Veld Cornet; J. P. Furstenberg, Veld Cornet; J. P. Pretorius, J. H. Grobbelaar, J. U. Lehman, P. Schutte, J. C. Kloppers, on the other part.

The Assistant Commissioners guarantee in the fullest manner, on the part of the British Government, to the emigrant farmers beyond the Vaal River, the right to manage their own affairs, and to govern themselves, without any interference on the part of Her Majesty the Queen's Government, and that no encroachments shall be made by the said Government on the territory beyond to the north of the Vaal River, with the further assurance that the warmest wish of the British Government is to promote peace, free trade, and friendly intercourse with the emigrant farmers now inhabiting or who hereafter may inhabit that country, it being understood that this system of non-interference is binding upon both parties. Should any misunderstanding hereafter arise as to the true meaning of the words "the Vaal River," this question, so far as regards the line from the source of that river over the Draakenberg, shall be settled and adjusted by Commissioners chosen by both parties.

Her Majesty's Assistant Commissioners hereby disclaim all alliances whatever and with whomsoever of the coloured nations north of the Vaal River.

It is agreed that no slavery is or shall be permitted or practised in the country to the north of the Vaal River by the emigrant farmers.

Mutual facilities and liberty shall be afforded to traders and travellers on both sides of the Vaal River; it being understood that every waggon containing ammunition and fire-arms, coming from the south side of the Vaal River shall produce a certificate, signed by a British magistrate or other functionary duly authorized to grant such, and which shall state the quantities of such articles contained in the said waggon, to the nearest magistrate north of the Vaal River, who shall act in the case as the regulations of the emigrant farmers direct.

It is agreed, that no objection shall be made by any British authority against the emigrant boers purchasing their supplies of ammunition in any of the British colonies and possessions in South Africa; it being understood that all trade in ammunition with the native tribes is prohibited, both by the British Government and the emigrant farmers, on both sides of the Vaal River.

* Commonly called the Sand River Convention.

It is agreed, that so far as possible all criminal and other guilty parties who may fly from justice, either way across the Vaal River, shall be mutually delivered up, if such should be required, and that the British Courts, as well as those of the emigrant farmers, shall be mutually open to each other for all legitimate processes, and that summonses for witnesses sent either way across the Vaal River shall be backed by the magistrates on each side of the same respectively, to compel the attendance of such witnesses when required.

It is agreed, that certificates of marriage issued by the proper authorities of the emigrant farmers shall be held valid, and be sufficient to entitle children of such marriages to receive portions accruing to them in any British colony or possession in South Africa.

It is agreed, that any and every person now in possession of land, and residing in British territory, shall have free right and power to sell his said property, and remove unmolested across the Vaal River, and *vice versa*; it being distinctly understood that this arrangement does not comprehend criminals, or debtors without providing for the payment of their just and lawful debts.

This done and signed at Sand River aforesaid, this 17th day of January, 1852.

A. W. J. PRETORIUS, <i>Commandant General.</i>	W. S. HOGGE, <i>Assistant Commissioner.</i>
H. S. LOMBARD, <i>Landrost.</i>	C. MOSTYN OWEN, <i>Assistant Commissioner.</i>
W. F. JOUBERT, <i>C.G.</i>	
G. F. KRUGER, <i>Commandant.</i>	
J. U. GROBBELAAR.	
P. E. SCHOLTZ.	
P. G. WOLNAOANS, <i>Ouderling.</i>	
J. A. VAN ASEVEGEN, <i>V.C.</i>	
F. J. J. BOTES.	
U. F. S. BASSON, <i>V.C.</i>	
J. P. PRETORIUS.	
J. H. GROBBELAAR.	
J. M. LEHMAN.	
P. SCHUTTE.	
J. C. KLOPPERS.	

In presence of

JOHN BURNET, *Clerk to the Civil Commissioner of Winburg.*
J. U. VISAGE, *Secretary.*

Approved and confirmed,

GEO. CATHCART, *Lieut.-General, High Commissioner.*

King William's Town, April 15, 1852.

(II.)—PROCLAMATION, *King William's Town, April 15, 1852.*

Her Majesty's High Commissioner, Lieutenant-General the Honourable George Cathcart, in notifying to the Transvaal boers his assumption of the Government of the Cape of Good Hope and its dependencies, has to express the great satisfaction it gives him, as one of the first acts of his administration to approve of and fully confirm the convention and arrangements entered into and completed by the Assistant Commissioners and a deputation of the Transvaal emigrants, headed by the Commandant-General, Mr. A. W. J. Pretorius.

The High Commissioner trusts that the freedom which the emigrants are thus graciously permitted to exercise may result in lasting peace amongst themselves, and in fast friendship with the British Government; neither entertaining past prejudices, or adopting former causes of quarrel. He is, on the contrary, most anxious, should it be in his power, to contribute to their welfare, by promoting religion and education amongst them.

GEO. CATHCART, *Lieut.-General, High Commissioner.*

(III.)—LETTER, *Sir John S. Pakington, Bart., to Governor Lieut.-General the Hon. G. Cathcart.*

Downing Street, June 24, 1852.

SIR,

I have received your despatch of the 20th April, transmitting copy of a Convention agreed to by the Assistant Frontier Commissioners, and a deputation of the Transvaal emigrants, headed by their Commandant-General, Mr. A. W. J. Pretorius, together with a Proclamation which you issued on the subject.

Considering the peculiar position which this large body of emigrants have held for some years, the improbability of their ever returning either to the colony of the Cape of Good Hope or to the Orange River Sovereignty, and the impolicy, even if it were practicable, of extending the Queen's dominion over far distant territories in South Africa, I do not see that any other line of policy could have been adopted than that which you have sanctioned.

I am also very sensible of the advantage gained by the establishment of peace and friendly relations with the Transvaal emigrants. I have therefore to signify to you my approval of the Convention with those emigrants, and of your Proclamation giving effect to it.

I have, &c.,

JOHN S. PAKINGTON.

Governor the Hon. G. Cathcart.

NOTES TO SECTION VIII.

(1). *Laws of War.*—The adhesion of Great Britain, Germany and Portugal to the Geneva Convention of 1864 was signified on February 18, 1865; of the Orange Free State on September 28, 1897; of the South African Republic on September 30, 1897: for the approval by Great Britain of the last mentioned adhesion see British Bluebook, Treaty Series, C.—8308.

For the text (French) of the Convention of 1864 see Hertslet's State Papers, Vol. LV, page 43; for translation see Sir Robert Phillimore's Commentaries upon International Law, Vol. III, page 157.

For the additional Articles of 1868, see Sir Robert Phillimore's Commentaries on International Law, Vol. III, page 160.

For the International Declaration (Brussels, 1874) see Wheaton's Elements of International Law, page 476.

(2.) *PROTOCOL to Convention for the settlement of the Affairs of Swaziland,*
December 16, 1894.—October 5, 1898.

[Ratified by the Volksraad of the South African Republic, October 6, 1898.]

WHEREAS difficulties have arisen in carrying out Article II of the Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Government of the South African Republic, dealing with the affairs of Swaziland, signed on the 16th day of December, 1894, and particularly with regard to the extent of the jurisdiction of the Courts established in Swaziland under that Convention in the case of crimes committed by natives against natives, in view of the provisions of the said article as to the powers of the Paramount Chief, the maintenance of native laws and customs, and the administration of such laws and customs by native chiefs; and whereas it is desirable to make further provision for the jurisdiction of the said Courts, more especially with a view to preventing practices inconsistent with civilised laws and customs, now therefore it is agreed between Her Majesty's High Commissioner for South Africa, on behalf of Her Majesty, and His Honour the State President of the South African Republic, on behalf of the Government of the Republic, as follows:—

I. Notwithstanding anything contained in the second article of the said Convention the Courts mentioned in the second clause of the present Protocol shall alone be competent to deal with crimes committed by natives falling under any of the categories specified in the schedule appended hereto, and such jurisdiction shall extend to all natives, including the Paramount Chief and the other chiefs, and neither the Paramount Chief nor any other native Chief shall be competent to exercise jurisdiction in regard to any such crime.

II. The Courts by which alone the jurisdiction described in the foregoing clause shall be exercised are the Landdrost's Court of Swaziland, as at present established, and the High Court of Swaziland.

III. The Landdrost's Court shall only have power to impose such sentences upon natives in cases where natives only are concerned as the said Court is empowered to impose in its jurisdiction over Europeans.

IV. Any natives accused before the Landdrost's Court shall be entitled to be defended either by a law agent, by an attorney, or by counsel, and before the High Court by counsel. In case of the accused being an indigent native and unable to provide such professional assistance the Court shall appoint such law agent, attorney, or counsel for his defence.

V. Subject to the foregoing provision, the Paramount Chief and other native chiefs shall continue to exercise jurisdiction in all native cases, including both civil disputes between native and native, and all crimes committed by natives against natives which do not fall within any of the categories specified in the said schedule; but no native chief shall be competent to inflict the punishment of death or any barbarous punishment inconsistent with civilised usage.

VI. The provisions of this Protocol shall not apply to any crime committed previous to its signature.

VII. This Protocol will be ratified by the Volksraad of the South African Republic within one month of its signature, and in default of such ratification will be null and void.

Schedule of crimes:—(a) Murder, manslaughter, culpable homicide; (b) conspiracy against the Paramount Chief or resistance to his authority as recognised in the Convention of December 10, 1894, or in the present Protocol, assault with intent to do grievous bodily harm; (d) rape or attempted rape; (e) kidnapping or abduction of children; (f) forgery; (g) perjury; (h) arson and malicious destruction of property of a grave nature, such as cattle-raiding, the wholesale destruction of cattle, or the destruction of a dwelling-place; (i) robbery; (j) witchcraft.

In witness whereof Alexander Edmund Fraser, acting as Her Majesty's Agent in the South African Republic, duly authorised thereto on behalf of Her Majesty's High Commissioner of South Africa, and Francis William Reitz, State Secretary of the South African Republic, duly authorised thereto on behalf of the State President of the said Republic, have signed this Protocol at Pretoria on the 5th day of October in the year 1898, and have hereunder set their seal.

(Signed) EDMUND FRASER.
 F. W. REITZ.

APPENDICES.

ABBREVIATIONS.

H. S. P.	=	Hertalet's State Papers.
H. T.	=	Hertalet's Treaties.
C.—	=	Command Paper (British).
H. L.	=	Paper ordered by the House of Lords.
H. C.	=	Paper ordered by the House of Commons.
G.	=	Paper ordered by H. E. the Governor.
C.	=	Paper ordered by the Legislative Council.
A.	=	Paper ordered by the House of Assembly.
L. G.	=	London Gazette.
C. of G. H. G. G.	=	Cape of Good Hope Government Gazette.
N. G. G.	=	Natal Government Gazette.
B. S. A. Co. G. G.	=	British South Africa Company's Government Gazette.
B. B. P.	=	British Bechuanaland Proclamations.

For full titles, see Appendix I, § A.

APPENDIX I.

PAPERS HAVING REFERENCE TO THE PUBLIC RELATIONS OF SOUTH AFRICAN COLONIES AND STATES.

(A.)—COMPILATIONS.

1. *British and Foreign State Papers*, compiled by Sir Edward Hertalet, O.B., Librarian and Keeper of the Papers, Foreign Office. London: William Ridgway. Vols. 83. Complete only to 1891.
2. *A Complete Collection of the Treaties and Conventions and Reciprocal Regulations at present subsisting between Great Britain and Foreign Powers; and of the Laws, Decrees, Orders in Council, &c., concerning the same; so far as they relate to Commerce and Navigation, the Slave Trade, Post Office Communications, Copyright, &c.; and to the Privileges and Interests of the subjects of the High Contracting Parties.* Compiled from Authentic Documents by Edward Hertalet, Esq., Librarian and Keeper of the Papers, Foreign Office. London: Butterworths, Law Publishers to the Queen's Most Excellent Majesty, 1871. Vols. 18. Complete to 1893.
3. *The Map of Africa by Treaty.* By Sir Edward Hertalet, K.C.B. London: Eyre and Spottiswoode, 1896. 2nd Edition. Vols. 3. Complete to 1896.
4. *British Bechuanaland Proclamations.* Edited by D. Ward, M.A., LL.D., Barrister-at-Law. Vol. I (1885-93), J. Slater, Grahamstown; Vol. II (1893-95), Cape Times Printing Works.
5. *The Statute Law of Griqualand West, comprising Government Notices, Proclamations, and Ordinances, together with an Appendix containing the Regulations promulgated and enacted from the date of the Annexation of the Province as British Territory to the date of its Annexation to the Cape Colony.* Published by Authority. W. A. Richards & Sons, Cape Town, 1882.
6. *High Commissioner's and Administrator's Proclamations, British South Africa Company's Notices, Orders in Council, Regulations and Government Notices.* Annual. Argus Printing and Publishing Co., Limited, Salisbury, Rhodesia.
7. *Return to an address of the House of Lords, dated 15th June, 1883, for "Copies or Extracts of any Engagements subsisting between this Country and any States or Native Tribes in South Africa."* Colonial Office, 1884.
8. *Laws and Regulations of British Kaffraria previous to its Annexation to the Colony of the Cape of Good Hope.* Cape Town: Saul Solomon and Co., 1869.
9. *Basutoland Records.* Collected and arranged by order of the Hon. J. W. Sauer, Esq., Secretary for Native Affairs, by Geo. M. Theal, First Clerk in the Native Affairs Department, 1833-1868. Vols. 3. Cape Town: W. A. Richards and Sons, 1883.

