

WILL AND CODICILS OF  
THE RT. HON. CECIL JOHN  
RHODES

\*

RHODES ESTATE ACT 1916

\*

RHODES TRUST ACT  
1929

PRINTED FOR THE RHODES TRUST  
BY JOHN JOHNSON AT THE UNIVERSITY PRESS  
OXFORD

PRINTED IN GREAT BRITAIN

RHODES' WILL, *page* 5

RHODES ESTATE ACT 1916, *page* 23

RHODES TRUST ACT 1929, *page* 28

## R H O D E S' W I L L

I THE RIGHT HONOURABLE CECIL JOHN RHODES of Cape Town in the Colony of the Cape of Good Hope hereby revoke all testamentary dispositions heretofore made by me and declare this to be my last Will which I make this 1st day of July 1899.

1. I am a natural-born British subject and I now declare that I have adopted and acquired and hereby adopt and acquire and intend to retain Rhodesia as my domicile.

2. I appoint the Right Honourable Archibald Philip Earl of Rosebery K.G. K.T. the Right Honourable Albert Henry George Earl Grey Alfred Beit of 26 Park Lane London William Thomas Stead of Mowbray House Norfolk Street Strand in the County of London Lewis Loyd Michell of Cape Town in the Colony of the Cape of Good Hope Banker and Bouchier Francis Hawksley of Mincing Lane in the City of London to be the Executors and Trustees of my Will and they and the survivors of them or other the Trustees for the time being of my Will are hereinafter called 'my Trustees'.

3. I admire the grandeur and loneliness of the Matoppos in Rhodesia and therefore I desire to be buried in the Matoppos on the hill which I used to visit and which I called the 'View of the World' in a square to be cut in the rock on the top of the hill covered with a plain brass plate with these words thereon—'Here lie the remains of Cecil John Rhodes' and accordingly I direct my Executors at the expense of my estate to take all steps and do all things necessary or proper to give effect to this my desire and afterwards to keep my grave in order at the expense of the Matoppos and Bulawayo Fund hereinafter mentioned.

4. I give the sum of £6,000 to Kahn of Paris and I direct this legacy to be paid free of all duty whatsoever.

5. I give an annuity of £100 to each of my servants Norris and the one called Tony during his life free of all duty whatsoever and in addition to any wages due at my death.

6. I direct my Trustees on the hill aforesaid to erect or complete the monument to the men who fell in the first Matabele War at Shangani in Rhodesia the bas-reliefs for which are being made by Mr. John Tweed and I desire the said hill to be preserved as a burial-place but no person is to be buried there unless the Government for the time being of Rhodesia until the various states of South

## *Rhodes' Will*

Africa or any of them shall have been federated and after such federation the Federal Government by a vote of two-thirds of its governing body says that he or she has deserved well of his or her country.

7. I give free of all duty whatsoever my landed property near Bulawayo in Matabeleland Rhodesia and my landed property at or near Inyanga near Salisbury in Mashonaland Rhodesia to my Trustees hereinbefore named Upon trust that my Trustees shall in such manner as in their uncontrolled discretion they shall think fit cultivate the same respectively for the instruction of the people of Rhodesia.

8. I give free of all duty whatsoever to my Trustees hereinbefore named such a sum of money as they shall carefully ascertain and in their uncontrolled discretion consider ample and sufficient by its investments to yield income amounting to the sum of £4,000 sterling per annum and not less and I direct my Trustees to invest the same sum and the said sum and the investments for the time being representing it I hereinafter refer to as 'the Matoppos and Bulawayo Fund' And I direct that my Trustees shall for ever apply in such manner as in their uncontrolled discretion they shall think fit the income of the Matoppos and Bulawayo Fund in preserving protecting maintaining adorning and beautifying the said burial-place and hill and their surroundings and shall for ever apply in such manner as in their uncontrolled discretion they shall think fit the balance of the income of the Matoppos and Bulawayo Fund and any rents and profits of my said landed properties near Bulawayo in the cultivation as aforesaid of such property And in particular I direct my Trustees that a portion of my Sauerdale property a part of my said landed property near Bulawayo be planted with every possible tree and be made and preserved and maintained as a Park for the people of Bulawayo and that they complete the dam at my Westacre property if it is not completed at my death and make a short railway line from Bulawayo to Westacre so that the people of Bulawayo may enjoy the glory of the Matoppos from Saturday to Monday.

9. I give free of all duty whatsoever to my Trustees hereinbefore named such a sum of money as they shall carefully ascertain and in their uncontrolled discretion consider ample and sufficient by its investments to yield income amounting to the sum of £2,000 sterling per annum and not less and I direct my Trustees to invest the same sum and the said sum and the investments for the time being representing it I hereinafter refer to as 'the Inyanga Fund' And I direct that my Trustees shall for ever apply in such manner as in their absolute discretion they shall think fit the income of the Inyanga Fund and any rents and profits of my said landed property at or near Inyanga in the cultivation of such property and in particular I direct that with regard to such property irrigation should be the first object of my Trustees.

### *Rhodes' Will*

10. For the guidance of my Trustees I wish to record that in the cultivation of my said landed properties I include such things as experimental farming forestry market and other gardening and fruit farming irrigation and the teaching of any of those things and establishing and maintaining an Agricultural College.

11. I give all the interest to which I may at my death be entitled in any freehold copyhold or leasehold hereditaments in Dalston or elsewhere in the County of London to my Trustees hereinbefore named Upon trust that my Trustees shall lease or let and generally manage but not sell the same and pay all requisite outgoings usually paid by me in respect thereof and maintain the same in proper repair and insured against fire And upon trust that my Trustees shall so long as any one or more of my own brothers and sisters (which does not include my sister of the half blood) shall be living pay the net income derived from the said hereditaments to such of my own brothers and sisters aforesaid as shall for the time being be living and while more than one to be divided between them in equal shares And shall after the death of the survivor of them such brothers and sisters hold my interest in the said estate and the rents and profits thereof Upon the trusts hereinafter contained concerning the same and inasmuch as those trusts are educational trusts for the benefit of the Empire I hope the means will be found for enabling my Trustees to retain my interest in the said estate unsold and with that object I authorize and require them to endeavour to obtain at the expense of my estate a private or other Act of Parliament or other sufficient authority enabling and requiring them to retain the same unsold.

12. I give the sum of £100,000 free of all duty whatsoever to my old College Oriel College in the University of Oxford and I direct that the receipt of the Bursar or other proper officer of the College shall be a complete discharge for that legacy and inasmuch as I gather that the erection of an extension to High Street of the College buildings would cost about £22,500 and that the loss to the College revenue caused by pulling down of houses to make room for the said new College buildings would be about £250 per annum I direct that the sum of £40,000 part of the said sum of £100,000 shall be applied in the first place in the erection of the said new College buildings and that the remainder of such sum of £40,000 shall be held as a fund by the income whereof the aforesaid loss to the College revenue shall so far as possible be made good. And inasmuch as I gather that there is a deficiency in the College revenue of some £1,500 per annum whereby the Fellowships are impoverished and the status of the College is lowered I direct that the sum of £40,000 further part of the said sum of £100,000 shall be held as a fund by the income whereof the income of such of the resident Fellows of the College as work for the honour and dignity of the College shall be increased. And I further direct that the sum of £10,000 further part of the said sum of £100,000 shall be held as a fund by the income

### *Rhodes' Will*

whereof the dignity and comfort of the High Table may be maintained by which means the dignity and comfort of the resident Fellows may be increased. And I further direct that the sum of £10,000 the remainder of the said sum of £100,000 shall be held as a repair fund the income whereof shall be expended in maintaining and repairing the College buildings. And finally as the College authorities live secluded from the world and so are like children as to commercial matters I would advise them to consult my Trustees as to the investment of these various funds for they would receive great help and assistance from the advice of my Trustees in such matters and I direct that any investment made pursuant to such advice shall whatsoever it may be be an authorized investment for the money applied in making it.

