

33. Subject to any regulations and rules of Court, appeals shall lie to the High Court from the Magistrates' Courts.

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

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

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

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

35. 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 His Majesty in Council, or to any proclamation made under this Order. 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 England.

36. 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.

37. The High Commissioner by proclamation 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.

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

(2) The provisions of this Order with respect to the appointment, salaries, suspension, and removal of Magistrates shall apply to the ap-

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

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

39. No conditions, disabilities, or restrictions shall, without the previous consent of a Secretary of State, be imposed upon natives by proclamation which do not equally apply to persons other than natives, save in respect of fire-arms, ammunition, liquor, or any matter in respect of which a Secretary of State, upon the recommendation of the High Commissioner, thinks fit to authorize any proclamations.

40. The Company shall from time to time assign to the natives inhabiting Northern Rhodesia land sufficient for their occupation, whether as tribes or portions of tribes, and suitable for their agricultural and pastoral requirements, including in all cases a fair and equitable proportion of springs or permanent water. Provided that it shall not be lawful for any purpose whatever to alienate from the Chief and people of the Barotse the territory reserved from prospecting by virtue of the Concessions from Lewanika to the British South Africa Company, dated the 17th of October, 1900, and the 11th of August, 1909.

Nevertheless all the rights conferred and obligations imposed upon the Company and upon the Chief and people of the Barotse respectively by the aforesaid concessions as approved by the Secretary of State shall continue to have full force and effect.

41. All questions relating to the settlement of natives on the lands within Northern Rhodesia shall be dealt with and decided by the Administrator, but all such decisions shall be reported to and be subject to review by the High Commissioner.

42. 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.

43. 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 Administrator, by direction of the Company, and upon good and sufficient cause shown, may, with the approval of the High Commissioner, order the natives to remove from such land or any portion thereof, and shall assign to them just and liberal compensation in land elsewhere, situate in as convenient a position as possible, sufficient and suitable for