(B.)—BRITISH PARLIAMENTARY PAPERS.

(1.) *Basutoland.*

1868-9	4140	Recognition of Moshesh and his Tribe as British Subjects.
1869-70	C.—99	Basutos. Recognition as British Subjects.
1876-7	C.—1961	Colonel Griffith's services in Basutoland.
1879	C.—2482	Basutos: condition of, and Disarmament. Moirosi's Stronghold: capture of.
1879-80	C.—2505	Moirosi's Stronghold: capture of.
1879-80	C.—2569	Disarmament of Natives: Policy of.
1880-1	C.—2755	Proclamation of Peace Preservation Act.
1880-1	C.—2821	Employment of Imperial Troops.
1881	C.—2858	Sir F. Roberts' return. Basuto War. Reply of Lord Kimberley. Terms offered.
1881	C.—2964	Lerothodi in Governor's hands. Kreli submits.
1881	C.—3112	Correspondence <i>re</i> Masupha.
1880	C.—3175	Attitude of Masupha.
1879-80	C.—2569	Disarmament.
1882	C.—3493	Colonel C. G. Gordon, R.E.: reorganization of Colonial forces.
1883	C.—3708	Proposals of Cape Ministers for future Government.
1883	C.—3717	Memorandum of Colonel Gordon.
1883-4	C.—3855	Dis-annexation.
1884	C.—4263	Affairs. Responsibility of Orange Free State. Liquor Traffic.
1884-5	C.—4589	Compensation to loyals. S. Moroka. D. Masupha.
1885-6	C.—4644	Liquor Traffic. Affairs.
1886	C.—4838	Boundary with Orange Free State.
1886	C.—4907	Boundary. Liquor Traffic.
		See also Annual Reports.
		(2.) <i>Cape of Good Hope (with Bechuanaland).</i>
1846	400	Representative Government, Applications for, with replies.
1850	1137	Representative Assembly, Establishment of.
1850	1134	Do.
1851	1362	Do.
1852	1427	Do.
1852-3	1581	Do.
1852-3	1636	Do.
1852-3	1640	Ordinances constituting Parliament and regulating the appropriation of revenue.
		British Kaffraria, Annexation to Cape of Good Hope.
1857-8	389	German emigrants and military settlers.
1872-3	C.—732	Keate Award. Responsible Government Bill. Proposed Separation of Eastern Province.
1874	C.—1025	Slavery. Transvaal mission to Moselikatse. Rev. Mr. Mackenzie on Gold Discovery.
1874-5	C.—1342	(Pt. i.) Griqualand West, Petition of grievances. Troops sent. Arrest of Tucker and flight of Aylward.
1875-6	C.—1399	Conference of Delegates on Confederation. Keate Award. Natal prepared. Opposition of Cape Ministers to Mr. Froude.
1875	C.—1401	Administration of Griqualand West. Finance. Land Claims Court.
1876	C.—1681	Griqualand West, incorporation with Cape. Captain Warren to trace boundary with Orange Free State.
1875-6	C.—1748	Rumoured Kafir invasion.
1877	C.—1825	Do.
1876-7	C.—1961	Griqualand West, Report on. Transkei maps. Colonel Griffiths' services in Transkei.
1878	C.—2144	Griqualand West. Captain Waterboer's allowance.
1878	C.—2220	Mr. Brownlee on Sandili. Umquikela.
1878-9	C.—2222	Griqualand West. Amnesty. Messrs. Frost and Brabant's services.
1879	C.—2242	Umquikela. Sir B. Frere: Commission.
1878-9	C.—2252	St. John's River Annexation. Colonel Warren.
1879	C.—2308	Memo. on Pondoland Affairs since 1844.
1878-9	C.—2374	War Expenditure, statement of.
1878-9	C.—2454	Galekaland and Bomvanaland Annexation. Griqualand West. Colonels Lanyon and Warren: action. Walfish Bay Address.
1879	C.—2482	Pondoland Disturbances.
1879-80	C.—2505	Sir B. Frere: Native Policy.
1880	C.—2586	Pondoland. Transkei Territory. Her Majesty's Government opposed to further extension of British Jurisdiction. Mr. Bright: memo.
1879	C.—2269	Enforcement of demands on Cetewayo.
1880	C.—2655	Sir B. Frere: recall of.
1880	C.—2730	Statistical Reports.

- 1880-1 C.—2740 Pondoland. Employment of Her Majesty's Troops. Koesga's atrocities.
 1881 C.—2754 Sir H. Robinson: Instructions to.
 1880-1 C.—2755 Pondoland. Hope Murder. Debate in House of Assembly.
 1881 C.—3112 Pondoland. Native Laws Commission. St. John's River. Basutoland
 Affairs. Walfish Bay. Indentured Kafirs. German Subjects.
 Dr. Hahn.
 1882 C.—3113 Transkeian Affairs.
 1882 C.—3174 Sir H. Bulwer: Instructions to.
 1881 C.—3280 Contribution to cost of Transkeian and Zulu Wars.
 1882 C.—3244 Intoxicating Liquors: Sale of in the Colonies.
 1882 C.—3235 Bechuanaland. Colonel Warren, R.E.: in Summary, 1878-9.
 1882-3 C.—3717 Troops at St. John's, Pondoland East, offered to Natal. Walfish Bay:
 Memorandum by Dr. Hahn
 1884 H. L. 194 Penguin Islands: Proceedings of H.M.S. "Valorous."
 1883 C.—3794 Statistical Report.
 1883-4 C.—3855 Pondo-Xesibe Boundary.
 1884-5 C.—4224 Sir C. Warren's Expedition.
 1884 C.—4227 Bechuanaland. Sir C. Warren, Special Commissioner: Instructions to.
 1884-5 C.—4590 Pondoland. Deputation to England. British Protectorate.
 1886 C.—4644 Transkeian Territories: Affairs of.
 1886 C.—4700 Transkeian Territories. Intoxicating Liquors: Sale of.
 1886 C.—4838 Affairs. Basutoland.
 1886 C.—4889 Bechuanaland Land Commission: Report of.
 1886 C.—4890 British Bechuanaland. Mafeking. Sir F. Carrington.
 1886-7 C.—4956 Bechuanaland. Kuruman township.
 1885-7 C.—5022 Pondoland. Griqualand East: annexation to Natal. German claims.
 Xesibe annexation. Map of boundaries. Agreement with Um-
 quikela.
 1886 C.—5040 Postal Union: account of foundation of. Reason for S.A. Colonies not
 joining.
 1886-7 C.—5070 Bechuanaland. Sechele and Gasietswe's boundary.
 1887 C.—5237 Bechuanaland. Boundary between Khama's and Lobengula's country.
 1887-8 C.—5331 Zululand. New Republic: treaty of union with S.A.R.
 1887 C.—5363 Bechuanaland. Moshette's Country.
 1888 H. C. 1517 Kalk Bay and Simon's Bay Railway.
 1888 C.—5390 Customs Union. Railway Extension. Cape Town Conference.
 1887-8 C.—5410 Pondoland. Sigcau.
 1885 C.—5432 Acquisitions of Territory since Berlin Conference.
 1888 C.—5485 Elementary Education Acts.
 1887-8 C.—5488 Separation of Offices of High Commissioner and Governor of Cape
 Colony.
 1881 C.—5524 Bechuanaland. Agreement with Lobengula. Grobler incident.
 1876-86 C.—5554 Trade Mark Treaties. Great Britain and Foreign Powers.
 1888 C.—5563 Sale of Liquor in British Colonies and Native Territories: Laws *re*.
 1889 C.—5828 Appointment of Governor in Colonies under Responsible Government.
 1884-90 C.—5910 Convention: Protection of Submarine Telegraph Cables.
 1890 C.—5918 Bechuanaland Affairs.
 1890 C.—6102 Liquor Trade in certain Native Territories in South Africa.
 1890 C.—6223 Sick and Wounded. Ambulance transport of civilians.
 1892 C.—7196 Bechuanaland: Affairs.
 1892 C.—7290 Do
 1894 H. C. 277 Bechuanaland Railway Extension.
 1895 C.—7782 Bechuanaland Railway Extension.
 1895 C.—7932 British Bechuanaland: transfer to Cape Colony. Liquor traffic. Native
 Reserves.
 1896 C.—7962 Bechuanaland Protectorate: future of. Visit of Khama, Sebele, and
 Bathoen.
 1896 C.—8141 Rinderpest: outbreak of.
 1896 C.—8380 Dr. Jameson's Incursion into the S.A.R.: Report of House of
 Assembly on.
 1897 C.—8596 Conference with Colonial Premiers.
 1898 C.—8797 Bechuanaland: Native Disturbances.
 See also Bechuanaland Annual Reports.

(3.) *German South-West African Protectorate.*

- 1877-8 C.—2000 Mr. Palgrave: mission to Damaraland.
 1879-80 C.—2580 Damaraland: correspondence. Damara and Namaqua.
 1880-1 C.—2783 Hostilities, Damaraland: report on by Mr. Palgrave.
 Angra Pequena: acquisition of by German Company. Probable
 collision. Ministers undertake cost of control.
 1884 C.—4190 Angra Pequena.
 1884 C.—4262 Herr Luderitz: claim to certain islands on the coast.

[G. 81.—'98.]

HHH

- 1867-84 C.—4265 German Protectorate established.
Lord Derby's despatch.
1884. C.—4290 Prince Bismarck. Conversation with Mr. Meade at Berlin on Colonial matters.
- 1884 C.—4360 West African Conference: correspondence.
- 1884 C.—4361 Do. Protocols and General Act.
- 1884-7 C.—5180 Claims of British Subjects. Mr. Palgrave's mission. Walfish Bay.
- 1890 C.—6043 Anglo-German agreement.
- 1890 C.—6046 Do.
- (4.) *Natal (with Amatongaland and Zululand).*
- 1847-8 980 Establishment of Settlement.
- 1849 1059 Do.
- 1851 1417 Do.
- 1852-3 1697 Do.
- 1874 C.—1025 Outbreak of Langalibalele.
- 1874 C.—1137 Cetewayo. Langalibalele.
- 1874-5 C.—1141 Do.
- 1875 C.—1158 Do.
- 1874-5 C.—1187 Do.
- 1874-5 C.—1342 Rebellion of Langalibalele.
President Burgers will protect Amaswazis against Cetewayo.
- 1875 C.—1401 Natal-Delagoa Bay trade in firearms. Relief of Langalibalele tribe.
Reports on Cetewayo's coronation.
- 1876-7 C.—1961 Zulu Boundary with Transvaal Republic. Zululand affairs.
- 1877-8 C.—2000 Sir A. Cunninghame: Zulus.
- 1878 C.—2079 Colonel Bellair's report: Zulu Boundary Commission. Quintana.
- 1878 C.—2124 Messrs. Offtebooi. Zulu affairs.
- 1878-9 C.—2222 Western Zulu Boundary. Mr. Brownlee: memorandum on Zulus.
Trade between Natal and Zululand.
- 1878-9 C.—2234 Military Affairs.
- 1879 C.—2242 Ultimatum to Cetewayo. Casualties 1877-8. Rorke's Drift Disaster.
- 1878-9 C.—2252 Cetewayo. Transvaal Boundary dispute.
- 1879 C.—2260 Zulu affairs.
- 1879 C.—2269 Sir B. Frere explains necessity for attack on Cetewayo.
- 1879 C.—2310 Troops stationed in Natal.
- 1879 C.—2318 Relief of Ekowe Commissions to Sir G. Wolseley as Governor of Natal.
South-east Africa. Piet Uys.
- 1879 C.—2367 Sir H. De Villiers: memo. on Cetewayo. Sir H. Bulwer: memo.
- 1878-9 C.—2374 Death of Prince Imperial. Isandula.
- 1878-9 C.—2454 Prince Imperial.
- 1879 C.—2482 Operations in Zululand. Ulundi. Capture of Cetewayo. Chief John Dunn.
- 1879-80 C.—2584 Zululand. Sir G. Colley Governor of Natal.
- 1880 C.—2676 Responsible Government: petition. Isandlwana: burial of dead at.
- 1879-80 C.—2695 Cetewayo: custody of.
- 1880-1 C.—2740 Services of Officers in Zulu War.
- 1881 C.—2950 Cetewayo. Troops stationed in Natal.
- 1881 C.—3174 Instructions to Sir H. Bulwer. Native Code.
- 1881 C.—3182 Natal and Zululand: John Dunn. Boers' winter trek.
- 1881 C.—3247 Cetewayo: visit to England.
- 1881 C.—3270 Cetewayo. John Dunn. Dabulamanzi.
- 1881 H. C. 292 Native Customs.
- 1882 H. C. 114 Cost of Zululand and Zulu Wars.
- 1881 C.—3280 Contribution to cost of Transkeian and Zulu Wars.
- 1882 C.—3293 Zululand: Affairs. Cetewayo.
- 1883 C.—3466 Natal: Affairs.
- 1882 C.—3616 Cetewayo installed. Reserved Territory.
- 1883 H. C. 14 Cost of Zululand and Zulu Wars.
- 1883 C.—3705 Cetewayo. Khama.
- 1881-3 C.—3796 Responsible Government. Franchise for Indians. Langalibalele.
- 1883-4 C.—3864 Cetewayo. Defeat of Usibebu.
- 1884 C.—4037 Zululand Affairs. Defeat of Cetewayo.
- 1884 C.—4191 Usibebu and Dinizulu. Action of Transvaal burghers.
- 1884 C.—4214 New Republic: establishment with Mr. Joubert as President.
- 1884 C.—4274 New Republic. Reserve Territory, Zululand.
- 1884-5 C.—4587 St. Lucia Bay. Herr Emiwalds. L. Meyer.
- 1885-6 C.—4645 St. Lucia Bay. John Dunn's Country.
- 1886 C.—4913 Zululand: boundaries. New Republic.
- 1886 H. C. 52 Cost of Zululand and Zulu Wars.
- 1886-7 C.—4980 Zululand: settlement of boundary with New Republic.
- 1887 C.—5143 Zululand Affairs. New Republic.