13. I give my property following that is to say my residence known as 'De Groote Schuur' situate near Mowbray in the Cape Division in the said Colony together with all furniture plate and other articles contained therein at the time of my death and all other land belonging to me situated under Table Mountain including my property known as 'Mosterts' to my Trustees hereinbefore named upon and subject to the conditions following (that is to say)—

(i) The said property (excepting any furniture or like articles which have become useless) shall not nor shall any portion thereof at any time be sold let or otherwise alienated.

(ii) No buildings for suburban residences shall at any time be erected on the said property and any buildings which may be erected thereon shall be used exclusively for public purposes and shall be in a style of architecture similar to or in harmony with my said residence.

(iii) The said residence and its gardens and grounds shall be retained for a residence for the Prime Minister for the time being of the said Federal Government of the States of South Africa to which I have referred in clause 6 hereof my intention being to provide a suitable official residence for the First Minister in that Government befitting the dignity of his position and until there shall be such a Federal Government may be used as a park for the people.

(iv) The grave of the late Jan Hendrik Hofmeyr upon the said property shall be protected and access be permitted thereto at all reasonable times by any member of the Hofmeyr family for the purpose of inspection or maintenance.

14. I give to my Trustees hereinbefore named such a sum of money as they shall carefully ascertain and in their uncontrolled discretion consider to be ample and sufficient to yield income amounting to the sum of one thousand pounds sterling per annum and not less upon trust that such income shall be applied and expended for the purposes following (that is to say)—

## *Rhodes' Will*

(i) On and for keeping and maintaining for the use of the Prime Minister for the time being of the said Federal Government of at least two carriage horses one or more carriages and sufficient stable servants.

(ii) On and for keeping and maintaining in good order the flower and kitchen gardens appertaining to the said residence.

(iii) On and for the payment of the wages or earnings including the board and lodging of two competent men servants to be housed kept and employed in domestic service in the said residence.

(iv) On and for the improvement repair renewal and insurance of the said residence furniture plate and other articles.

15. I direct that subject to the conditions and trusts hereinbefore contained the said Federal Government shall from the time it shall be constituted have the management administration and control of the said devise and legacy and that my Trustees shall as soon as may be thereafter vest and pay the devise and legacy given by the two last preceding clauses hereof in and to such Government if a corporate body capable of accepting and holding the same or if not then in some suitable corporate body so capable named by such Government and that in the meantime my Trustees shall in their uncontrolled discretion manage administer and control the said devise and legacy.

16. Whereas I consider that the education of young Colonists at one of the Universities in the United Kingdom is of great advantage to them for giving breadth to their views for their instruction in life and manners and for instilling into their minds the advantage to the Colonies as well as to the United Kingdom of the retention of the unity of the Empire. And whereas in the case of young Colonists studying at a University in the United Kingdom I attach very great importance to the University having a residential system such as is in force at the Universities of Oxford and Cambridge for without it those students are at the most critical period of their lives left without any supervision. And whereas there are at the present time 50 or more students from South Africa studying at the University of Edinburgh many of whom are attracted there by its excellent medical school and I should like to establish some of the Scholarships hereinafter mentioned in that University but owing to its not having such a residential system as aforesaid I feel obliged to refrain from doing so. And whereas my own University the University of Oxford has such a system and I suggest that it should try and extend its scope so as if possible to make its medical school at least as good as that at the University of Edinburgh. And whereas I also desire to encourage and foster an appreciation of the advantages which I implicitly believe will result from the union of the English-speaking peoples throughout the world and to encourage in the students from the

## *Rhodes' Will*

United States of North America who will benefit from the American Scholarships to be established for the reason above given at the University of Oxford under this my Will an attachment to the country from which they have sprung but without I hope withdrawing them or their sympathies from the land of their adoption or birth. Now therefore I direct my Trustees as soon as may be after my death and either simultaneously or gradually as they shall find convenient and if gradually then in such order as they shall think fit to establish for male students the Scholarships hereinafter directed to be established each of which shall be of the yearly value of £300 and be tenable at any College in the University of Oxford for three consecutive academical years.

17. I direct my Trustees to establish certain Scholarships and these Scholarships I sometimes hereinafter refer to as 'the Colonial Scholarships'.

18. The appropriation of the Colonial Scholarships and the numbers to be annually filled up shall be in accordance with the following table:—

Total No. appropriated.	To be tenable by Students of or from	No. of Scholarships to be filled up in each year.
9	Rhodesia ... ..	3 and no more.
3	The South African College School in the Colony of the Cape of Good Hope ... ..	1 and no more.
3	The Stellenbosch College School in the same Colony	1 and no more.
3	The Diocesan College School of Rondebosch in the same Colony ... ..	1 and no more.
3	St. Andrews College School Grahamstown in the same Colony ... ..	1 and no more.
3	The Colony of Natal in the same Colony ... ..	1 and no more.
3	The Colony of New South Wales ... ..	1 and no more.
3	The Colony of Victoria ... ..	1 and no more.
3	The Colony of South Australia ... ..	1 and no more.
3	The Colony of Queensland ... ..	1 and no more.
3	The Colony of Western Australia ... ..	1 and no more.
3	The Colony of Tasmania ... ..	1 and no more.
3	The Colony of New Zealand ... ..	1 and no more.
3	The Province of Ontario in the Dominion of Canada	1 and no more.
3	The Province of Quebec in the Dominion of Canada	1 and no more.
3	The Colony or Island of Newfoundland and its Dependencies ... ..	1 and no more.
3	The Colony or Islands of the Bermudas ... ..	1 and no more.
3	The Colony or Island of Jamaica ... ..	1 and no more.

19. I further direct my Trustees to establish additional Scholarships sufficient in number for the appropriation in the next following clause hereof directed and those Scholarships I sometimes hereinafter refer to as 'the American Scholarships'.

## *Rhodes' Will*

20. I appropriate two of the American Scholarships to each of the present States and Territories of the United States of North America. Provided that if any of the said Territories shall in my lifetime be admitted as a State the Scholarships appropriated to such Territory shall be appropriated to such State and that my Trustees may in their uncontrolled discretion withhold for such time as they shall think fit the appropriation of Scholarships to any Territory.

21. I direct that of the two Scholarships appropriated to a State or Territory not more than one shall be filled up in any year so that at no time shall more than two Scholarships be held for the same State or Territory.

