Proclamation

By His Excellency the High Commissioner.

Northern Rhodesia No. 1 of 1911.

[17th August, 1911.

WHEREAS by Clause fifty-two of an Order of His Majesty in Council dated the Fourth day of May, 1911, and hereto annexed it is provided that the said Order shall come into operation on a day to be fixed by the High Commissioner;

Now therefore under and by virtue of the powers in me vested I do hereby declare proclaim and make known that the said Order of His Majesty in Council shall come into operation on the Seventeenth day of August, 1911.

God Save the King.

Given under my Hand and Seal at Pretoria, this Fourth day of August One thousand Nine hundred and Eleven.

Gladstone,
High Commissioner.

By command of His Excellency the High Commissioner.

C. H. Rodwell,
Imperial Secretary.

At the Court at Buckingham Palace,
The 4th day of May, 1911.

Present,

THE KING'S MOST EXCELLENT MAJESTY.

Lord President
Earl Carrington
Lord Haversham
Lord Ashby-St. Ledgery.

[17th August, 1911.
[Amended by Orders in Council of 17th February, 1913; 10th August, 1914; and 10th February, 1915 (Proclamation No. 3 of 1915).

WHEREAS the territories of Africa situated within the limits of this Order, as hereinafter described, are under the protection of His Majesty the King;
AND WHEREAS by treaty, grant, usage, sufferance, and other lawful means, His Majesty has power and jurisdiction in the said territories;

NOW THEREFORE, His Majesty, by virtue and in exercise of the powers by "The Foreign Jurisdiction Act, 1890," or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as "The Northern Rhodesia Order in Council, 1911."

2. The Barotseland—North-Western Rhodesia Orders in Council, 1899, 1902, and 1909* and the North-Eastern Rhodesia Orders in Council, 1900, 1907, and 1909† are hereby revoked as and from the commencement of this Order, but without prejudice to anything lawfully done thereunder.

3. In this Order, unless the subject or context otherwise requires:

"His Majesty" includes His Majesty's heirs and successors.

"Secretary of State" means one of His Majesty's Principal Secretaries of State.

"High Commissioner" means His Majesty's High Commissioner for the time being for South Africa.

"The Company" means the British South Africa Company.

"Charter" means Her late Majesty's charter of the Twenty-ninth day of October, 1889, incorporating the Company, as amended by any Supplemental Charter.

"High Court" means the High Court of Northern Rhodesia.

"Senior Judge" means the senior or sole Judge of the High Court, and includes a person acting as senior or sole 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 or Assistant Magistrate appointed under this Order, and includes an Acting Magistrate or Acting Assistant Magistrate.

"Gazette" means any official Gazette published within the limits of this Order by authority of the Administrator.

"Native" means any native of Africa, not being of European or American race or parentage.

"Person" includes Corporation.

The plural includes the singular, the singular the plural, and the masculine the feminine.

"Military police forces" includes any police and volunteer force which may from time to time be declared by the High Commissioner to be on active service during the period of such service.

† See pp. 37, 53 and 55, above.
4. The limits of this Order are the parts of Africa bounded by Southern Rhodesia, German South-West Africa, Portuguese West Africa, the Congo Free State, German East Africa, Nyasaland, and Portuguese East Africa. The territory within the limits of this Order shall be known as Northern Rhodesia.

5. 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 Africa north of the River Zambesi, and under the protection of His Majesty, shall be included in the limits of this Order, and from the date of the publication of the notice in the Gazette 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 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 publication of such notice the part named therein shall be excluded from the limits of this Order.

6. 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 His Majesty or by any person on his behalf or by any colonial or other Court or under any Commission or under any Charter, shall remain in full force.

7. 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. The powers conferred upon the Company by this Order are in augmentation of the powers conferred on it by the Charter.

8.

(1) A Secretary of State may, if and when he shall think fit, appoint

(a) an officer who shall be called the Resident Commissioner;
(b) such other officers as he may, with the concurrence of the Lords Commissioners of the Treasury, consider necessary.

(2) The Resident Commissioner and any such other officers shall be paid out of money provided by Parliament such salary and allowances as a Secretary of State with the like concurrence may determine.

(3) The Resident Commissioner shall make a report to the High Commissioner upon every draft Proclamation submitted to him by the Administrator, and upon all appointments submitted for his approval and shall, as occasion may require, fully inform the High Commissioner upon all matters of importance arising within the limits of this Order.

(4) The Resident Commissioner shall take precedence next after the Administrator.
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 appointment, 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 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.

44. 

(1) No native shall be removed from any kraal or from any
land assigned to him for occupation, except after full enquiry
by, and by order of, the Administrator approved by the
High Commissioner.

(2) 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 proceeding 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, or to
both.

(3) Nothing in this section contained shall be deemed to limit
or affect the exercise by the Chief of the Barotse of his
authority in tribal matters.

45. The High Commissioner may, if he thinks fit, refer any
question relating to natives for report to any Judge of the High
Court, and the Judge shall thereupon make such inquiry as he
limits of the said revoked North-Eastern Rhodesia Orders in Council be the same as were possessed and performed by Justices of the Peace within such limits at the date of the commencement of the said Order.

4. All Proclamations Regulations and Rules in force within the limits of the said Order at the date of the commencement of the said Order with regard to the procedure before Magistrates' Courts, Native Commissioners and Assistant Native Commissioners and Justices of the Peace respectively shall within the limits of the respective territories for which the same were made apply with regard to the procedure before Magistrates' Courts, Native Commissioners, Assistant Native Commissioners and Justices of the Peace respectively established or appointed under the said Order.

5.

(a) All references in any existing Proclamation or Regulations to the Administrator of Barotziland—North-Western Rhodesia or of North-Western Rhodesia or to the Administrator of North-Eastern Rhodesia shall be deemed to be references to the Administrator of Northern Rhodesia.

(b) All references in any existing Proclamation or Regulations to the Public Prosecutor or Crown Prosecutor respectively shall be deemed to be references to the Public Prosecutor of Northern Rhodesia.

6. This Proclamation shall take effect from the date of its publication in the Gazette.

God Save the King.

Given under my Hand and Seal at Pretoria this 17th day of August One thousand Nine hundred and Eleven.

Gladstone,

High Commissioner.

By command of His Excellency the High Commissioner.

C. H. Rodwell,

Imperial Secretary.

Proclamation

By His Excellency the High Commissioner.

Northern Rhodesia No. 3 of 1911.

[14th February, 1912.

WHEREAS by the Northern Rhodesia Order in Council, 1911, the territory formerly known as North-Eastern Rhodesia (hereinafter referred to as "North-Eastern Rhodesia") and the territory formerly known as Barotziland—North-Western Rhodesia were united into one territory under the name of Northern Rhodesia;