- 1888 C.—5331 Zululand Affairs, hostilities between Chiefs.
 1888 C.—5390 Customs Union and Railway Extension.
 1888 C.—5410 Annexation.
 1888 C.—5489 Church Council Petition.
 1888 C.—5522 Zululand. Dinizulu. Usibebu.
 1888-9 C.—5892 Zululand. Dinizulu: surrender to S. A. R.
 1889 C.—5893 Affairs. Removal of Zulu prisoners to St. Helena.
 1889 H. C. 348 Cattle seized by Government as Fines.
 1889-90 C.—5893 Dinizulu: removal to St. Helena.
 1890 C.—5897 Natal. Liquor Traffic amongst Natives.
 1890 C.—6070 Zululand Affairs. Removal of Native Chiefs.
 1887-90 C.—6200 Tongaland Affairs.
 1889 H. C. 347 Revenue Return.
 1890 C.—6270 Forests.
 1891 C.—6487 Responsible Government: proposal to establish.
 1893 H. C. 292 Do.
 1892 C.—6684 Zululand: boundary.
 1893-4 C.—7013 Responsible Government.
 1894 C.—7351 Map of Southern portion of East Africa.
 1895 C.—7780 Native territories North-east of Zululand. Sambaan and Umbegeza-
 Ferreira and van Oordt. Tongaland Protectorate.
 1895 C.—7878 Native Territories North-east of Zululand: protest of S. A. R. against
 annexation.
 1896 C.—8014 Tongaland Affairs.
 1898 C.—8782 Affairs. Zululand Annexation. Return of Native Chiefs.
 See also Natal and Zululand Annual Reports.

(5.) *Orange Free State.*

- 1851 1360 Assumption of Sovereignty over Territory between the Vaal and Orange
 Rivers.
 1852-3 1646 Orange River Territory, state of.
 1854 1758 Do.
 1874-5 C.—1348 Diamond Fields Boundary. Arbitration proposed by Sir J. Brand.
 1876 C.—1681 Captain Warren to trace boundary with Griqualand West.
 1884 C.—4263 Basutoland Affairs: responsibility of O.F.S.
 1890-1 C.—6313 Extradition Treaty.
 1892-3 C.—7043 Repairs of Soldiers' Graves, Boomplaats.
 1893-4 C.—7594 Accession to General Act of Brussels Conference.
 1897 C.—8680 Accession to Convention of Geneva.

(6.) *Portuguese Territories.*

- 1875 C.—1401 Delagoa Bay: Trade in Firearms.
 1878 C.—2100 Lobengula. Feeling of Matabele.
 1875 O.—3410 Portugal: Treaty with S.A.R., with Protocol.
 1883 C.—3533 Tariffs in Portuguese Possessions.
 1889 C.—5903 Delagoa Bay Railway. Action of Portugal.
 1887-90 C.—5904 Portugal: action in Mashonaland, Shiré and Lake Nyassa.
 1891 C.—6370 Anglo-Portuguese Convention: Correspondence *re*.
 1891 C.—6375 Anglo-Portuguese Convention. Spheres of Influence.
 1891 C.—6495 Great Britain and Portugal in East Africa: Correspondence.
 1893-4 C.—6856 Beira and Mashonaland Railway.
 1893 C.—7032 Anglo-Portuguese Agreement: Spheres of Influence north of the
 Zambesi.
 1895 C.—7582 Beira and Mashonaland Railway.
 1896 C.—7971 Anglo-Portuguese Agreement of 1891: extension of.
 1895 C.—8014 Boundary of Amatongaland.
 1895-7 C.—8423 Extradition Treaty with S.A.R.: Correspondence *re* ratification.
 Manica Arbitration: Award *re* interpretation of Article II of Anglo-
 Portuguese Convention.
 1897 C.—8721 Extradition Treaty with S.A.R.: Correspondence *re*.

(7.) *Rhodesia.*

- 1887 C.—5363 Mr. Johnson's visit to Lobengula.
 1888 C.—5524 Lobengula: Agreement.
 1887-90 C.—5904 Mashonaland, Shiré, and Lake Nyassa: action of Portugal.
 1888-91 C.—5918 Lobengula Treaties. Grobler Inquiry. Rudd Concession.
 1889 C.—6046 Anglo-German Agreement *re* Africa and Heligoland.
 1889-90 General Act, Brussels Conference. Slave Trade. Arms.
 1890-1 C.—6495 Manica: conflict in.
 1891 C.—6645 Ordinances of British South Africa Company: 1, 2, 3, of 1891.

- 1893-4 H. C. 467 British South Africa Company.
 1893-4 C.—6856 Beira and Mashonaland Railway.
 1893 C.—7032 Anglo-Portuguese Agreement: Spheres of Influence north of the Zambesi.
 Mashonaland and Matabeleland.
 1893 C.—7171 N'Gomo Kraal. Raid in Victoria. B. S. A. Co.
 1893 C.—7190 B. S. A. Co. Mashonaland and Matabeleland.
 1893 C.—7196 Mashonaland and Matabeleland. Sir F. Carrington. Field Telegraph. Police fired at: Khama's force. Messages to Lobengula.
 Great Britain and Germany.
 1893 C.—7203 Boundaries in East Africa.
 1893 C.—7284 Tati: death of two Indunas at.
 1894 C.—7290 Mashonaland and Matabeleland. Negotiations with Lobengula. Ingubogubo. Victoria investigation. The wounded. King's cattle. Mpandine: action. Service of B. B. P. Police.
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 1894 H. C. 177 Do.
 1894 C.—7383 Do.
 1893-4 C.—7555 Victoria: collision with Matabele. Mr. Newton's Report.
 1895 C.—7582 Beira and Mashonaland Railway.
 1891-5 C.—7637 B. S. A. Co. Agreement: British Sphere north of the Zambesi.
 1895 C.—7782 Bechuanaland Railway Agreement: rescission of Clause 50, *re* Customs Duty.
 1895-6 C.—7962 Bechuanaland Protectorate: future of. Khama, Sebele, Bathoen: visit to England. Strip of land for Railway. Transfer of Administration to B. S. A. Co. Police and Stores: force required.
 1896 H. C. 380 B. S. A. Co.: report of Committee.
 1896 C.—8060 Sir R. Martin and Sir F. Carrington: instructions to.
 1896 C.—8117 B. S. A. Co. Power of Attorney to Mr. C. J. Rhodes.
 1894-6 C.—8130 Matabeleland Land Commission: report. Native cattle: disposal of.
 1896 C.—8141 Rinderpest: outbreak in South Africa. Relief of distress: mealies and seed.
 1896 C.—8380 Dr. Jameson's Incursion into the S. A. R.: report of House of Assembly on. Manica Arbitration: interpretation of Article II. of Anglo-Portuguese Treaty of 1891.
 1897 C.—8423 B. S. A. Co.'s Administration. Dr. Jameson's Incursion.
 1897 C.—8547 Sir R. Martin: report on Native Administration of B. S. A. Co. Comments on above. Buluwayo Commission.
 1897 C.—8732 B. S. A. Co.: changes in Administration.
 1897-8 C.—8773 B. S. A. Co.: charter and Orders in Council of 1891 and 1894.
 1897 H. C. 64 B. S. A. Co.: report of Committee on.
 1897 H. C. 205 Importation of spirits.
 1897 H. C. 311 B. S. A. Co.: report of Committee on.

(8.) *South African Republic.*

- 1868-9 4141 Alleged kidnapping and enslaving of young Africans.
 1875-6 C.—1748 Native War. Lobengula asks for cannon. Sir T. Shepstone appointed Special Commissioner. Sekukuni War. Enlistment of British Subjects.
 1876-7 C.—1776 Boer atrocities. N. Moshesh. Mankoroane. Montsioa. Keate award. Transvaal Annexation: Proclamation, &c. President Burger's war levy suspended.
 1877 C.—1814 Progress of troops to Transvaal. Friendly reception. Loan of £100,000.
 1877 C.—1815 Finance.
 1877 C.—1883 Transvaal Annexation: protest of Messrs. Jorissen and Kruger. Sekukuni.
 1876-8 C.—1961 Zulu Boundary. Transvaal Annexation. Zululand Affairs.
 1879 C.—2308 Sir T. Shepstone's Interview with Mr. Pretorius.
 1879 C.—2316 Transvaal Agreement. Colonel Lanyon: position of Swaziland ceded to Transvaal, and boundary. McCorkindale farms.
 1879 C.—2367 Transvaal burghers at Wonderfontein.
 Rustenburg: meeting of Transvaal burghers.
 1879 C.—2482 Sekukuni. Operations against Transvaal Annexation. Moirosi's stronghold: capture of.
 1879-80 C.—2505 Messrs. Pretorius and Bok: trial for High Treason. Swazi Boundary Commission.
 1880 C.—2598 Annual Report.
 1880 C.—2676 Transvaal Burghers' Committee Meeting at Wonderfontein.
 1879-80 C.—2695 Sekukuni. Transvaal. Swaziland Boundary Commission.
 C.—2740 Occupation of Potchefstroom. Abandonment of Utrecht by burghers. Insurrection. Intervention of President of O.F.S.
 1881 C.—2794 Messrs. Kruger, Pretorius, and Joubert. Insurgent Manifesto.
 1880-1 C.—2837 Transvaal Rebellion and Armistice.