22. The Scholarships shall be paid only out of income and in the event at any time of income being insufficient for payment in full of all the Scholarships for the time being payable I direct that (without prejudice to the vested interests of holders for the time being of Scholarships) the following order of priority shall regulate the payment of the Scholarships.

- (i) First the Scholarships of students of or from Rhodesia shall be paid.
- (ii) Secondly the Scholarships of students from the said South African Stellenbosch Rondebosch and St. Andrews Schools shall be paid.
- (iii) Thirdly the remainder of the Colonial Scholarships shall be paid and if there shall not be sufficient income for the purpose such Scholarships shall abate proportionately; and
- (iv) Fourthly the American Scholarships shall be paid and if there shall not be sufficient income for the purpose such Scholarships shall abate proportionately.

23. My desire being that the students who shall be elected to the Scholarships shall not be merely bookworms I direct that in the election of a student to a Scholarship regard shall be had to (i) his literary and scholastic attainments (ii) his fondness of and success in manly outdoor sports such as cricket football and the like (iii) his qualities of manhood truth courage devotion to duty sympathy for and protection of the weak kindness unselfishness and fellowship and (iv) his exhibition during school days of moral force of character and of instincts to lead and to take an interest in his schoolmates for those latter attributes will be likely in afterlife to guide him to esteem the performance of public duties as his highest aim. As mere suggestions for the guidance of those who will have the choice of students for the Scholarships I record that—

- (i) My ideal qualified student would combine these four qualifications in the proportions of  $\frac{4}{10}$ ths for the first  $\frac{2}{10}$ ths for the second  $\frac{2}{10}$ ths for the third and  $\frac{2}{10}$ ths for the fourth qualification so that according to my ideas if the

## *Rhodes' Will*

maximum number of marks for any Scholarship were 100 they would be apportioned as follows:—40 to the first qualification and 20 to each of the second third and fourth qualifications.

(ii) The marks for first qualification would be awarded by examination for the second and third qualifications by ballot by the fellow-students of the candidates and for the fourth qualification by the head master of the candidate's school; and

(iii) The results of the awards would be sent simultaneously to my Trustees or some one appointed to receive the same. I say simultaneously so that no awarding party should know the result of the award of any other awarding party.

24. No student shall be qualified or disqualified for election to a Scholarship on account of his race or religious opinions.

25. The election to Scholarships shall be by the Trustees after consultation with the Minister having the control of education in such Colony Province State or Territory except in the cases of the four schools hereinbefore mentioned.

26. A qualified student who has been elected as aforesaid shall within six calendar months after his election or as soon thereafter as he can be admitted into residence or within such extended time as my Trustees shall allow commence residence as an undergraduate at some college in the University of Oxford.

27. The Scholarships shall be payable to him from the time when he shall commence such residence.

28. I desire that the Scholars holding the scholarships shall be distributed amongst the Colleges of the University of Oxford and not resort in undue numbers to one or more Colleges only.

29. Notwithstanding anything hereinbefore contained my Trustees may in their uncontrolled discretion suspend for such time as they shall think fit or remove any Scholar from his scholarship.

30. My Trustees may from time to time make vary and repeal regulations either general or affecting specified Scholarships only with regard to all or any of the following matters (that is to say):

(i) The election whether after examination or otherwise of qualified Students to the Scholarships or any of them and the method whether by examination or otherwise in which their qualifications are to be ascertained.

(ii) The tenure of the Scholarships by scholars.

## *Rhodes' Will*

- (iii) The suspension and removal of scholars from their Scholarships.
- (iv) The method and times of payment of the Scholarships.
- (v) The method of giving effect to my wish expressed in clause 28 hereof and
- (vi) Any and every other matter with regard to the Scholarships or any of them with regard to which they shall consider regulations necessary or desirable.

31. My Trustees may from time to time authorize regulations with regard to the election whether after examination or otherwise of qualified students for Scholarships and to the method whether by examination or otherwise in which their qualifications are to be ascertained to be made—

- (i) By a school in respect of the scholarships tenable by its students and—
- (ii) By the Minister aforesaid of a Colony Province State or Territory in respect of the Scholarships tenable by students from such Colony Province State or Territory.

32. Regulations made under the last preceding clause hereof if and when approved of and not before by my Trustees shall be equivalent in all respects to regulations made by my Trustees.

33. No regulations made under clause 30 or made and approved of under clauses 31 and 32 hereof shall be inconsistent with any of the provisions herein contained.

34. In order that the scholars past and present may have opportunities of meeting and discussing their experiences and prospects I desire that my Trustees shall annually give a dinner to the past and present scholars able and willing to attend at which I hope my Trustees or some of them will be able to be present and to which they will I hope from time to time invite as guests persons who have shown sympathy with the views expressed by me in this my Will.

35. My Trustees hereinbefore named shall free of all duty whatsoever at such time as they shall think fit set apart out of my estate such a Scholarship fund (either by appropriation of existing investments or by making other investments or partly in one way and partly in the other) as they shall consider sufficient by its income to pay the Scholarships and in addition a yearly sum of £1,000.

36. My Trustees shall invest the Scholarship fund and the other funds hereinbefore established or any part thereof respectively in such investments in any

## *Rhodes' Will*

part of the world as they shall in their uncontrolled discretion think fit and that without regard to any rules of equity governing investments by trustees and without any responsibility or liability should they commit any breach of any such rule with power to vary any such investments for others of a like nature.

37. Investments to bearer held as an investment may be deposited by my Trustees for safe custody in their names with any banker or banking company or with any company whose business it is to take charge of investments of that nature and my Trustees shall not be responsible for any loss incurred in consequence of such deposit.

38. My Trustees shall after the death of the survivor of my said brothers and sisters hold my said interest in the said Dalston estate as an accretion to the capital of the Scholarship fund and the net rents and profits thereof as an accretion to the income of the Scholarship fund and shall by means of the increase of income of the Scholarship fund so arising establish such number of further Scholarships of the yearly value of £300 each as such increase shall be sufficient to establish. Such further Scholarships shall be for students of such British Colony or Colonies or Dependency or Dependencies whether hereinbefore mentioned or not as my Trustees shall in their uncontrolled discretion think fit. And I direct that every such further Scholarship shall correspond in all respects with the Scholarships hereinbefore directed to be established and that the preceding provisions of this my Will which apply to the Scholarships hereinbefore directed to be established or any of them shall where applicable apply to such further Scholarships.

39. Until the Scholarship fund shall have been set apart as aforesaid I charge the same and the Scholarships upon the residue of my real and personal estate.

40. I give the residue of my real and personal estate unto such of them the said Earl of Rosebery Earl Grey Alfred Beit William Thomas Stead Lewis Loyd Michell and Bouchier Francis Hawksley as shall be living at my death absolutely and if more than one as joint tenants.

41. My Trustees in the administration of the trust business may instead of acting personally employ and pay a Secretary or Agent to transact all business and do all acts required to be done in the trust including the receipt and payment of money.

42. My intention is that there shall be always at least three Trustees of my Will so far as it relates to the Scholarship Trusts and therefore I direct that whenever there shall be less than three Trustees a new Trustee or new Trustees shall be forthwith appointed.

*Rhodes' Will*

IN WITNESS whereof I have hereunto set my hand the day and year first above written.

