# CHAPTER 7.

An Act to authorise an advance to the Government of the Colony of the Cape of Good Hope. [28th March 1885.]

WHEREAS with a view to the speedy completion of a railway in the Colony of the Cape of Good Hope between Hopetown, on the Orange River, and Kimberley, in pursuance of Act number thirty-six of 1884 of the Legislature of the said Colony (the short title of which is the Orange River and Kimberley Railway Act, 1884), it is expedient to authorise a temporary advance out of the Consolidated Fund of the United Kingdom, to the Government of the Colony of the Cape of Good Hope:

And whereas the said Government has undertaken to submit to the Legislature of the said Colony at the first opportunity a law for securing the repayment of the said advance and the payment of the interest thereon, and for the appropriation of the advance to the completion of the said railway, and for the raising of the further funds (if any) which that completion requires, and for the other matters necessary for carrying into effect the arrangement between the Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) and the Government of the said Colony regarding the said advance, and the said Government have undertaken to promote the passing of such law by the said Legislature:

And whereas the said Government has undertaken to make arrangements for completing the said railway within a period of eight months from the date of the passing of this Act:

Be it therefore 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:

Short title.

**1.** This Act may be cited as the Cape of Good Hope (Advance) Act, 1885.

Temporary advance of 400,000*l.* by Treasury to Government of Cape of Good Hope.

**2.** (1.) For the purpose of assisting the Government of the Colony of the Cape of Good Hope to make a railway from Hopetown, on the Orange River, to Kimberley, in the said Colony, the Treasury may from time to time during the twelve months ending on the thirty-first day of March one thousand eight hundred and eighty-six, upon such evidence of the progress of the said railway works and of the money expended thereon as the Treasury from time to time require, advance to the said Government on the security herein-after mentioned, any sum or sums not exceeding in the whole four hundred thousand pounds, to be applied by the said Government in making the said railway.

(2.) The Government of the said Colony shall appropriate every such advance for making the said railway, and shall repay every such advance within five years from the date of the advance, and shall in the meantime pay interest thereon at the rate of three and a half per cent. per annum, and shall render to the Treasury such abstract accounts of expenditure on the railway, certified by the Comptroller and Auditor-General of the Colony, and such reports of the progress of the works, certified by the engineer of the railway, as the Treasury may from time to time require.

Conditions of advance.

**3.** (1.) An advance shall not be made in pursuance of this Act until the Government of the Colony of the Cape of Good Hope has deposited, in such manner as the Treasury require, such number of the debentures herein-after mentioned as in nominal amount are equal to the amount of the said advance with an addition of one sixteenth of the amount of such advance.

(2.) The said debentures shall be debentures of the said Government issued in pursuance either of Act number twenty of 1883 of the Legislature of the Colony of the Cape of Good Hope (the short title of which Act is the Temporary Loans Act, 1883), or of a law to be hereafter passed as above recited by the said Legislature, and shall bear interest at the rate of five per cent. per annum, and have coupons attached for such interest for not less than five years: Provided that the Treasury shall not dispose of any such debenture or coupon (otherwise than by returning the same to the Government of the Colony) until default is made of any principal or interest for the time being due from such Government in respect of the said advance.

(3.) If the Legislature of the said Colony do not within a reasonable time pass a law providing to the satisfaction of the Treasury for securing the repayment of the advances under this Act and the payment of the interest thereon and for the appropriation of the advances to the completion of the said railway, and for the raising of the further funds (if any) which such completion requires, and for the other matters necessary for carrying into effect the arrangement between the Treasury and the Government of the said Colony regarding the said advance, or if through any cause within the control of the said Government the said railway be not completed within the period of eight months from the date of the passing of this Act the Treasury may refuse to make any further advance in pursuance of this Act, and the said Government shall pay interest at the rate of five instead of three and a half per cent. per annum on the advances already made, from the dates on which they were first made until they are repaid.

No law of the Colony impairing security of advances under Act valid without Her Majesty's approval.

**4.** Every law hereafter passed by the Legislature of the Colony of the Cape of Good Hope, which in any way impairs the validity or priority of the charge upon the general revenue of that Colony created by that Legislature of the principal or interest of any advance made or debenture deposited in pursuance of this Act, shall, so far as it impairs such validity or priority, be void, unless it contains a suspending clause, providing that such Act shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the Colony of the Cape of Good Hope.

Issue and raising of advances and application of sums repaid.

**5.** (1.) Every advance under this Act shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

(2.) For the purpose of raising the sums required for advances under this Act, the Treasury may borrow any sum or sums not exceeding the amount of such advances, by the issue of Exchequer bonds, or Exchequer bills, or Treasury bills, in manner provided by the Exchequer Bills and Bonds Act, 1866, and the Treasury Bills Act, 1877, as they think most convenient for the public service; so, however, that no Exchequer bond shall be made out for any sum less

29 & 30 Vict. c. 25. 40 & 41 Vict. c. 2.

than one hundred pounds; and all sums so borrowed shall be paid into the Exchequer.

(3.) Every Exchequer bond issued in pursuance of this Act shall provide for the paying off of such bond at par at any period not exceeding five years nor less than twelve months from the date of such bond.

(4.) The principal of any Exchequer bonds issued under this section shall be paid out of moneys provided by Parliament, and the interest on all Exchequer bonds issued in pursuance of this Act shall be charged upon and issued out of the Consolidated Fund of the United Kingdom or out of the growing produce thereof.

(5.) All sums paid by the Government of the Colony in respect of the principal of or interest on any advance under this Act, and all sums arising from the disposal of any debentures deposited in pursuance of this Act or of the coupons thereof shall be paid into the Exchequer.

Extension of 29 & 30 Vict. c. 25. to bonds.

**6.** Section fifteen of the Exchequer Bills and Bonds Act, 1866 (which section relates to the forgery of Exchequer bills), shall apply to all Exchequer bonds issued in pursuance of this Act in like manner as if it were herein enacted with the substitution of Exchequer bond for Exchequer bill.

Account of advances.

**7.** An account of all sums issued out of the Consolidated Fund in pursuance of this Act, and of all sums paid by the Government of the Colony of the Cape of Good Hope in respect of the interest or principal of any advance in pursuance of this Act, shall be annually laid before Parliament in such form as the Treasury from time to time direct, so long as any such advance shall remain outstanding.

## CHAPTER 8.

### An Act to provide, during twelve months, for the Discipline and Regulation of the Army. [28th April 1885.]

WHEREAS the raising or keeping a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by Her Majesty and this present Parliament, that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of Her Majesty's Crown, and that the whole number of such forces should consist of one hundred and forty-two thousand one hundred and ninety-four men, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within Her Majesty's Indian possessions:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in Her Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or