- 1881 C.—2838 Colonel Lanyon: Insurrection: report on.
 1881 H. C. 385 Finance.
 1878 C.—2100 Reinforcements: Messrs Molteno and Merriman dissent from General Cunninghame. Transvaal Annexation, letter of Mr. Kruger. Passage of Diamond Field Volunteers through O. F. S. Sale of firearms. Attitude of Matabele. Return of Messrs. Jorissen and Kruger.
- 1878 C.—2128 Messrs. Jorissen and Kruger, delegates to Secretary of State. Memorial against Annexation.
 1878 C.—2144 Meeting of burghers quiet. Mission of Messrs. Kruger and Joubert. Mr. Kruger's services as a member of the Executive Council dispensed with. Keate Award. Colonel Warren to settle land claims. Arms Trade.
- 1878 C.—2220 Transvaal Constitution.
 1878-9 C.—2222 Award: Western Boundary of Zululand.
 1878-9 C.—2234 Military affairs. Colonel Rowlands, V.C., to attack Sekukuni. Frontier Light Horse.
- 1879 C.—2260 Transvaal burghers at Wonderfontein. Interview with Mr. Joubert.
 1881 C.—2794 Disturbances.
 1881 C.—2838 Do.
 1881 C.—2866 Disturbances. Attack on 94th Regiment. Lang's Nek.
 1881 C.—2891 Transvaal Affairs: report on by Colonel Lanyon.
 1881 C.—2892 Royal Commission: instructions.
 1881 C.—2950 Majuba.
 1881 C.—2959 Independence: Addresses. Martial Law.
 1881 C.—2961 Native children: apprenticeship. Native views of Boer rule.
 1881 C.—2962 Sir E. Wood: breakfast with burghers at Lang's Nek.
 1881 C.—2998 Pretoria Convention of 5th April, 1881.
 1881 C.—3098 Title of Transvaal State. Captain Elliot's murder.
 1881 C.—3114 Royal Commission: Report I. Boundaries.
 1881 C.—3219 Royal Commission: Report II. Captain Elliot. Keate Award.
 1882 C.—3381 Extradition. Mampoor. Native Location Commission. New title.
 1882 C.—3410 Treaty with Portugal (with Protocol) of 1875.
 1882 C.—3419 Sekukuni murder. Mampoor. South-western Boundary. Swaziland Boundary. Mankoroane.
- 1882 C.—3466 Cetewayo: restoration. John Dunn.
 1882 C.—3486 Mapoch's attitude. Encroachments on Zululand. South-west Boundary Commission. Finance.
- 1882 C.—3654 Debt due to H.M.'s Government.
 1882 C.—3659 New Convention: Deputation *vs.*
 1883 C.—3686 South-west Border freebooters.
 1883-4 C.—3841 Montsioa freebooters. Mankoroane. Mapoch. Maps of boundaries. Convention of February, 1884.
- 1883 H. C. 14 Finance.
 1884 C.—3914 London Convention.
 1884 C.—3947 Map of Boundaries. Debt Reduction. London Convention.
 1884 C.—4036 Freebooters. Mr. Mackenzie's Instructions. Special Commission. Niekirk.
- 1884 H. C. 226 Transvaal Bonds.
 1884 C.—4037 Transvaal. Swaziland Border.
- 1884-5 H. C. 182 Finance.
 1884 C.—4194 D. Massouw. Montsioa attacked by freebooters. Convention. Boundary at Rooi Grond.
- 1884-5 C.—4213 Affairs: relations with Bechuanaland.
 1884 C.—4252 Military preparations to enforce Convention of 1884.
 1884 C.—4275 Montsioa Treaty. Ministers' Settlement. Arrival of Sir C. Warren.
 1884-5 C.—4310 Rooi Grond freebooters. Betheli Murder. N. B. Walker.
 1885 C.—4432 Independence. Differences with Sir C. Warren. Stellaland Titles.
 1885 C.—4588 Montsioa's Water Rights. Stellaland Land Commission. Acquittal of Niekirk for alleged murder of Mr. Honey.
- 1885 C.—4643 Affairs. Sir C. Warren. Mr. Rhodes. Lieut. Conder, R.E.
 1885-6 C.—4839 Rev. Mr. Mackenzie. Affairs.
 1886 C.—4890 Affairs of S. A. R. and adjacent territories.
 1886 C.—4913 Swaziland encroachments.
 1887 C.—5089 Swaziland. Protection against Transvaal inroads.
 1887-8 C.—5331 New Republic: Treaty of union.
 1888 C.—5588 Session of Volkeraad, 1888.
 1889 C.—5903 Delagoa Bay Railway. Action of Portugal.
 C.—6200 Swaziland Affairs. S.A.R. Commission. Sir T. Shepstone's Committee. Proposed Joint Commission. Proclamation of Provisional Government Committee.
- 1889 C.—6201 Swaziland: Colonel Sir F. de Winton's Report on.
 1890 C.—6217 Swaziland Settlement: Convention with S.A.R.

- 1890 C.—6212 Anglo-Portuguese Convention : Correspondence.
 1891 C.—6370 Anglo-Portuguese Convention : Spheres of Influence.
 1893 C.—7212 Swaziland Affairs. Installation of the King. Joint Government. Concession Court : Report : Mr. Juta's dissent. Dr. Esser. Schwart Concession. Conference and Convention of 1890.
 1894 C.—7549 Petition of British Subjects to Sir H. Loch.
 Swaziland Affairs. Convention of 1894. Concession Court : Mr. Juta *vs.* Sir T. Shepstone's visit to the Swazis. Organic Proclamation. Swazi deputation to England.
 1894 C.—7554 Petition of certain British Subjects.
 1894 C.—7633 British Subjects in S.A.R. : census of
 1895 C.—7911 Grievances of Indian Subjects : award of Arbitrator.
 1896 C.—7933 Recent Disturbances. Dr. Jameson's Incursion. Foreign intervention. Prisoners : disposal of. Sir H. Robinson's visit to Pretoria.
 1895-6 C.—7946 Grievances of Indian Subjects.
 1896 C.—8063 Convention of 1884, Article IV. Visit of Mr. Kruger. O.F.S. : military preparations. Johannesburg prisoners : death sentence. Foreign intervention. Sir H. Robinson's narrative of events.
 1896 C.—8159 Malaboch. National Union : meeting at Johannesburg. British Subjects commandeered. Visit of High Commissioner to Pretoria.
 1896 C.—8164 Sir J. de Wet, British Agent : letter *vs.* retirement.
 1897 C.—8306 Accession to Geneva Convention.
 1896 C.—8337 Agreement, United Kingdom and S.A.R. : Exchange of P.O. Money Orders.
 1897 C.—8346 Messrs. Davies and Sampson : imprisonment of.
 1895-7 C.—8380 Dr. Jameson's Incursion : report of House of Assembly on. Commandeering of British Subjects. Extradition Treaty with Portugal : correspondence *vs.* Ratification. Forces at Mafeking. Aliens Expulsion Bill. Netherlands Treaty. Geneva Convention. Mr. Cloete's services. Mr. Greene : report on Legislation. Sir J. Sivewright : statement. Messrs. Sampson and Davies. Claim for Indemnity. Infractions of Convention : enumeration of. Dynamite monopoly. Suppression of Press comment.
 1897 C.—8404 Dr. Jameson's Incursion : Claim for Indemnity.
 1897 C.—8423 Commandeering. Visit to England of Sir H. Robinson. Visit to England of President Kruger. Report of Cape Select Committee on Dr. Jameson's Incursion. Aliens Expulsion Law. Immigration Bill. Suspension of the "Critic" and the "Star" newspapers. Dynamite Monopoly.
 1895 C.—8474 Vaal River Drifts. Opinion of Law Officers. Arbitration proposed.
 1897 C.—8721 Dr. Jameson's Incursion : Claim for Indemnity. Extradition Treaty with Portugal : correspondence *vs.* Ratification. Expulsion of Aliens. Breaches of Convention.

(9.) *South African Confederation.*

- 1875-6 C.—1399 Conference of Delegates on Confederation. Natal favourable : Cape Ministers and Mr. Froude.
 1876 C.—1631 Mr. Froude and Lord Carnarvon : correspondence. O.F.S. : correspondence. Customs Dues. Natal and Cape Delegates to London Conference.
 1876 C.—1681 Confederation. O.F.S. : share of Customs Duties.
 1876-7 C.—1732 Confederation Permissive Bill.
 1877-8 C.—1980 Sir B. Frere : Draft of Bill for South African Confederation.
 1877 H. L. 40 Unregulated Franchise. Confederation Bill.
 1878-9 C.—2454 Confederation : correspondence.
 1880 C.—2655 Do. recall of Sir Bartle Frere.
 1885 C.—4521 Federation of British Empire. Memorandum by Sir J. Vogel.

(C.)—PRINTED PAPERS LAID BEFORE THE CAPE COLONIAL PARLIAMENT.

- G. 15—'72 Diamond Fields, claims of O.F.S., Chief Waterboer, and others : correspondence between the High Commissioner and the President of the O.F.S.
 G. 16—'72 Do. Arbitration : proceedings.
 No Number Do. Evidence taken at Bloemhof.
 Do. Federation : report of Commission appointed by H. E. the Governor.
 G. 35—'72 Tambookies, social and political condition.
 G. 41—'72 Transkeian natives, social and political condition.
 G. 44—'72 Do.
 A. 13—'72 Basutoland : regulations for Government.
 G. 195—'73 Basuto Laws and Customs : report of Commission.

- A. 5—'73 Separation: correspondence, statements and petitions presented to Earl Kimberley.
- A. 9—'73 Commission and Instructions issued by Her Majesty to H.E. the Governor and High Commissioner since the passing of the Constitution Ordinance Amendment Act, 1872.
- A. 10—'73 Dispute between Kreli and Gangelizwe: report of Commission.
- A. 23—'73 Basutoland: letter of Governor's Agent.
- A. 49—'74 Bridges over Orange River: correspondence.
- A. 2—'75 Conference, Colonies and States of South Africa: despatch of Secretary of State.
- A. 3—'75 Delagoa Bay, award of Arbitrator: papers.
- A. 6—'75 Conference, Colonies and States of South Africa: despatch of Secretary of State.
- A. 13—'75 Bridges over Orange River at Aliwal North and Bethulie: contracts.
- A. 16—'75 Transvaal, introduction of labour from: correspondence.
- A. 17—'75 Langalibalele and Molumbuli, location on Cape Downs: proposed rules and regulations.
- G. 40—'76 Conference, Colonies and States of South Africa: correspondence.
- G. 40—'77 Confederation of South African Colonies and States: draft Bill.
- G. 50—'77 Damaraland and Great Namaqualand: report of Mr. W. C. Palgrave on his mission, 1876.
- G. 58—'77 Confederation of South African Colonies and States: further papers.
- A. 4—'77 Griqualand West, annexation: papers.
- A. 13—'77 Do. Extract of despatch of Secretary of State.
- A. 14—'77 Do. Census.
- A. 16—'78 Despatches of Secretary of State since January 1, 1878.
- A. 23—'78 Griqualand West, native disturbances.
- A. 35—'78 Do.
- A. 51—'78 Do.
- A. 54—'78 Relief of Impetu, military operations.
- A. 4—'79 General Sir Garnet Wolseley, appointment to be Governor and High Commissioner of Natal, the Transvaal, and adjacent territories.
- A. 16—'79 Confederation of South African Colonies and States: despatch and minutes.
- A. 17—'79 Basutoland rebellion.
- A. 19—'79 Kafir War. Northern Border disturbances. Moiroi Campaign: return of expenditure.
- A. 43—'79 Gaika and Gealeka war, Kafirs introduced into Western districts: return.
- G. 72—'80 Griqualand East: remarks by Captain Blyth on report of Commission.
- G. 74—'80 Griqualand East: report of Commission.
- A. 3—'80 Griqualand West and Transkei, annexation. S. A. Confederation: despatches.
- A. 12—'80 Basutoland Affairs.
- A. 70—'80 Pondoland, gun running: statement of detective.
- A. 10—'81 Griqualand West, quitrents: report of Select Committee.
- A. 12—'81 Do. Boundary: report of Select Committee.
- G. 76—'81 Frontier Losses Commission: report (not printed in time for presentation in session of 1881).
- G. 12—'82 Basutoland: correspondence.
- G. 26—'82 Basutoland and Transkei: report of Secretary of Native Affairs.
- G. 46—'82 Commission on War Expenditure: report.
- G. 57—'82 Annexation of St. John's River Territory.
- G. 61—'82 Archives of the Colony preserved amongst the Archives of the Netherlands at the Hague.
- G. 74—'82 Basutoland: Piteo at Maseru on April 3, 1882, and General Affairs.
- G. 89—'82 Basutoland Affairs.
- G. 100—'82 Colonial Forces: report by Colonel C. G. Gordon, C.B., R.E.
- (First Session.)
- G. 5—'83 Basutoland Affairs and Colonial Forces: correspondence with Colonel C. G. Gordon, C.B., R.E.
- G. 6—'83 Basutoland Affairs: correspondence.
- G. 9—'83 Basutoland: trial of Chiefs Jonathan and Joel Molapo.
- A. 1—'83 Basutoland: petition of Jonathan Molapo.
- A. 3—'83 Basutoland: minutes to H.E. the Governor, and correspondence.
- A. 8—'83 Prisoners of War under Act 13 of 1880.
- (Second Session.)
- G. 54—'83 Prime Minister and Secretary of State: interviews with.
- G. 55—'83 Tembuland, removal of squatters: correspondence:
- G. 66—'83 Tembuland Affairs: report of Commission.
- G. 66A—'83 Do. Do.
- G. 92—'83 Pondos and Xesibes, dispute: correspondence and report. Pondoland Affairs.
- G. 96—'83 Basutoland Losses Commission: report.
- G. 104—'83 Griqualand West, northern boundary: report of Commission.
- G. 109—'83 Native Tribes in extra-Colonial territories: threatened combination.