Signed by the said Testator The Right Honourable  
Cecil John Rhodes as and for his last Will and  
Testament in the presence of us both present at  
the same time who at his request in his presence  
and in the presence of each other have hereunto  
subscribed our names as witnesses } C. J. RHODES.

CHARLES T. METCALFE.

P. JOURDAN.

ARTHUR SAWYER.

Jan/1900

[Really January 1901.]

On account of the extraordinary eccentricity of Mr. Stead though having always a great respect for him but feeling the objects of my Will would be embarrassed by his views I hereby revoke his appointment as one of my executors.

Witnesses

C. J. RHODES.

LEWIS L. MICHELL.

H. GODDEN.

America has  
already been  
provided for.  
C. J. R.

This is a further Codicil to my Will. I note the German Emperor has made instruction in English compulsory in German schools. I leave five yearly scholarships at Oxford of £250 per ann. to students of German birth the scholars to be nominated by the German Emperor for the time being. Each scholarship to continue for three years so that each year after the first three there will be fifteen scholars. The object is that an understanding between the three great powers will render war impossible and educational relations make the strongest tie.

Witnesses

C. J. RHODES.

G. V. WEBB.

W. G. V. CARTER.

ENDORSED ON BACK OF ABOVE.

A yearly amount should be put in British Consols to provide for the bequests in my Will when the Diamond Mines work out: the above is an instruction to the Trustees of my Will.

C. J. R.

*Rhodes' Will*

Jan/1901.

As a further Codicil to my Will I leave J. Grimmer ten thousand pounds and the use of my Inyanga farms for his life. This bequest takes the place of the previous written paper given to him.

C. J. RHODES.

Witness

W. G. V. CARTER.

H. GODDEN.

THIS IS A CODICIL to the last Will and Testament of me THE RIGHT HONOURABLE CECIL JOHN RHODES of Cape Town in the Colony of the Cape of Good Hope which Will is dated the First day of July One thousand eight hundred and ninety-nine. I appoint the Right Honourable Alfred Lord Milner to be an Executor and Trustee of my said Will jointly with those named in my said Will as my Executors and Trustees and in all respects as though he had been originally appointed one of my Executors and Trustees by my said Will. And I associate him with my residuary legatees and devisees named in clause 40 of my said Will desiring and declaring that they and he are my residuary legatees and devisees in joint tenancy. I revoke clauses 23, 24 and 25 in my said Will and in lieu thereof substitute the three following clauses which I direct shall be read as though originally clauses 23, 24 and 25 of my said Will:—

23. My desire being that the students who shall be elected to the Scholarships shall not be merely bookworms I direct that in the election of a student to a Scholarship regard shall be had to (i) his literary and scholastic attainments (ii) his fondness of and success in manly outdoor sports such as cricket football and the like (iii) his qualities of manhood truth courage devotion to duty sympathy for the protection of the weak kindness unselfishness and fellowship and (iv) his exhibition during school days of moral force of character and of instincts to lead and to take an interest in his schoolmates for those latter attributes will be likely in afterlife to guide him to esteem the performance of public duties as his highest aim. As mere suggestions for the guidance of those who will have the choice of students for the Scholarships I record that (i) my ideal qualified student would combine these four qualifications in the proportions of 3/10ths for the first 2/10ths for the second 3/10ths for the third and 2/10ths for the fourth qualification so that according to my ideas if the maximum number of marks for any Scholarship were 200 they would be apportioned as follows—60 to each of the first and third qualifications and 40 to each of the second and

*Rhodes' Will*

fourth qualifications (ii) the marks of the several qualifications would be awarded independently as follows (that is to say) the marks for the first qualification by examination for the second and third qualifications respectively by ballot by the fellow-students of the candidates and for the fourth qualification by the head master of the candidate's school and (iii) the results of the awards (that is to say the marks obtained by each candidate for each qualification) would be sent as soon as possible for consideration to the Trustees or to some person or persons appointed to receive the same and the person or persons so appointed would ascertain by averaging the marks in blocks of 20 marks each of all candidates the best ideal qualified students.

24. No student shall be qualified or disqualified for election to a Scholarship on account of his race or religious opinions.

25. Except in the cases of the four schools hereinbefore mentioned the election to Scholarships shall be by the Trustees after such (if any) consultation as they shall think fit with the Minister having the control of education in such Colony Province State or Territory.

IN WITNESS whereof I have hereunto set my hand this Eleventh day of October One thousand nine hundred and one.

Signed by the said Cecil John Rhodes as and for a  
Codicil to his last Will and Testament in the  
presence of us all present at the same time who  
in his presence at his request and in the presence  
of each other have hereunto subscribed our names  
as witnesses. } C. J. RHODES.

GEORGE FROST,

FRANK BROWN.

Servants to Mr. Beit,  
26, Park Lane,  
London.

*Rhodes' Will*

I THE RIGHT HONOURABLE CECIL JOHN RHODES of Cape Town in the Colony of the Cape of Good Hope declare this to be a second Codicil which I make this 18th day of January 1902 to my Will which is dated the 1st day of July 1899.

1. I renew the statement contained in my said Will relating to my domicile.
2. I appoint the Trustees or Trustee for the time being of my said Will (hereinafter called 'my Trustees or Trustee') to be the Trustees or Trustee for all the purposes of the Settled Land Acts 1882 to 1890 and also for all the purposes of Section 42 of the Conveyancing and Law of Property Act 1881.
3. I devise free and discharged as hereinafter provided of all incumbrances created by me all my messuages lands and hereditaments in or arising in the parishes of Dalham Gazeley Moulton Ousden and Hargrave in the County of Suffolk and in the parish of Ashley in the County of Cambridge and in any adjoining or neighbouring parish or parishes and including the Manors of Denham Dalham-cum-Dunstall and Bovills and the advowson of Dalham Rectory and all my tithe rent-charge issuing out of any of my said hereditaments in any of the said parishes and all other the hereditaments forming my Dalham Hall Estate whether included in the purchase (now in course of completion) from Sir Robert Affleck Baronet or subsequently acquired by me (which messuages lands and hereditaments are hereinafter included in the expression 'The Dalham Hall Estate') to the uses and subject to the powers and provisions hereinafter contained that is to say—
4. To the use of my brother Francis Rhodes for his life without impeachment of waste. With remainder.
5. To the use of his first and other sons successively according to seniority in tail male. With remainder.
6. To the use of my brother Ernest Frederick Rhodes for his life without impeachment of waste. With remainder.
7. To the use of his first and other sons successively accordingly to seniority in tail male. With remainder.
8. To the use of the devisees of my general residuary estate.
9. If any person hereby made tenant in tail male of the Dalham Hall Estate shall be living at or be born in due time after my death then I revoke the estate in tail male hereby limited to any and every such person and instead of and by way of substitution for the estate in tail male hereby revoked of any person I devise (freed and discharged as aforesaid) the Dalham Hall Estate (but subject

## *Rhodes' Will*

to and in remainder after the estates preceding such estate in tail male). To the use of the same person for life without impeachment of waste with remainder. To the use of his first and other sons successively according to seniority in tail male with the like remainders over as are hereinbefore limited after such revoked estate in tail male.

