

of the Company relating to all sums received and moneys expended by the Company in connection with the administration of Southern Rhodesia.

47. No customs duties levied on any articles produced or manufactured in any part of Her Majesty's Dominions or in any British Protectorate and imported into Southern Rhodesia shall exceed in amount the duties levied on such articles according to the tariff in force in the South African Customs Union at the commencement of this Order, or the tariff contained in the Customs Union Convention concluded between the Colony, the Orange Free State, and Natal, in May 1898, whichever are the higher.

PART III.

Police.

48.—(1.) The military police forces shall be and remain under the direct control and authority of the High Commissioner, and all officers and members of the said forces shall conform to and obey such orders and instructions as they may from time to time receive from the High Commissioner, or from any person appointed by him to act on his behalf.

(2.) The officer exercising the chief command of the said forces shall be styled "the Commandant General," and such Commandant-General and the subordinate officers of the said forces shall be appointed by a Secretary of State. The Commandant General shall be paid out of money provided by Parliament such salary as a Secretary of State, with the concurrence of the Treasury, may determine.

(3.) The numbers of the military police forces shall not at any time be reduced without the previous approval of the High Commissioner, but this provision shall not apply to volunteer forces.

(4.) Subject to any such orders and instructions from time to time given by or by the direction of the High Commissioner it shall be the duty of the Commandant General to preserve peace and order, and for such purpose to employ the said forces in such manner as he may think proper, paying due regard to any requests in that behalf from time to time made to him by an Administrator or other officer of the Company. If in any case the Commandant General deems it undesirable to comply with any such request he may apply to the High Commissioner for instructions, and shall act in accordance with the instructions given by the High Commissioner.

(5.) Provided that in case of urgency, when it is possible to communicate more quickly with the Resident Commissioner, the Commandant General may apply to the Resident Commissioner for instructions instead of applying to the High Commissioner.

(6.) The Commandant General shall in no case take action of the nature of a military operation without the authority of the High Commissioner or Resident Commissioner, as the case may be.

PART IV.

Judicial.

49.—(1.) There shall be a Court of Record, styled the High Court of Southern Rhodesia, with full jurisdiction, civil and criminal, over all persons and over all matters within Southern Rhodesia, subject to the provisions hereinafter contained with regard to native law or custom.

(2.) The law to be administered by the High Court and by the magistrates' courts hereinafter mentioned shall, so far as not inapplicable, be the same as the law in force in the Colony on the 10th day of June, 1891, except so far as that law has been modified by any Order in Council, Pro-

clamation, Regulation or Ordinance in force at the date of the commencement of this Order.

(3.) The Courts shall give effect to such Orders in Council, Proclamations, Regulations, or Ordinances until altered or repealed, and to any Order in Council, Proclamation, or Ordinance hereafter to be made, except so far as any such Proclamation or Ordinance is repugnant to this Order, or to any other Order made by Her Majesty in Council.

(4.) Provided that no Statute of the Colony of the Cape of Good Hope promulgated after the 10th day of June 1891 shall be of any effect within the limits of this Order, unless specially applied thereto by Proclamation, Ordinance, or Regulation.

50. In civil cases between natives the High Court and the magistrates' courts shall be guided by native law so far as that law is not repugnant to natural justice or morality, or to any Order made by Her Majesty in Council, or to any Proclamation or Ordinance. In any such case the court may obtain the assistance of one or two native assessors, to advise the court upon native law and customs, but the decision of the court shall be given by the Judge or Magistrate alone. In all other respects the court shall follow as far as possible the procedure observed in similar cases in the courts of the Colony.

51. If in any civil case between natives a question arises as to the effect of a marriage contracted, according to native law or custom, by a native in the 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 recognized by the said native law or custom.

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

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

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

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

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

57. The High Court may make rules for