- C. 3—'83** Leribe District: documents addressed to Major-General Gordon. Jonathan Molapo: correspondence. Compensation to loyalists. Advance of Lerothodi's Army on Thaba Bosigo.
- A. 14—'83** Basutoland: resolutions of Volksraad of O. F. S.
- A. 27—'83** Do. Despatches of Administrator. Memorandum by Mr. Merriman. Lord Derby's reply.
- A. 29—'83** Do. Correspondence with O. F. S.
- A. 39—'83** Mr. Merriman and Secretary of State: correspondence.
- G. 2—'84** Griqualand East: report of Lands Commission.
- G. 59—'84** Bomvanaland, Tembuland, Gcalekaland: annexation.
- G. 69—'84** Angra Pequena and Walfish Bay: correspondence.
- C. 2—'84** Bechuanaland, government of: correspondence.
- A. 18—'84** Do. Do.
- G. 37—'85** Do. British Protectorate over: correspondence.
- C. 2—'85** Basutoland: Colonial contribution and accounts.
- G. 19—'86** Bomvanaland, location of Chief Kreli in: correspondence.
- G. 30—'86** Baca-Pondo Disturbances: correspondence.
- G. 52—'88** Pondoland Affairs: correspondence.
- G. 53—'88** Do. Do.
- G. 61—'88** Governor and High Commissioner: separation of offices.
- A. 2—'91** Transkei, disturbed state: mission of hon. member for Tembuland.
- A. 15—'91** Tembuland Commission: petition in regard to recommendations.
- A. 7—'92** Bechuanaland Lands Commission: return of cost.
- G. 59—'94** Pondoland Affairs: correspondence.
- C. 7—'94** Basutoland: return of Colonial contributions.
- G. 76—'95** British Bechuanaland, annexation: correspondence.
- A. 3—'95** Belgium and Orange Free State: treaty of friendship and commerce.
- A. 26—'95** Bechuanaland: statistics relating to.
- G. 76—'97** Vaal River Drifts, closing of: correspondence.
- A. 10—'97** Bechuanaland Native Rising: correspondence with H. M. Government.

(D.)—GERMAN WHITE BOOKS, HAVING REFERENCE TO THE SOUTH WEST AFRICAN PROTECTORATE.

- 1880—1** Angra Pequena. Settlements of the Rhenisch Missionary Society in Hereroland: correspondence. (Submitted to German Reichstag during 1st session of 6th Legislative Period.)
- 1882—4** Angra Pequena. Correspondence.
- 1893—4** Memorandum on the South West African Protectorate. Statistics showing trade between Cape Town and Walfish Bay during year 1893. Dr. Hindorf's report on agricultural value of German South West Africa. Dr. Karl Dove's report on adaptability of German South West Africa for colonization. Report from Dr. Sander, retired naval doctor, on the agricultural situation of the South West African Protectorate in the year 1894.
- 1894** Annual report on the development of German South West Africa. Statistics showing trade between Cape Town and Walfish Bay during year 1894. Statistics showing imports and exports into and from Tsoakhaub Mouth from 1st July to 30th September, 1894; from 1st October to 31st December, 1894; from 1st January to 31st March, 1895.
- 1896** Annual report on the development of South West Africa. Memorandum on the Companies at work within the South West African Protectorate. The concession of the South West African Company (so-called Damaraland concession). Protocol relative to the carrying out of the Damaraland concession of the 14th November, 1892. Concession for the Colonization Company for German South West Africa. Agreement between the Imperial Government and the Karaskhoma Syndicate of 31st October, 1892. Agreement between the Kharaskhoma Syndicate and the German Colonial Company of 20th December, 1892. Concession to the Hanseatic Land, Mining and Trade Company for German South West Africa of 11th August, 1893. Agreement between the German Colonial Company for South West Africa and the Kaoko Land and Mining Company of 12th August, 1893. Supplementary Agreement between the German Colonial Company and the Kaoko Company of 4th-8th December, 1893.
- 1897** Annual report on the development of German South West Africa.
- 1898** Annual report on the development of German South West Africa.

APPENDIX II.

PAPERS HAVING REFERENCE TO THE PRIVATE RELATIONS OF SOUTH AFRICAN STATES.

(A.)—POSTAL.

List of Countries comprised in the Universal Postal Union.

- Aden.
 Antigua.
 Argentine Republic.
 Ascension.
 Austria-Hungary (with Bosnia-Herzegovina).
 Azores.
 Bahamas.
 Barbadoes.
 Belgium.
 Bermuda.
 Bolivia.
 Brazil.
 *British Borneo.
 British East Africa.
 British Guiana.
 British Honduras.
 British New Guinea.
 Bulgaria.
 *Cameroons.
 Canada (Dominion of).
 *Cape Colony.
 *Ceylon.
 Chili.
 Colombia (Republic of).
 Congo, including Black Point, Majumba and Nyanza.
 Costa Rica.
 *Cyprus.
 Danish Colonies, viz.: Greenland, St. Croix, St. John and St. Thomas.
 Denmark (including Farøe Islands and Iceland).
 Dominica.
 Dominican Republic (San Domingo).
 Ecuador.
 Egypt.
 *Falkland Islands.
 *Fiji Islands.
 France.
 French Colonies, viz.: Martinique, Guadeloupe and dependencies, French Guiana (Cayenne), Senegal and dependencies, Gaboon, and Grand Bassam (also Sette Cama and Assinie), Réunion, Comoro Islands, Mayotte and dependencies, Majunga, St. Mary and Tamatave (Madagascar), New Caledonia and dependencies, the French portion of the Lower Archipelago, the French Establishments in India (Pondichéry, Chandernagor, Karikal, Mahé, and Yanaon), and in Cochin China, Shanghai, Tientsin, including the following Postal Agencies in Morocco: Casablanca, El-Ksar-el-Kbir, Fez, Laraiiche, Mazagan, Mogador, Rabat and Safi.
 *Gambia.
- *Germany.
 *German Colonies, viz.: Marshall Islands, New Guinea (portion of), Samoa (Apia), Togo Territory, including Bageida, Little Popo, Lome, and Porto Seguro, and territory in South West Africa, viz.: Grand Namaqua, the Damaras Country, and Southern portion of Ovambo; also Bagamoyo, and Dar-es-Salaam, Lindi, and Tanga in East Africa.
 Shanghai (Postal Agency).
 Tientsin (Postal Agency).
 *Gibraltar (including the British Post Offices at Tangier, Laraiiche, Rabat, Casablanca, Saffi, Mazagan, Mogador and Fez).
 Gold Coast.
 Greece.
 *Grenada.
 *Grenadines.
 Guatemala.
 Hawaiian Islands.
 Hayti.
 Honduras (Republic of).
 *Hong Kong.
 India.
 Italy.
 *Jamaica.
 Japan.
 *Labuan.
 *Lagos.
 Liberia.
 *Luxemburg.
 Madeira.
 *Malta.
 Marquesas Islands.
 Mauritius and dependencies.
 Mexico.
 Montenegro.
 *Montserrat.
 *Natal.
 Netherlands.
 Netherland Colonies, viz.: Dutch Guiana (Surinam), Curaçoa and dependencies, viz.: Bonaire, Aruba, the Netherland portion of St. Martin, St. Eustace, Saba, Java, Madura, Sumatra, Celebes, Borneo (except North West part), Billiton, Archipelago of Banca, Archipelago of Riouw, Sunda Islands (Bali, Lombok, Sumbawa, Floris and the South West part of Timor), the Archipelago of the Moluccas, and the North West part of New Guinea (Papua).
 Nevis.
 *New South Wales.
 *Newfoundland.

* Jewellery, &c., may be sent to the Countries marked with an asterisk.

New Zealand	Seychelles.
Nicaragua.	Siam.
Norway.	*Sierra Leone.
Orange Free State.	*South African Republic.
Paraguay.	*South Australia.
Patagonia.	Spain (including Balearic and Canary Islands).
Persia.	Spanish Colonies, viz.: Cuba, Porto Rico, Fernando Po, Annobon and dependencies, Phillipine Islands and Marian Islands.
Peru.	*Straits Settlements.
Portugal.	Sweden.
Portuguese Colonies, viz.: Goa and its dependencies (Damao and Diu), Macao, Timor, Cape Verd Islands and dependencies (Bissa and Cachou), Islands of St. Thomas and Prince (in Africa), with the Establishment of Ajuda, Angola, Delagoa Bay, and Mozambique.	Switzerland.
Queensland.	Tahiti.
Roumania.	*Tasmania.
Russia.	Tobago.
St. Helena.	Tortola.
St. Kitts.	Trinidad.
St. Lucia.	Turkey.
St. Pierre et Miquelon.	Turk's Islands.
*St. Vincent, West Indies.	*United Kingdom.
Salvador.	United States.
Sarawak.	Uruguay.
Servia.	Venezuela.
	Victoria.
	*Western Australia.
	Zanzibar.

(B.)—RAILWAYS.

Printed Papers Laid before the Cape Colonial Parliament having reference to the Extension of the Railway System in Cape Colony.

- G. 39—'72 Graaff-Reinet, country north of: examination by Mr. Bain.
- A. 4—'72 Wellington Railway: proposed agreement with Cape Railway Company for purchase.
- G. 10—'73 Do. Labourers from St. Helena.
- G. 27—'73 Basutoland, proposed Railway to: letter from Mr. Bronger.
- A. 11—'73 Wellington to Worcester, gauge of line: memorandum of the Hon. the Commissioner.
- A. 21—'73 East London to King William's Town: survey of line.
- A. 5—'74 Proposed lines—1, to Graham's Town; 2, Bushman's River to Cradock; 3, to Graaff-Reinet; 4, to Beaufort West; 5, East London to Queen's Town; 6, Bellville to Malmesbury and Mulder's Vley; 7, Cape Town, Castle to Docks; 8, Worcester to Beaufort West: reports of Messrs. Hood and Hall.
- A. 26—'74 Proposed Lines—1, to Beaufort West; 2, Graham's Town to Port Alfred. Contract System: correspondence.
- A. 5—'75 Sand Flats to Bushman's River Poort: report of Inspection.
- G. 60—'76 Construction and Purchase of Railways from 1871 to 1875: return of expenditure.
- A. 3—'76 Mossel Bay to Olifant's River: running survey.
- G. 25—'77 Graaff-Reinet Railway, contract: correspondence.
- A. 5—'77 Railway Expenditure in 1876.
- G. 3—'78 Commission: report.
- G. 59—'78 Expenditure in 1877.
- G. 61—'78 Letter from President of O.F.S.: minute.
- G. 26—'79 Progress of Railways in 1878.
- G. 50—'79 Construction and Working in 1878.
- G. 65—'79 Graham's Town to Port Alfred: report.
- G. 68—'79 Stellenbosch Loop Line: papers.
- A. 70—'79 Junction of Western and Midland Systems, and Extension to Beaufort West: reports.
- G. 43—'80 Progress and Working: report.
- G. 45—'80 Extensions: report.
- G. 55—'80 Construction, expenditure on: return.
- G. 76—'80 Construction and Equipment: appropriations for.
- C. 3—'80 Purchase, Cost of Construction, Working Expenses and Receipts, Coal consumed: returns.

* Jewellery, &c., may be sent to the Countries marked with an asterisk.