10. Whereas I feel that it is the essence of a proper life that every man should during some substantial period thereof have some definite occupation and I object to an expectant heir developing into what I call a 'loafer'. And whereas the rental of the Dalham Hall Estate is not more than sufficient for the maintenance of the estate and my experience is that one of the things making for the strength of England is the ownership of country estates which could maintain the dignity and comfort of the head of the family but that this position has been absolutely ruined by the practice of creating charges upon the estates either for younger children or for the payment of debts whereby the estates become insufficient to maintain the head of the family in dignity and comfort. And whereas I humbly believe that one of the secrets of England's strength has been the existence of a class termed "The country landlords" who devote their efforts to the maintenance of those on their own property. And whereas this is my own experience. Now therefore I direct that if any person who under the limitations hereinbefore contained shall become entitled as tenant for life or as tenant in tail male by purchase to the possession or to the receipt of the rents and profits of the Dalham Hall Estate shall attempt to assign charge or incumber his interest in the Dalham Hall Estate or any part thereof or shall do or permit any act or thing or any event shall happen by or in consequence of which he would cease to be entitled to such interest if the same were given to him absolutely or if any such person as aforesaid (excepting in this case my said brothers Francis Rhodes and Ernest Frederick Rhodes) (i) shall not when he shall become so entitled as aforesaid have been for at least ten consecutive years engaged in some profession or business or (ii) if not then engaged in some profession or business and (such profession or business not being that of the Army) not then also a member of some militia or volunteer corps shall not within one year after becoming so entitled as aforesaid or (being an infant) within one year after attaining the age of twenty-one years whichever shall last happen unless in any case prevented by death become engaged in some profession or business and (such profession or business not being that of the Army) also become a member of some militia or volunteer corps or (iii) shall discontinue to be engaged in any profession or business before he shall have been engaged for 10 consecutive years in some profession or business then and in every such case and forthwith if such person shall be tenant for life then his estate for life shall absolutely determine and if tenant in tail male then his estate in tail male shall absolutely determine and the Dalham Hall Estate shall

## *Rhodes' Will*

but subject to estates if any prior to the estate of such person immediately go to the person next in remainder under the limitations hereinbefore contained in the same manner as if in the case of a person whose estate for life is so made to determine that person were dead or in the case of a person whose estate in tail male is so made to determine were dead and there were a general failure of issue of that person inheritable to the estate which is so made to determine. Provided that the determination of an estate for life shall not prejudice or effect any contingent remainders expectant thereon and that after such determination the Dalham Hall Estate shall but subject to estates if any prior as aforesaid remain to the use of the Trustees appointed by my said Will and the Codicil thereto dated the 11th day of October 1901 during the residue of the life of the person whose estate for life so determines upon trust during the residue of the life of that person to pay the rents and profits of the Dalham Hall Estate to or permit the same to be received by the person or persons for the time being entitled under the limitations hereinbefore contained to the first vested estate in remainder expectant on the death of that person.

11. I give all arrears of rents and profits due to me at my death and all shares and proportions of rents and profits not actually due but accruing due at my death and payable to my estate after my death from the Dalham Hall Estate but subject to payment of all outgoing properly chargeable against the same and not discharged in my lifetime and also all my wines liquors and consumable stores at my death in or about Dalham Hall and all my carriages horses harness and stable furniture and effects and garden and farming live and dead stock and effects which at my death shall be in or about Dalham Hall or the stables thereof or in or about any other part of the Dalham Hall Estate to my brother Francis Rhodes or other the person who at my death shall become entitled to the possession or to the receipt of the rents and profits of the Dalham Hall Estate.

12. I give all my plate linen china glass books pictures prints furniture and articles of household use or ornament which at my death shall be in or about Dalham Hall (hereinafter referred to as 'the heirlooms') unto the Trustees named in my said Will and Codicil. Upon trust that my Trustees or Trustee shall allow the same to be used and enjoyed so far as the law permits by the person or persons who under the limitations hereinbefore contained is or are for the time being in the actual possession or in the receipt of the rents and profits of the Dalham Hall Estate but so that the heirlooms shall not vest absolutely in any person being tenant in tail male by purchase who does not attain the age of 21 years but on the death of such person under the age of 21 years shall go and devolve in the same manner as if they had been freehold hereditaments of inheritance and had been included in the devise in settlement hereinbefore contained. And I direct that an inventory of the heirlooms except

## *Rhodes' Will*

such of them as from their trifling value or perishable nature or from any other cause it may be considered inexpedient to include in an inventory as to which I give full discretion to my Trustees or Trustee shall be taken in duplicate as soon as convenient after my death and each copy shall be signed by the person entitled to the use of the heirlooms therein specified and by my Trustees or Trustee and one copy shall be delivered to the person entitled to the possession of the heirlooms therein specified who shall sign a receipt for the same and the other copy shall be kept by my Trustees or Trustee. And I empower my Trustees or Trustee from time to time and until the heirlooms shall become absolutely vested to inspect the same and to provide for the custody preservation or restoration and repair and insurance thereof (so far as the same are capable of insurance) at the expense of the usufructuary but my Trustees or Trustee shall not incur any liability by neglect or omission so to do. And I declare that the heirlooms or any of them may from time to time with the consent of my Trustees be exchanged or the form or fashion thereof altered or other articles substituted at the expense of the usufructuary for the time being provided the intrinsic value thereof be not diminished and thereupon the inventories shall be altered accordingly. And I declare that when a receipt as hereinbefore provided shall have been signed by the person entitled to the use of the heirlooms my Trustees or Trustee shall not be liable in any way for any loss damage or deception or for any omission to insure or any other omission or any unauthorized dealing or disposition therewith. And that my Trustees or Trustee may with the consent of any usufructuary or if there be no such person of full age then at their or his discretion let the use and enjoyment of the heirlooms or any of them together with Dalham Hall under any lease capable of being made thereof provided that the tenant covenant or agree with my Trustees or Trustee to keep the same during his tenancy in repair and insured against loss or damage by fire so far as they are capable of being so insured and during any such tenancy my Trustees or Trustee shall not be liable for any loss damage or depreciation in respect of the heirlooms delivered to the tenant.

13. I direct that within two years after my death my Trustees or Trustee shall by means of moneys forming part of or raised by sale or mortgage of my South African property situate out of the United Kingdom pay off and discharge any incumbrances on the Dalham Hall Estate or any part thereof created by me and existing at my death and procure the incumbered property to be freed and discharged from such incumbrances and in the meantime shall out of the like moneys pay the interest payable in respect of such incumbrances.

14. Whereas I am not satisfied that the fortune of my said brother Francis Rhodes is sufficient to enable him to keep up the Dalham Hall Estate therefore I give to him out of the income of my South African property situate out of the

*Rhodes' Will*

United Kingdom an annuity of £2,000 during his life but only so long as he shall be entitled to the actual possession or to the receipt of the rents and profits of the Dalham Hall Estate under the limitations hereinbefore contained.