- G. 60—'81 Construction and Progress: report.
 G. 65—'81 Extensions: reports.
 G. 28—'82 Extension to Cradock.
 G. 29—'82 Construction and Progress in 1881.
 G. 38—'83 Construction, expenditure in 1881-2.
 G. 103—'83 Do. Do.
 G. 111—'83 Rates: report of Commission.
 G. 113—'83 Graham's Town to Fort Beaufort: survey.
 G. 61—'84 Extensions: report and surveys.
 G. 33—'85 Junction of Eastern and Midland Systems: report of Mr. Wilcox.
 G. 45—'85 Construction up to December 31, 1884.
 Orange River to Kimberley Extension, loan from Imperial Government: papers.
 G. 24—'87 Transvaal Border, Extension to: report.
 G. 8—'88 Conference of Delegates of O. F. S., Natal, and Cape Colony (Railways and Customs): report.
 G. 22—'88 Oudtshoorn to Graaff-Reinet: Mr. Dalton's survey.
 G. 46—'88 Junction of Eastern and Midland Systems.
 G. 47—'88 Conference of Delegates, O. F. S., Natal, and Cape Colony: comparative Rebate Returns.
 G. 55—'88 Walfish Bay: correspondence.
 G. 43—'89 Cape Colony and Orange Free State: surveys.
 G. 53—'89 Convention with Orange Free State.
 G. 27—'90 Surveys during 1889 and 1890: reports on.
 G. 49—'90 Extension through British Bechuanaland: agreements.
 A. 9—'90 Kowie Railway: Engineer's reports.
 G. 45—'91 Convention with Orange Free State (Railways).
 G. 52A—'91 Orange Free State coal: report on trials.
 G. 54—'91 Western Pondoland, proposed line from Port St. John's to Maclear: report of Select Committee.
 G. 58—'91 Capital Expenditure and Net Profits from January 1, 1873, to June 30, 1890.
 C. 3—'91 Bridges: report of Select Committee.
 A. 16—'91 Bridge, Sunday's River: report of Select Committee.
 G. 5—'92 Netherlands South African Railway Company: agreement with.
 A. 6—'92 Midland and Eastern Systems Junction: return of cost.
 Do. Do. Tenders and contracts.
 G. 40—'93 Surveys: report on.
 A. 2—'93 Netherlands South African Railway Company: clearance returns.
 A. 6—'93 Coal for Railway Purposes: report of Select Committee.
 A. 11—'93 British South African Co.: sale of rails to: report of Select Committee.
 A. 12—'93 Midland Line, gradients of: papers. Indwe Railway.
 A. 16—'93 Railway Construction Accounts, balances: return.
 A. 20—'93 Port Alfred Railway, proposed company: papers.
 A. 22—'93 Netherlands South African Railway Co., rate for conveyance of material for: correspondence.
 G. 29—'94 Klipplaat to Oudtshoorn, Extension: report.
 A. 11—'94 Netherlands South African Railway Co., conveyance of material for: report of Select Committee.
 A. 12B—'94 Midland and Eastern Systems, reduction of gradients: preliminary reports.
 A. 18—'94 Cape Town Properties, expropriation for Railway purposes: report of Select Committee.
 A. 21—'94 Port Elizabeth to Norval's Pont, and East London to Bethulie, cost of construction: report.
 A. 22—'94 Graham's Town to Port Alfred: report and estimate for repair.
 A. 23—'94 Western Pondoland, Port St. John's and Maclear Railway Act Amendment Bill: report of Select Committee.
 A. 29—'94 Klipplaat to Oudtshoorn Extension: report.
 G. 3—'95 Surveys, various, 1876-1894: reports and estimates.
 G. 44—'95 Kendrew to Somerset East, flying survey: report of Mr. Dalton.
 G. 57—'95 Railway Conference held at Cape Town: minutes.
 G. 59—'95 Light Railways, Continental: report.
 G. 63—'95 Light Railways in Great Britain, construction, maintenance, and working: reports.
 C. 3—'95 Light Railways: report of Select Committee.
 A. 5—'95 Fort Beaufort to Somerset East, proposed line: correspondence.
 A. 9—'95 Port Elizabeth to Avontuur, Mr. Kay's Proposals: papers.
 A. 10—'95 Do.
 A. 15—'95 Railway Extension: resolution of Committee of whole House.
 A. 19—'95 Klipplaat to Somerset East, and Middelburg Road to Graaff-Reinet: letters from Messrs Walker & Sons.
 G. 3—'96 Convention (Railways) with Orange Free State.
 G. 51—'96 Orange Free State, Railway Commission appointed by: minutes of conference with.

- G. 72—'96 Surveys, various : reports and estimates.
 A. 5—'96 Goods traffic to Transvaal, delay of : correspondence.
 A. 8—'96 Railway Coal, carriage of : propositions.
 A. 13—'96 Transkei, surveys : reports.
 Orange Free State Railways, Memorandum on Estimates of cost.
 G. 6—'97 Orange Free State : convention with.
 G. 52—'97 Victoria West Road to Carnarvon : flying survey. Prieska to De Aar *via* Britstown : inspection survey.
 G. 53—'97 South African Railway Officers, Conference at Pietermaritzburg, March, 1897 : minutes.
 G. 58—'97 Transkeian Extension, and In'dwe to Natal, preliminary examination : report.
 G. 74—'97 Caledon, Extension to : surveys.
 C. 1—'97 Graaff-Reinet to Middelburg Road, claims for lands expropriated : return and report of Select Committee.
 C. 7—'97 Alicedale to Graham's Town, heavy rails : return of expenses and economy of working.
 A. 9—'97 King William's Town to Somerset East : contract.
 A. 13—'97 Bechuanaland Railway Company, line from Vryburg to Bulawayo : working agreement.

(C.)—CUSTOMS.

Printed Papers laid before the Cape Colonial Parliament.

- G. 118—'83 Orange Free State, share of Customs duties : claim.
 G. 42—'86 Conference with Orange Free State (Customs Union) : correspondence.
 G. 45—'86 Do. do.
 G. 8—'88 Conference of delegates of Orange Free State, Natal, and Cape Colony (Customs and Railways) : report.
 G. 47—'88 Do. Comparative Rebate Returns.
 G. 26—'89 Customs Union with Orange Free State : correspondence.
 G. 49—'89 Orange Free State, removal of goods for home consumption : regulation.
 G. 54—'89 Bechuanaland, and South African Republic, rebate : papers.
 G. 59—'89 Basutoland, removal of imported goods into through the Orange Free State : regulation.
 A. 8—'89 Bonded Warehouses in States belonging to the Union, establishment of : Protocol to Convention.
 G. 46—'91 Convention and Protocols, Customs Union.
 G. 52—'93 Bechuanaland Protectorate, admission to Customs Union : Protocol to Convention. Convention and Protocols.
 C. 4—'93 Customs Union and Tariffs : correspondence.
 G. 35—'97 Protocol to Convention with Orange Free State.

(D.)—EXTRADITION.

Treaties between Great Britain and Foreign Countries, with dates of the Orders in Council applying them to the Colonies, and references.

Country.	Date of Treaty.	Order in Council.	Reference.
United States * of America ..	Treaty Aug. 9, 1842.		
Germany ..	do. May 14, 1872	June 25, 1872	C. of G.H.G.G. Aug. 24, 1872.
Brazil ..	do. Nov. 13, 1872	Nov. 20, 1873	do. Jan. 26, 1874.
Italy ..	do. Feb. 5, 1873	March 24, 1873	do. May 26, 1873.
Denmark ..	do. March 31, 1873	June 26, 1873	do. Sept. 1, 1873.
Italy ..	.. Declaration May 7, 1873		do. July 17, 1873.
Sweden and Norway ..	Treaty June 26, 1873	Sept. 30, 1873	do. Nov. 20, 1873.
Austria ..	do. Dec. 3, 1873	March 17, 1874	do. May 16, 1874.
Netherlands ..	do. June 19, 1874	Aug. 6, 1874	do. Oct. 2, 1874.
Hayti ..	do. Dec. 7, 1874	Feb. 5, 1876	do. April 20, 1876.
Belgium ..	do. May 20, 1876	July 21, 1876	do. Sept. 28, 1876.
France ..	do. Aug. 14, 1876	May 16, 1878	do. July 15, 1878.
Belgium ..	.. Declaration July 23, 1877	Aug. 13, 1877	do. Oct. 11, 1877.
Spain ..	.. Treaty June 4, 1878	Nov. 27, 1878	do. Jan. 16, 1879.
Tonga ..	do. Nov. 29, 1879	Nov. 30, 1882	do. Feb. 19, 1883.
Ecuador ..	do. Sept. 20, 1880	June 26, 1886	do. Sept. 21, 1886.
Luxemburg ..	do. Nov. 24, 1880	March 2, 1881	do. April 30, 1881.
Switzerland ..	do. Nov. 26, 1880	May 18, 1881	H.S.P. Vol. lxxi, p. 54.
Salvador ..	do. June 23, 1881	Dec. 16, 1882	C. of G.H.G.G. Feb. 24, 1883.
Uruguay ..	do. March 26, 1884	March 5, 1885	do. April 24, 1885.
Guatemala ..	do. July 4, 1885	Nov. 26, 1886	do. Jan. 22, 1887.

* See Section V (B) § xxvii, page 262 *supra*. Order in Council not necessary.

Country.		Date of Treaty.	Order in Council.	Reference.
Mexico .	..	Treaty Sept. 7, 1886	April 6, 1889	C. of G.H.G.G. June 11, 1889.
Russia ..	..	do. Nov. 24, 1886	March, 7, 1887	do. May 5, 1887.
Belgium	..	Declaration April 21, 1887	May 13, 1887	H.S.P. Vol. lxxviii, p. 757.
Columbia	..	Treaty Oct. 27, 1888	Nov. 28, 1889	C. of G.H.G.G. Feb. 22, 1890.
Spain ..	..	Declaration Feb. 19, 1889	May 28, 1889	do. Aug. 1, 1889.
Argentine Republic	..	Treaty May 22, 1889	Jan. 29, 1894	do. March 30, 1894.
United States of America	..	Convention July 12, 1889	March 2, 1890	do. June 11, 1890.
France (for Tunis).	..	Declaration Dec. 31, 1889		H.S.P. Vol. lxxxi, p. 55.
Orange Free State	..	Treaty June 20, 1890	March 20, 1891	C. of G.H.G.G. May 27, 1891.
Monaco	..	do. Dec. 17, 1891	May 9, 1892	do. July 28, 1892.
Portugal	..	do. Oct. 17, 1892	March 3, 1894	do. April 26, 1894.
Liberia	..	do. Dec. 16, 1892	March 10, 1894	do. April 30, 1894.
Roumania	..	do. March 21, 1894	April 30, 1894	do. July 13, 1894.
German Dependencies	do.	May 5, 1894	Feb. 2, 1894	do. March 28, 1895.

APPENDIX III.

LIST OF PRINTED TREATIES AND STATE PAPERS HAVING REFERENCE TO NATIVES.*

(A.)—CAPE COLONY AND NATAL.

1803	May	Notice by Governor Janssens to the Gaika.
1817	April 19	Governor Lord Charles Somerset to the Gaika.
1819	Oct. 15	Governor Lord Charles Somerset to the Gaika and other Chiefs.
1834	Dec. 11	Treaty and agreement between Governor Sir B. D'Urban and Andries Waterboer, Chief of the Griquas.
1835	May 6	Treaty between the British Residents at Port Natal and Dingaan, King of the Zulus.
1835	Sept. 17	Treaty between Governor Sir B. D'Urban and the Kafir Chiefs Pato, Kama, and Cobus, sons of Congo.
1835	Sept. 17	Treaty of peace between Governor Sir B. D'Urban and the Kafir family of Gaika, represented by the Chiefs Macomo, Tyalie, Enno, Kusia, and Fadani.
1835	Sept. 17	Treaty of peace between Governor Sir B. D'Urban and the Kafir Chiefs of the tribe of T'Slambie, Umhala, Tsyolo, and Gazelli, and their families.
1836	March 3	Agreement between Governor Sir B. D'Urban and Umsiligas (by his representative Um'Noubate), King of the Abaqua Zooloo or Qua Machoban.
1836	Dec. 5	Treaty between Lieut.-Governor Stockenstrom and Siwane, Umhala, Umgai, and Gazella, Kafir Chiefs of the tribe of T'Slambie.
1836	Dec. 5	Treaty between Lieut.-Governor Stockenstrom and Pato, Kama, and Cobus, Kafir Chiefs of the tribe of Congo.
1836	Dec. 5	Treaty between Lieut.-Governor Stockenstrom and Sandile, Magomo, Tyalie, Botma and Enno, Kafir Chiefs of the tribe of Gaika.
1836	Dec. 5	Proclamation by Lieut.-Governor Stockenstrom repealing Treaties Nos. 5, 6, and 7, and withdrawing the Colonial authority from the Kei River.
1836	Dec. 10	Treaty between Lieut.-Governor Stockenstrom and the Fingo Chiefs Umklambiso and Jokwani.
1837	Jan. 18	Treaty between Lieut.-Governor Stockenstrom and the Tambookie Chief Mampassa.
1838	June 19	Treaty (supplementary to Treaty No. 11) between Governor Napier and Pato, Kama, and Kobe (Cobus), Kafir Chiefs of the Ammakwane tribe.
1840	Dec. 7	Proclamation by Governor Sir G. T. Napier altering and amending Treaty No. 12.
1841	Jan. 23	Proclamation by Governor Sir G. T. Napier altering and amending Treaty No. 14.

* See Hertslet's State Papers, *sub annis-dem.*

- 1841 Jan. 23 Proclamation by Governor Sir G. T. Napier altering and amending Treaty No. 11.
- 1841 Feb. 1 Proclamation by Governor Sir G. T. Napier altering and amending Treaty No. 10.
- 1841 Feb. 1 Proclamation by Governor Sir G. T. Napier altering and amending Treaty No. 15.
- 1843 Oct. 5 Treaty between Henry Cloete, Esq., Her Majesty's Commissioner for Natal, and Panda, King of the Zoolah nation.
- 1843 Nov. 29 Treaty between Governor Sir G. T. Napier and Adam Kok, Chief of the Philippolis Griquas.
- 1843 Dec. 13 Treaty between Governor Sir G. T. Napier and Moshesh, Chief of the Basutos.
- 1844 Nov. 4 Treaty between Governor Sir P. Maitland and Creli, Chief of the Amagcaleka tribe of Kafirs.
- 1844 Nov. 23 Treaty between Governor Sir P. Maitland and Faku, paramount Chief of the Amaponda nation.
- 1845 Jan. 30 Treaty between Governor Sir P. Maitland and Umgai, Umhala, Siwane, and Gasela, Kafir Chiefs of the tribe of T'Slambie, annulling all previous treaties.
- 1845 Jan. 30 Treaty between Governor Sir P. Maitland and Eno, a Chief of the Gaika tribe.
- 1845 Jan. 30 Treaty between Governor Sir P. Maitland and Jokweni, Mabanthla, Kwenkwezi, Matomela, Kaulela, Pahla, and Jama, Chiefs of the Fingo tribe.
- 1845 Jan. 30 Treaty between Governor Sir P. Maitland and Pato and Cobus, Chiefs of the Kafir tribe of Congo, annulling all previous treaties.
- 1845 April 11 Treaty between Governor Sir P. Maitland and Umterara, Chief of the Tambookie tribe.
- 1845 Nov. 22 Treaty between Governor Sir P. Maitland and Sandilla, Maquomo, Xoxo, and Botman, Chiefs of the Gaika tribe of Kafirs.
- 1846 Feb. 19 Treaty between Governor Sir P. Maitland and Adam Kok, Chief of the Philippolis Griquas.
- 1848 Jan. 25 Agreement between Sir H. Smith, the High Commissioner, and Adam Kok.
- 1848 Jan. 27 Memorandum of a Conference between Sir H. Smith, the High Commissioner, and Moshesh, Chief of the Basutos.
- 1870 Jan. 31 Treaty between G. A. Reynolds, Esq., Acting Resident Magistrate of Namaqualand, and William Christian, Chief of the Bondelzwartz.
- 1875 Oct. 28 Conditions on which the Tembus became British subjects and were taken over by the Colonial Government.
- 1875 Dec. 10 Letter of the Chief Dalasile placing his country and tribe under the protection of the British Government.
- 1878 July 17 Agreement between Major H. G. Elliot (for the Cape Government) and the Chief Nquiliso.
- 1879 Sept. Conditions of the appointment of the 13 Zulu Chiefs in Sir G. Wolseley's Settlement.
- 1882 Aug. 1 Deed of N'Gangelizwe, paramount Chief of the Tembu tribe, transferring Umtata to the Cape Government.
- 1882 Aug. 24 Terms and conditions of Cetywayo's restoration.
- 1886 Dec. 9 Agreement between Cape Colony and Pondo Chief Umqikela. Road through Eastern Pondoland, cession of Rode Territory and St. John's River Territory.

(B).—GERMAN SOUTH WEST AFRICAN PROTECTORATE.

- 1885 Sept. 2 Treaty with Chief of Namaqualand. Protection.
- 1885 Sept. 15 Treaty with Rehoboth. Protection.
- 1885 Oct. 21 Treaty with Hereros. Protection.
- 1885 Nov. 3 Treaty with Hereros. Accession of Omaruru.

APPENDIX IV.

CHRONOLOGICAL LIST OF STATE PAPERS HAVING REFERENCE TO THE RELATIONS OF SOUTH AFRICAN STATES.

1806	12 Jan.	Capitulation	Cape of Good Hope to the English. (L. G., 15th April, 1806.)
1814	30 May	Treaty	Great Britain—France. Cession. Isle of France, Rodrigues and Les Sechelles to Great Britain. (Confirmed by General Treaty of Paris, 20 Nov., 1815. See Hertslet's Map of Europe by Treaty, vol. i, p. 349.)
	13 Aug.	Convention	Great Britain—Netherlands. Cession. Cape of Good Hope to Great Britain. (M. of Eur. by Tr., vol. i, pp. 42 and 46.)
1817	28 July	Convention	Great Britain—Portugal. Portuguese limits. East and West Coasts. (H. S. P., vol. iv, p. 81.)
1843	12 May	Proclamation	Great Britain. British Protectorate over Port Natal. (C. of G. H. Govt. Gaz., 12th May, 1843.)
	5 Oct.	Treaty	Great Britain—Zulus. Cession to Great Britain of mouth of River Umvaloosi and St. Lucia Bay. (H. S. P., vol. xxxiii, p. 1075.)
	13 Dec.	Treaty	Great Britain—Basutos. Allegiance. (H. S. P., vol. xxxiii, p. 1078.)
1844	31 May	Letters Patent	Great Britain. Annexation of Natal to Cape Colony. (Natal Ordinances, vol. ii, p. 1870.)
	17 Nov.	Treaty	France—Madagascar. Consular Jurisdiction, &c. (H. S. P., vol. xxxv, p. 1011.)
1848	3 Feb.	Proclamation	Great Britain. Sovereignty over Orange Free State. (C. of G. H. Govt. Gaz., 3rd Feb., 1848.)
1850	11 April	Treaty	Great Britain—Amapondas. Cession of Territory between Umfamfuna and Umzimkulu Rivers, and between Quamlamba Mountains and the Sea. (H. L. 42 of 1884.)
1851	23 March	Letters Patent	Great Britain. The Orange River Territory erected into a separate Government. (H. S. P., vol. liv, p. 1115.)
1852	17 Jan.	Convention	Great Britain—Transvaal Boers. Independence guaranteed on certain conditions to emigrant farmers residing north of the Vaal River. (C. of G. H. Govt. Gaz., 15th April, 1852, p. 426)*
1854	30 Jan.	Order in Council	Great Britain. Letters Patent of 23 March, 1851, revoked, and sovereignty over Orange Free State renounced. (H. S. P., vol. lvi, p. 327.)
	23 Feb.	Convention	Great Britain—Orange Free State. Recognition of Independence. Basutoland. (Section I, p. 345.)
1856	12 July	Charter	Great Britain. Natal constituted a separate Colony.
1858	5 Feb.	Order in Council	Great Britain. Boundaries of Natal. (L. G., 5th June, 1858.)
1863	9 Dec.	Letters Patent	Great Britain. Annexation of Nomansland to Natal. (H. T., vol. xviii, p. 665.)
1865	17 March	Act	Colony of Cape of Good Hope. Incorporation of British Kaffraria. (C. of G. H. Statutes, vol. i, p. 961.)
	27 March	Treaty	Great Britain—Madagascar. Privileges. (H. T., vol. vii, p. 634.)
1865	7 Sept.	Proclamation	Great Britain. Annexation of Nomansland to Natal. (L. G., 7th Sept., 1865.)
1866	3 April	Treaty	Basutoland—Orange Free State. The Basutos agree to Peace with O. F. S. (Imp. Bluebook 23719, 1869.)
1868	12 March	Proclamation	Great Britain. Basutos declared British Subjects in response to appeal for protection. (C. of G. H. Govt. Gaz., 12 March, 1868.)
	8 Aug.	Treaty	France—Madagascar. Consular Jurisdiction, &c. (Par. Paper No. 4 of 1883. H. S. P., vol. lviii, p. 190.)
1869	12 Feb.	Convention	Great Britain—Orange Free State. Basutoland Boundary. (H. S. P., vol. lxx, p. 322.)
	29 July	Treaty	Portugal—Transvaal. Boundary of Delagoa Bay district. (H. S. P., vol. lxxviii, p. 605.)
1871	11 Aug.	Act	Colony of Cape of Good Hope. Annexation of Basutoland. (C. of G. H. Statutes, No. 12, 1871.)
	17 Oct.	Award	South African Republic—British Bechuanaland. Boundary. Delimitation by Lieutenant-General Keate. (C.—508.)

* Commonly known as the "Sand River Convention."

1872	25 Sept.	Protocol	Great Britain—Portugal. Arbitration <i>re</i> Delagoa Bay. (M. of A. by T., vol. iii, p. 697.)
1873	Sept.	British Case	British claim in dispute with Portugal <i>re</i> Delagoa Bay. (Par. Paper, Portugal, No. 1, 1875.)
1874	17 Dec.	Act	Colony of Cape of Good Hope. Annexation of Ichaboe and Penguin Islands.* (C. of G. H. Statutes, No. 4 of 1874, vol. ii, p. 1310.)
1875	5-24 Dec. June	Agreement	Cape Colony—Orange Free State. Orange River Bridges. Great Britain—Portugal. Non-cession of Delagoa Bay to any other Power. (Par. Paper, Africa, No. 1 of 1875. H. S. P., vol. lxx, p. 338.)
1875	24 July	Award	France. Sovereignty of Portugal over Delagoa Bay. (Map of Afr. by Tr., vol. ii, p. 697.)
1876	12 June	Letters Patent	Great Britain. Annexation of Fingoland, Idutywa Reserve, and Nomansland to Cape Colony. (H. T., vol xv, p. 502.)
	13 July	Agreement	Great Britain—Orange Free State. Boundaries. (H.S.P., vol. lxx, p. 330.)
1877	12 April	Proclamation	Great Britain. Transvaal British Territory. (H. S. P., vol. lxxviii, p. 140.)
		Act	Cape of Good Hope. Annexation of Griqualand West. (No. 39 of 1877.)†
1878	12 March	Proclamation	British Occupation of Walfish Bay. (H. T., vol. xvii, p. 23.)
	4 Sept.	Proclamation	Annexation. St. John's River to Cape Colony. (H. S. P., vol. lxx, p. 709.)‡
	14 Dec.	Letters Patent	British Occupation of Walfish Bay. (H. S. P., vol. lxx, p. 495.)
1879	29 Sept.	Proclamation	Great Britain. Annexation of Transvaal. (H. S. P., vol. lxx, p. 1258.)
	8 Nov.	Letters Patent	Great Britain. Providing for an Executive Council and Legislative Assembly for the Transvaal. (H. S. P., vol. lxx, p. 1259.)
1880	15 Oct.	Proclamation	Annexation of Griqualand West to Cape Colony. (C. of G. H. Govt. Gaz., 15th October, 1880.)§
1881	3 Aug.	Convention	Great Britain—Transvaal. Guaranteeing complete self-government subject to certain reservations. (H. S. P., vol. lxxii, p. 900.)
1882	Aug.	Conditions	Surrender of Cetewayo. Zululand. (H. S. P., vol. xxxiii, p. 1075.)
	7 Oct.	Protocol	Great Britain—Portugal. British Ratification of Treaty of Portugal with South African Republic, 1875. (See Section I, p. 15.)
1883	..	Act	Cape of Good Hope. Disannexation of Basutoland. (No. 34 of 1883. C. of G. H. Statutes, vol. ii, p. 2157.)
1884	2 Feb.	Order in Council	Great Britain. Direct authority over Basutoland. (Published in C. of G. H. Govt. Gaz., 18th March, 1884.)
	26 Feb.	Treaty	Great Britain—Portugal. Rivers Congo and Zambesi, &c. (H. S. P., vol. lxxv, p. 476.)
	27 Feb.	Convention	Great Britain—South African Republic. Boundaries. Swaziland, &c. (See Section I, p. 22.)
	3 March	Agreement	Great Britain—South African Republic. Special arrangement for immediate negotiation of Treaties with Netherlands and Portugal. (C.—3947.)
	3 May	Treaty	Great Britain—Batlapings. Ceding power and jurisdiction. (H. T., vol. xvii, p. 21.)
	17 May	Treaty	Portugal and South African Republic. Lorenzo Marques Railway. (See Section III, p. 217.)
	22 May	Treaty	Great Britain—Barolongs. Ceding power and jurisdiction. (H. T., vol. xvii, p. 22.)
	22 July	Act	Cape of Good Hope. Annexation of St. John's River Territories. (No. 35 of 1884. C. of G. H. Statutes, vol. ii, p. 2236.)

* Ichaboe Island was taken possession of in the name of H.M. Queen Victoria on 21st June, 1861. (H. T., vol. xv, p. 497.) See Procl., C. of G. H. G. G., 12th August, 1861, which was non-confirmed. On 5th May, 1866, the Penguin Islands were annexed, see Procl., C. of G. H. G. G., 16th July, 1866, and Royal Letters Patent, 27th February, 1867. An Act in 1873 was based on the Proclamation, which was of doubtful validity, and Act 4 of 1874, based on the Letters Patent, was therefore substituted.

† Approved by Order in Council, 22nd February, 1875.

‡ Approved 13th February, 1879; referred to in the notification of British Protectorate over the whole coast of Pondoland, see C. of G. H. G. G., 5th January, 1885.

§ Notification published in London Gazette, 25th January, 1881.