15. If at my death the aforesaid purchase from the said Sir R. Affleck shall not have been completed then I direct my Trustees or Trustee at the expense of my South African property situate out of the United Kingdom to pay the purchase-money for and in all respects to complete such purchase and I give them or him all sufficient powers and authorities to enable them or him to do so including power to raise money for such completion by the mortgage of the said purchased estate such mortgage being for the purposes of clause 13 hereof considered an incumbrance created by me existing at my death and I direct that the purchased estate shall be conveyed to the Trustees named in my said Will to uses necessary or proper to give effect to this present Codicil And subject as aforesaid I confirm my said Will and the said Codicil of the 11th day of October 1901.

IN WITNESS whereof I have hereunto set my hand this Eighteenth day of January One thousand nine hundred and two.

Signed by the said Cecil John Rhodes as and for a  
second Codicil to his said Will in the presence  
of us present at the same time who at his request  
in his presence and in the presence of each other  
have hereunto subscribed our names as witnesses. } C. J. RHODES.

A. SAWYER,

C. PIRMIN,

Servants at the Burlington Hotel, W., London.

March 12 1902

I make Dr. Jameson one of the Trustees to my Will with the same rights as Lord Milner Lord Rosebery Mr. Michell Lord Grey Mr. Beit and Mr. Hawksley.

C. J. RHODES.

Witness

G. J. KRIEGER.

A. HELALER.

# RHODES ESTATE [H.L.]

[6 & 7 GEORGE V.—SESSION 1916.]

AN ACT *To revoke a Codicil to the Will of the late Right Honourable  
CECIL JOHN RHODES ; and for other purposes.*

WHEREAS the Right Honourable Cecil John Rhodes of Cape Town in *Preamble.*  
the Colony of the Cape of Good Hope (hereinafter referred to as 'the  
Testator') by his Will dated the first day of July One thousand eight hundred  
and ninety-nine appointed the Right Honourable Archibald Philip Earl of  
Rosebery K.G. K.T. the Right Honourable Albert Henry George Earl Grey  
Alfred Beit William Thomas Stead Lewis Loyd Michell (now Sir Lewis Loyd  
Michell) and Bouchier Francis Hawksley to be the Executors and Trustees  
thereof and (inter alia) directed his said Trustees to establish for male students  
certain Scholarships (in the said Will referred to as 'the Colonial Scholarships')  
and certain other Scholarships (in the said Will referred to as 'the American  
Scholarships') such Scholarships being of the yearly value of Three hundred  
pounds each and being tenable at any College in the University of Oxford for  
three consecutive academical years:

And whereas such of the provisions of the said Will (as altered by a Codicil  
dated the eleventh day of October One thousand nine hundred and one) as  
relate to the Colonial Scholarships and the American Scholarships and as are  
material to the purposes of this Act are set forth in the Schedule to this Act:

And whereas the Testator after certain other gifts bequests and dispositions  
gave the residue of his real and personal estate unto such of them the said Earl  
of Rosebery Earl Grey Alfred Beit William Thomas Stead Lewis Loyd Michell  
and Bouchier Francis Hawksley as should be living at his death absolutely and  
if more than one as joint tenants:

And whereas the Testator by a Codicil executed in the month of January One  
thousand nine hundred and one to his said Will revoked the appointment of  
the said William Thomas Stead as an Executor of his said Will:

And whereas by another Codicil (hereinafter referred to as 'the German  
Codicil') to his said Will (which Codicil is undated but was in fact also executed  
in the said month of January One thousand nine hundred and one) the  
Testator directed as follows:—

'This is a further Codicil to my Will. I note the German Emperor has made  
'instruction in English compulsory in German schools. I leave five yearly

### *Rhodes Estate Act 1916*

‘Scholarships at Oxford of two hundred and fifty pounds per annum to students of German birth the scholars to be nominated by the German Emperor for the time being. Each Scholarship to continue for three years so that each year after the first three there will be fifteen scholars. The object is that an understanding between the three great Powers will render war impossible and educational relations make the strongest tie’:

And whereas by the said Codicil dated the eleventh day of October One thousand nine hundred and one to his said Will the Testator (inter alia) appointed the Right Honourable Alfred Lord Milner to be an Executor and Trustee of the said Will jointly with those named in the said Will as his Executors and Trustees and in all respects as though he had been originally appointed one of his Executors and Trustees by his said Will And the Testator associated the said Lord Milner with his residuary legatees and devisees named in his said Will desiring and declaring that they and he were his residuary legatees and devisees in joint tenancy:

And whereas by a further Codicil dated the twelfth day of March One thousand nine hundred and two to his said Will the Testator appointed Doctor Jameson (now the Right Honourable Sir Leander Starr Jameson Baronet) one of the Trustees of his Will with the same rights as the said Alfred Lord Milner Archibald Philip Earl of Rosebery Sir Lewis Loyd Michell Albert Henry George Earl Grey Alfred Beit and Bouchier Francis Hawksley:

And whereas the Testator died on the twenty-sixth day of March One thousand nine hundred and two and the said Will with six Codicils thereto (including the four Codicils hereinbefore referred to) was on the twenty-second day of February One thousand nine hundred and four proved and registered in the Principal Probate Registry of His Majesty’s High Court of Justice by the said Earl of Rosebery Earl Grey Alfred Beit and Bouchier Francis Hawksley four of the Executors named in the said Will and Codicils power being reserved of making the like Grant to the other Executors named in the said Will and Codicils:

And whereas by Deed Poll dated the ninth day of May One thousand nine hundred and four the said William Thomas Stead renounced and disclaimed all interest under the said Will in the residuary real and personal estate of the Testator and also the office of Trustee of the said Will and Codicils and if and so far as he was an executor the office of executor of the said Will and Codicils:

And whereas all the Executors and Trustees named in the said Will and Codicils (other than the said William Thomas Stead) assumed the Trusts thereof and acted as Trustees but Alfred Beit and Bouchier Francis Hawksley two of the said Trustees have since died and the present Trustees of the said

## *Rhodes Estate Act 1916*

Will and Codicils are the said Earl of Rosebery Earl Grey Lord Milner Sir Leander Starr Jameson Baronet and Sir Lewis Loyd Michell:

And whereas the said Trustees duly established the Colonial Scholarships and the American Scholarships pursuant to the directions contained in the said Will and have in addition out of funds in their hands forming part of the residue of the real and personal estate of the Testator and available for the purpose established in the exercise of the general discretion vested in them under the provisions of the said Will certain other Scholarships of the yearly value of three hundred pounds each to be tenable at any College in the said University of Oxford by students of or from certain Provinces in the Dominion of Canada in addition to the Colonies and Dependencies specified in that behalf in the said Will:

And whereas the said Trustees also established the Scholarships directed by the German Codicil to be established the first nomination of scholars by the German Emperor being made in or about the month of October One thousand nine hundred and three and further nominations have similarly been made from time to time in accordance with the said Codicil the last of such nominations having been made on the seventh day of April One thousand nine hundred and fourteen:

And whereas the sum annually required for the payment of the Scholarships lastly hereinbefore referred to is three thousand seven hundred and fifty pounds:

And whereas the said Trustees have not at the present time completed the setting apart of the Scholarship Fund but in so far as the income from the moneys or investments which they have appropriated to that Fund is insufficient for the payment of the Scholarships established as aforesaid such Scholarships are paid out of the income of the residuary real and personal estate of the Testator:

And whereas in the events which have happened the objects and anticipations of the Testator in directing the establishment of the Scholarships referred to in the German Codicil have failed to be accomplished or realised and it is expedient that the said Codicil should be revoked and annulled and that such provisions as are contained in this Act should be made with respect to the establishment of substituted Scholarships:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

## *Rhodes Estate Act 1916*

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 Rhodes Estate Act 1916'.