1864	22 July,	Act	Cape of Good Hope. Annexation of Walfish Bay to Cape Colony. (No. 35 of 1864. C. of G. H. Statutes, vol. ii, p. 2236.)
	7 Aug.	Proclamation	Annexation of Walfish Bay to Cape Colony, within boundaries of Proclamation of 12th March, 1878. (C. of G. H. Govt. Gaz., 7th Aug., 1884.)
	5 Sept.	Notification	Germany. Protectorate on S. W. Coast of Africa. (H.S.P., vol. lxxv, p. 549.)*
	2 Oct.	Letters Patent	Great Britain. Annexation of Tembuland, Emigrant Tembuland, Galekaland and Bomvanaland to Cape Colony. (H. S. P., vol. lxxvi, p. 191.)†
	18 Dec.	Notification	Great Britain. Occupation of St. Lucia Bay. (H. S. P., vol. lxxv, p. 607.)
1885	5 Jan.	Notification	Great Britain. Protectorate over Coast of Pondoland. (C. of G. H. Govt. Gaz., 5th Jan., 1885.) ‡
	27 Jan.	Order in Council	Great Britain. Jurisdiction over Bechuanaland and Kalahari. (H. T., vol. xvii, p. 27.)
	26 Feb.	Berlin Act	Conditions of Occupation in Africa. Slave Trade, &c. (H. S. P., vol. lxxv, p. 1178, and lxxvi, p. 1021.)
	25 July	Notification	Great Britain. Occupation of St. Lucia Bay ratified. (C. of G. H. Govt. Gaz., 25th July, 1885.) §
	5 Aug.	Award	Orange Free State. Boundary dispute between Great Britain and South African Republic. (H. S. P., vol. lxxvi, p. 991.)
	29 Sept.	Commission	Great Britain. Governor of Cape of Good Hope to be Governor of Bechuanaland. (H. T., vol. xvii, p. 236.)
	30 Sept.	Proclamation	Great Britain. British Protectorate over Bechuanaland and the Kalahari. Limits defined. (C. of G. H. Govt. Gaz., 30th Sept., 1885.)
	27 Dec.	Declaration	France. Maintenance of Treaties in Madagascar. (Parl. Paper, Africa, No. 2, 1886. H. S. P., vol. lxxvi, p. 477.)
1886	15 July	Protocol	Great Britain—Germany. Rights of British subjects in South West Africa Protectorate. (H. S. P., vol. lxxvii, p. 1042.) ||
	23 Aug.	Letters Patent	Great Britain—Annexation of Xesibe Country. Mount Ayliff to Cape Colony. (H. T., vol. xvii, p. 46.)
	22 Oct.	Agreement	Great Britain—New Republic. Zululand Boundary. (H. S. P., vol. lxxvii, p. 1280.)
	25 Oct.	Proclamation	Annexation of Xesibe Country to Griqualand East. (C. of G. H. Govt. Gaz., 25th Oct., 1886.)
	9 Dec.	Agreement	Colony of Cape of Good Hope—Pondo Chief Umgikela. Road through Eastern Pondoland to St. John's River Mouth, cession of Rode Territory, and St. John's River Territory; payment to Umgikela. (H. S. P., vol. lxxvii, p. 948.)**
1887	14 May	Proclamation	Great Britain. Zululand a British Possession. (Natal Govt. Gaz., 14th May, 1887.) ††
	6 July	Agreement	Great Britain—Amatonga. Boundaries, &c. (C. of G. H. Govt. Gaz., 3rd Dec., 1887.) ††
	29 July	Letters Patent	Great Britain. Annexation of Rode Valley to Cape Colony. (H. S. P., vol. lxxviii, p. 1055.)
	30 July	Treaty	South African Republic—Lo Bengula, Paramount Chief of Matabeleland. Not published. §§

* This notification by the German Consul in Cape Town was withdrawn on the 23rd of the same month, with expressions of regret, on the ground that the German Government entertained direct International relations with the British Government alone, and not with the Colony.

† These L. P. revoked previous L. P. issued on 6th August, 1860, which laid down certain conditions. (H. T., vol. xv, p. 867.)

‡ "In pursuance of Sir Bartle Frere's Proclamation of 4th September, 1874, and Sir Peregrine Maitland's Treaty of 7th October, 1844." (See Appendix IV.)

§ The notification of 18th December, 1884, was protested against by Germany, but the protest was withdrawn, in consequence of an arrangement signed on June, 1885. (Map of A. r. by Tr., p. 596.)

|| Approved by British Government 23rd October, 1886; and by German Government 13th November, 1886.

** Confirmed by British Government 21st January, 1887, by telegram, and 27th by despatch. Ratified by Umgikela 10th February, 1887.

†† Notified to the Powers in accordance with the Berlin Act, 8th July, 1887. (H. S. P., vol. lxxviii, p. 759.)

‡‡ Ratified by the High Commissioner 29th November, 1887, and by the indunas and headmen 13th October, 1887.

§§ By Article I it was agreed that there should be between both parties a perpetual peace and friendship, and that no violation of territory should take place.

By Article II the Chief Lo Bengula was acknowledged to be an independent Chief, and an ally of the South African Republic.

1887	13 Aug.	Protest	Great Britain. Against Treaties of Portugal with France and Germany, in which the whole Hinterland between Angola and Mozambique is allotted to Portugal. (Parl. Paper, Africa, No. 2, 1890.)*
	14 Sept.	Treaty	South African Republic—New Republic. Union. (H. S. P., vol. lxxviii, p. 869.)†
1888	20 June	Convention	Great Britain—South African Republic. Union of New Republic and South African Republic. Consequent alteration of boundary. (H. S. P., vol. lxxviii, p. 869.)‡
	9 Dec.	Notification	Great Britain. Zululand Boundaries. (H. T., vol. xviii, p. 789.)
1889	28 March 29 Oct.	Convention Charter	Cape Colony—Orange Free State.; Railways. (A. 6—'90.) British South Africa Company. (See Section vii, p. 358.)
1890	30 June 1 July	Order in Council Agreement	Great Britain. Territories north of British Bechuanaland. Great Britain—Germany. Spheres of Influence in East, West, and South-West Africa. Boundary of Damara-land. German access to Zambesi. (Section viii, p. 388.)
	2 July	Brussels Act	Slave Trade, &c. (Hertslet's Map of Afr. by Tr., vol. i, p. 48.)§
	do.	do.	Import Duties. (Hertslet's Map of Afr. by Tr., vol. i, p. 88.)||
	5 Aug.	Declaration	Great Britain—France. French Protectorate, Madagascar. (Map of Afr. by Tr., vol. ii, p. 571.)**
	do.	do.	Great Britain—France. British Protectorate over Madagascar and Pemba. (Map of Afr. by Tr., vol. ii, p. 570.)
	20 Aug.	Convention	Great Britain—Portugal. Spheres of Influence, Zambesi, &c. (Parl. Paper, Africa, No. 2 of 1890-91; H. S. P., vol. lxxxii, p. 317.)††
	2 Aug.	Convention	Great Britain—South African Republic. Swaziland. (Section I, p. 48.)‡‡
	4 Oct.	Concession	Gungunhana to British South Africa Company. Gaza-land.
	4 Nov.	Notification	Great Britain. Zanzibar Protectorate. (Map of Afr. by Tr., vol. ii, p. 766.)
	14 Nov.	Agreement	Great Britain—Portugal. Spheres of Influence, Zambesi, &c. See note on Convention of 20th Aug. <i>supra</i> .
	17 Nov.	Agreement	France—Germany. Madagascar, Zanzibar, and Mafia. (Map of Afr. by Tr., vol. iii, p. 985.)
1891	2 Feb.	Declaration	Great Britain—Zanzibar. Jurisdiction. (Map of Afr. by Tr., vol. ii, p. 767.)
	Feb.	Conditions	Great Britain. Extension of operations of British South Africa Company to north of Zambesi. (Parl. Pap., Africa, No. 2, 1895.)
	2 April	Agreement	Great Britain. British South Africa Company's operations north of the Zambesi.
	13 April	Proclamation	Great Britain. Prohibiting any attempt to form an independent Government in British South Africa Company's Territory north of the Limpopo.
	8 May	Proclamation	Great Britain. Annexation of Bastards or Griqua Country to Bechuanaland.
	9 May	Order in Council	Great Britain. British Jurisdiction north of British Bechuanaland. (London Gazette, 9th May, 1891.)§§
	14 May	Notification	Great Britain. Protectorate over Nyassaland. (Map of Afr. by Tr., vol. ii, p. 811.)|||

* Map published in Portuguese White Book, 1887; reproduced in Hertslet's Map of Africa by Treaty.

vol. i.

† Ratified 2nd July, 1888.

‡ Ratified 28th June, 1888.

§ Signed in French language. See Parl. Paper, Africa, No. 8 of 1890, for Protocols of Conferences.

|| Modified by Agreement of 22nd Dec., 1890 (Map of Afr. by Tr., vol. i, p. 90), and by Brit. Notification, 22nd June, 1892 (Map of Afr. by Tr., vol. iii, p. 993), for Zanzibar.

** Based upon Treaty laid before the French Chambers in March, 1886, a copy of which was laid before Parliament. When published in Madagascar a letter of the Plenipotentiaries was added, but the French Government has never admitted that it was bound by the letter. (See Hansard, vol. viii [1893], p. 239.)

†† Signed 20th August, 1890, but not ratified by Portuguese Cortes. The Boundary Clauses were retained by an Agreement of 14th Nov., 1890 (M. of A. by T., vol. ii, p. 728), and subsequently embodied in the Treaty of 1891 (Section I, p. 42).

‡‡ Determined by Convention of 1894, except Arts. X and XXIV.

§§ Superseded Order in Council of 30th June, 1890; see also Proclamation of 27th June *infra*.

||| See also Notifications of 18th June, 1892, and 24th February, 1893, *infra*.

1891	25 May	Treaty	Portugal — Congo Free State. Boundaries in Lunda Region. (H.S.P., vol. lxxiii, p. 913.)†
	25 May	Convention	Portugal—Congo Free State. Boundaries in Lower Congo Districts. (H.S.P., vol. lxxiii, p. 915.)*
	27 June	Proclamation	Great Britain. Jurisdiction in Bechuanaland, Tati District and Mashonaland. (C. of G. H. Gov. Gaz., 27th June, 1891.)
	2 July	Protocol	Ratifications, Brussels Act. (H.S.P., vol. lxxiii, p. 76.)
1892	2 Jan.	Protocol	Ratifications. Brussels Act. (M. of A. by T., vol. i, p. 97.)
	30 March	Protocol	Ratification. Portugal. (M. of A. by T., vol. i, p. 104.)
1893	22 Feb.	Notification.	Great Britain—Nyassaland Protectorate. (L. G., May 15, 1891.)
	May-June	Agreement	Great Britain—Portugal. North of the Zambesi. (M. of A. by T., vol. ii, p. 743.)
	8 Nov.	Convention	Great Britain—South African Republic.
1894	20 March	Proclamation	British Sovereignty over Pondoland. (C. of G. H. G. G., March 20, 1894.)
	12 May	Agreement	Great Britain—Congo East and Central Africa. (H. S. P., vol. iii, p. 1008.)
	22 June	Declaration	Great Britain—Congo. Withdrawal of Article 3 of foregoing. (Parl. Pap., Africa, No. 5, 1894. Treaty Series, No. 20, 1894.)
	18 July	Order in Council	Great Britain—Matabeleland. Boundaries, &c. (Section VII, p. 368.)
	24 Nov.	Agreement	British South Africa Company. British Central Africa north of the Zambesi.
	10 Dec.	Convention	Great Britain—South African Republic. Swaziland. (Section I, p. 48.)
1895	7 Jan.	Declaration	Great Britain—Portugal. Manica Boundary. (M. of A. by T., vol. iii, p. 1037.)
	23 April	Proclamation	Natal. British Sovereignty over Territories of certain Native Chiefs in Zululand. (Section VI, p. 355.)
	11 June	Notification	British Protectorate. Amatongaland. (Section VI, p. 323.)
	Sept.-Oct.	Exchange of Notes	Great Britain — Portugal. Amatongaland Boundary. (Section VI, p. 322.)
	4 Nov.	Notification	Great Britain. Non-recognition of Concessions made to the Amatongaland Exploration Company. (M. of A. by T., vol. iii, p. 1078.)
1896	12-26 Oct.	Convention	Cape Colony—Orange Free State. Railways. (Section III, p. 155.)
	June-Aug.	Convention	Cape Colony—British South Africa Company. (Section II, p. 146.)
	23 Nov.	Proclamation	Bechuanaland Protectorate. Extension of Railway. (Section III, p. 189.)
1897	Dec.-Jan.	Convention	South African Postal Union. Cape Colony—Natal—Orange Free State—South African Republic. (Section II, p. 101.)
	28 May	Agreement	Cape Colony—Bechuanaland Railway Company. (Section III, p. 191.)
	1 June-Aug.	Arrangement	Money Order. Cape Colony—Zanzibar. (Section II, p. 142.)
	1 Dec.	Proclamation Letters Patent Award	British Annexation of Amatongaland. (Section VI, p. 325.) Annexation of Zululand to Natal. (Section VI, p. 346.) Great Britain—Portugal. Manica Boundary. (Section VI, p. 350.)
1898	May	Convention	Customs Union. Cape Colony—Natal—Orange Free State. (Section VIII, p. 413.)
	6 Sept.	Agreement	Postal. Portugal—South African Republic. (Not published.)
	5 Oct.	Protocol	Great Britain—South African Republic. Interpretation of Swaziland Convention of 1894. (Section VIII, p. 429.)

* Ratifications exchanged at Lisbon, 1st August, 1891.

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