*Interpretation.* 2. In this Act—

The expression 'the Testator' means the late Right Honourable Cecil John Rhodes;

The expression 'the Trustees' means the Right Honourable Archibald Philip Earl of Rosebery K.G. K.T. the Right Honourable Albert Henry George Earl Grey G.C.B. the Right Honourable Alfred Lord Milner G.C.B. the Right Honourable Sir Leander Starr Jameson Baronet C.B. and Sir Lewis Loyd Michell and the survivors of them or other the Trustees for the time being of the Will of the Testator;

The expression 'the German Codicil' means the undated Codicil to the said Will recited or referred to in the Preamble to this Act.

*Revocation of German Codicil and abolition of Scholarships established thereunder.* 3. As from the fourth day of August One thousand nine hundred and fourteen the German Codicil shall be and the same is hereby revoked and annulled and the Scholarships established by the Trustees pursuant thereto shall be abolished and all rights (if any) with respect to such Scholarships of the persons who on or immediately before the said date held or were entitled to the benefit thereof or to any nomination thereto or to the payment of any moneys or to any other rights or privileges in connection therewith or incidental thereto shall cease and determine.

*Establishment of substituted Scholarships.* 4. The Trustees shall as soon as practicable after the passing of this Act establish for male students twelve Scholarships of the yearly value of three hundred pounds each to be tenable at any College in the University of Oxford for three consecutive academical years by students of or from such Colonies Dependencies or places within the British Empire as the Trustees may from time to time in their discretion determine in substitution for the Scholarships established pursuant to the German Codicil which cease to be payable under the provisions of this Act.

*Substituted Scholarships to be subject to provisions of Will.* 5. The provisions of the Will of the Testator as altered by the Codicil of the eleventh day of October One thousand nine hundred and one and as set forth in the Schedule to this Act shall extend and apply to the said substituted Scholarships in all respects as if such Scholarships

(a) were Scholarships established pursuant to the directions contained in the said Will;

*Rhodes Estate Act 1916*

(b) ranked for the purposes of Clause 22 of the said Will next after the American Scholarships; and

(c) were subject to provisions as to abatement similar to those contained in the said Clause 22 with respect to the American Scholarships.

6. If the income of any such Scholarship Fund as aforesaid or (until any such Fund shall have been set apart) so much of the income of the residue of the real and personal estate of the Testator as is for the time being available for the payment of the Scholarships established by the Trustees before the passing of this Act (otherwise than pursuant to the German Codicil) and of the said substituted Scholarships shall at any time be insufficient for payment in full of all such Scholarships the said substituted Scholarships shall rank for payment next after the American Scholarships established pursuant to the provisions of the Will of the Testator and if the balance of such income as aforesaid available for the payment of the said substituted Scholarships shall not be sufficient for payment of all such last-mentioned Scholarships the same shall abate proportionately. *Provisions in case of insufficiency of income.*

Provided always that if such income as aforesaid shall be insufficient for the payment in full of all the said substituted Scholarships in accordance with the foregoing provisions of this Section it shall be lawful for the Trustees so far as such deficiency may require (if in their discretion they think fit so to do) either permanently or for such time as they may determine to reduce the number of the said substituted Scholarships or to discontinue the payment of such Scholarships or any of them in lieu of or in addition to reducing the amount of each such Scholarship.

7. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Trustees out of funds in their hands representing the residue of the real and personal estate of the Testator. *Costs of Act.*

SCHEDULE.

The Schedule referred to in the foregoing Act consists of Clauses 22 to 33 inclusive and Clauses 35, 36 and 39 of Rhodes' Will set out on pages 11 to 14.

# RHODES TRUST ACT 1929

[19 & 20 GEO. V.—SESSION 1928-9]

AN ACT *To amend the provisions of the Will of the late Right Honourable  
CECIL JOHN RHODES and for other purposes.*

[Royal Assent, 10th May 1929.]

*Preamble.* WHEREAS the Right Honourable Cecil John Rhodes of Cape Town in the Colony of the Cape of Good Hope (hereinafter referred to as 'the Testator') by his Will dated the first day of July one thousand eight hundred and ninety-nine appointed the Right Honourable Archibald Philip Earl of Rosebery K.G. K.T. the Right Honourable Albert Henry George Earl Grey Alfred Beit William Thomas Stead Lewis Loyd Michell (afterwards Sir Lewis Loyd Michell) and Bouchier Francis Hawksley to be the Executors and Trustees thereof and (inter alia) directed his said Trustees to establish for male students certain Scholarships (in the said Will referred to as 'the Colonial Scholarships') and certain other Scholarships (in the said Will referred to as 'the American Scholarships') such Scholarships being of the yearly value of three hundred pounds each and being tenable at any college in the University of Oxford for three consecutive academical years:

And whereas such of the provisions of the said Will (as altered by a Codicil dated the eleventh day of October one thousand nine hundred and one) as relate to the Colonial Scholarships and the American Scholarships and as are material to the purposes of this Act are set forth in the Schedule to this Act:

And whereas the Testator after certain other gifts bequests and dispositions gave the residue of his real and personal estate unto such of them the said Earl of Rosebery Earl Grey Alfred Beit William Thomas Stead Lewis Loyd Michell and Bouchier Francis Hawksley as should be living at his death absolutely and if more than one as joint tenants:

And whereas the Testator by a Codicil executed in the month of January one thousand nine hundred and one to his said Will revoked the appointment of the said William Thomas Stead as an Executor of his said Will:

And whereas by the said Codicil dated the eleventh day of October one thousand nine hundred and one to his said Will the Testator (inter alia) appointed the Right Honourable Alfred Lord Milner to be an Executor and Trustee of the said Will jointly with those named in the said Will as his Executors and Trustees

### *Rhodes Trust Act 1929*

and in all respects as though he had been originally appointed one of his Executors and Trustees by his said Will And the Testator associated the said Lord Milner with his residuary legatees and devisees named in his said Will desiring and declaring that they and he were his residuary legatees and devisees in joint tenancy and by the said Codicil the Testator revoked Clauses 23 24 and 25 of his said Will and substituted therefor three clauses set out under those numbers in the Schedule to this Act:

And whereas by a further Codicil dated the twelfth day of March one thousand nine hundred and two to his said Will the Testator appointed Doctor Jameson (afterwards The Right Honourable Sir Leander Starr Jameson Baronet) one of the Trustees of his Will with the same rights as the said Alfred Lord Milner Archibald Philip Earl of Rosebery Sir Lewis Loyd Michell Albert Henry George Earl Grey Alfred Beit and Bouchier Francis Hawksley:

And whereas the Testator died on the twenty-sixth day of March one thousand nine hundred and two and the said Will with six Codicils thereto (including the three Codicils hereinbefore referred to) was on the twenty-second day of February one thousand nine hundred and four proved and registered in the Principal Probate Registry of His Majesty's High Court of Justice by the said Earl of Rosebery Earl Grey Alfred Beit and Bouchier Francis Hawksley four of the Executors named in the said Will and Codicils power being reserved of making the like Grant to the other Executors named in the said Will and Codicils:

And whereas by deed poll dated the ninth day of May one thousand nine hundred and four the said William Thomas Stead renounced and disclaimed all interest under the said Will in the residuary real and personal estate of the Testator and also the office of Trustee of the said Will and Codicils and if and so far as he was an Executor the office of Executor of the said Will and Codicils:

And whereas by the Rhodes Estate Act 1916 a Codicil to the said Will whereby the Testator left certain yearly Scholarships as therein mentioned was revoked and the Trustees for the time being of the said Will were directed to establish twelve Scholarships as therein mentioned tenable at any college in the University of Oxford for three consecutive academical years by students of or from such Colonies Dependencies or places within the British Empire as the said Trustees might from time to time in their discretion determine:

And whereas all the Executors and Trustees named in the said Will and Codicils (other than the said William Thomas Stead) assumed the trusts thereof and acted as Trustees but the said Earl Grey Alfred Beit Bouchier Francis Hawksley Lord Milner and Leander Starr Jameson have since died and the said Earl of Rosebery and the said Lewis Loyd Michell have resigned the said trusts and other Trustees have been appointed in their places:

## *Rhodes Trust Act 1929*

And whereas the said Trustees have not only established the Scholarships directed by the said Will and have as directed thereby set apart a Scholarship Fund sufficient for that purpose but have also with a view to the better carrying out of the Scholarship Trust and the well-known wishes of the Testator on their own initiative created additional Scholarships and increased the value of the Scholarships and have for that purpose carried to such Scholarship Fund moneys at their free disposal, and intend to create further Scholarships as and when they consider it feasible and desirable:

And whereas owing to the changes of circumstances and in the distribution of population and the methods of education which have taken place during the years which have elapsed since the death of the Testator there is danger of the main purposes of the Will being frustrated unless the provisions in the Will restricting the discretion of the Trustees in the application of the said Scholarship Fund and in the organisation of Scholarships are relaxed to the extent hereinafter mentioned:

And whereas the yearly sum of one thousand pounds mentioned in clause thirty-five of the said Will has proved wholly inadequate to defray the administrative cost of the system of Scholarships established under the Will:

And whereas it is expedient that the Trustees should be authorised to establish a capital reserve fund in the manner and for the purposes hereinafter appearing:

And whereas the purposes of this Act cannot be effected without the authority of Parliament

### MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be enacted and be it enacted by the King'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):—

*Short title.* 1. This Act may be cited as the 'Rhodes Trust Act 1929'.

*Interpretation.* 2. In this Act  
'the Trustees' means:—

The Right Honourable Stanley Baldwin M.P.;  
The Right Honourable Leopold Charles Maurice Stennett Amery, M.P.;  
The Right Honourable Douglas McGarel Baron Hailsham;  
The Right Honourable Simon Joseph Baron Lovat, K.T.;  
Sir Otto Beit, Baronet, K.C.M.G.;  
Geoffrey Dawson Esq.;

*Rhodes Trust Act 1929*

The Right Honourable Herbert Albert Laurens Fisher; and  
Edward Robert Peacock Esq.;

and the survivors of them or other the Trustees for the time being of the Will of the Testator;

'the Testator' means the late Right Honourable Cecil John Rhodes;

'the Will' means as the case may require the Will of the Testator or that Will as altered by the said Codicil of the eleventh day of October one thousand nine hundred and one and the said Rhodes Estate Act 1916 or either of them;

'the Scholarship Fund' means the Scholarship Fund set apart by the Trustees under the Will including any augmentation thereof.

3. Notwithstanding anything in the clauses of the Will set out in the Schedule to this Act the Trustees may— *Extension of powers of Trustees.*

(a) make such changes in the number distribution tenure duration and administration of the Scholarships provided for by the Will as will in their judgment best fulfil the purposes and intention of the Testator: Provided always that—

(i) the total number of Scholarships allotted by the Will respectively to Rhodesia South Africa Australia New Zealand Canada Newfoundland the Colony or Islands of the Bermudas and the Colony or Island of Jamaica and the United States of America shall not be reduced otherwise than as provided for in the Will in the event of the income being insufficient for payment in full of all the Scholarships for the time being payable;

(ii) the allocation of Scholarships by the Will to different parts of, or to schools and colleges in, South Africa Australia and Canada shall not be affected;

(iii) the order of priority in the event of the income of the Scholarship Fund being insufficient for the payment of all the Scholarships shall not be affected;

(iv) the duration of any Scholarship shall not be reduced to less than three years except in the case of a scholar who has had a prior University education;

(b) fix the Scholarships or any of them at such an amount as the Trustees in their discretion may from time to time deem necessary to enable effect to be given to the intentions of the Testator, but so that no Scholarship shall be of a less value than three hundred pounds per annum.

## *Rhodes Trust Act 1929*

*As to placing scholars elsewhere than in Oxford Colleges and as to post-graduate studies.* 4. (1) If at any time there shall in the opinion of the Trustees be a larger number of scholars holding Scholarships, or appointed to Scholarships, than can be suitably placed by the Trustees in Colleges in the University of Oxford the Trustees may place any such scholars at other Universities in the United Kingdom having a residential system in such manner and on such terms as the Trustees shall think fit.

(2) The Trustees may apply any part of the income of the Scholarship Fund enabling or assisting any person who shall have held or be holding a Scholarship to engage in or continue post-graduate studies in such manner or place as will in the opinion of the Trustees promote the main purposes of the Testator as defined by the Will.

*Expenses of administration.* 5. The Trustees may defray out of the Scholarship Fund all reasonable expenses of and incidental to the administration by them of the Scholarship system.

*Capital Reserve Fund.* 6. (1) The Trustees may apply any part of the capital or income of the Scholarship Fund which is in their opinion for the time being not needed to defray the cost of any Scholarships created by the Will for the improvement or extension of the Scholarship system or for establishing or increasing a Capital Reserve Fund.

(2) The capital and income of the Capital Reserve Fund or any part or parts of the same respectively shall be primarily applied in making up in any year any amount by which the income of the Scholarship Fund may be less than necessary to defray the cost of the Scholarships created by the Will and subject thereto shall be applicable in such manner as the Trustees may think fit in or towards all or any of the following purposes (that is to say):—

(a) the augmentation of the income or capital of the Scholarship Fund;

(b) the improvement or extension of the Scholarship system established or in force from time to time or for any charitable purposes in connection with the endowment extension or maintenance of the Rhodes House or its Library in the University of Oxford;

(c) in the advancement of the Testator's main purposes of education in any University of the British Empire.

*Costs of Act.* 7. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Trustees out of funds in their hands representing the residue of the real and personal estate of the Testator.

### SCHEDULE.

The Schedule referred to in the foregoing Act consists of Clauses 16 to 33 inclusive, Clauses 35, 36, and Clauses 38 to 42 inclusive of Rhodes' Will set out on pages 9 to 14.