



Ordinances
OF
The Transvaal,
1906,

With INDEX, TABLES OF CONTENTS (Alphabetical and
Chronological), and TABLE OF LAWS, &c.,
REPEALED or AMENDED by these
ORDINANCES.

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1906.

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Table of Laws, Volksraad Resolutions, Proclamations
and Ordinances *Repealed* or *Amended*
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NO. OF LAW.	REPEALED BY.	EXTENT OF REPEAL.	AMENDED BY.	EXTENT OF AMENDMENT.
Law 3 of 1871	—	—	Ord. 19, Sect. 35	Sect. 14, by the substitution of the words "Registrar-General" for the words "Government Secretary".
Law 3 of 1871	Ord. 19, Sect. 37	Sect. 22	—	—
Law 14 of 1880	Ord. 6, Sect. 2	Arts. 1, 2, 4, 5, 6, 7, 9, 10, 12, 13, 14, 15, 18, 19, 21, 22, 32 & 33 (being the unrepealed articles)	—	—
Law 1 of 1885	Ord. 28, Sect. 1	The whole	—	—
Law 3 of 1885	Ord. 29, Sect. 1	Sect. 2 (c)	—	—
Law 2 of 1890	Ord. 2, Sect. 1	The whole	—	—
Law 3 of 1892	Ord. 2, Sect. 1	The whole	—	—
First Volksraad Resolution, 16th May, 1893	Ord. 28, Sect. 1	Article 112	—	—
First Volksraad Resolution, 11th May, 1894	Ord. 2, Sect. 1	Article 46	—	—
Law 9 of 1895	Ord. 2, Sect. 1.	The whole	—	—

x. 1906 ORDINANCES : TABLE OF LAWS, &c., REPEALED OR AMENDED (*con.*)

NO. OF LAW.	REPEALED BY.	EXTENT OF REPEAL.	AMENDED BY.	EXTENT OF AMENDMENT.
Law 10 of 1895	Ord. 2, Sect. 1	The whole	—	—
Law 3 of 1897	—	—	Ord. 19, Sect. 35	Sect. 13, by the substitution of the words "Registrar-General" for the words "Superintendent of Natives".
Proc. 27 of 1900	Ord. 19, Sect. 1	The whole	—	—
Proc. 15 of 1901	—	—	Ord. 10, Sect. 1	Sect. 1, by the omission of clause defining "Deputy-Commissioner of Police".
Proc. 15 of 1901	—	—	Ord. 10, Sect. 2	Sect. 2, by omission of certain words and substitution of others therefor.
Proc. 15 of 1901	—	—	Ord. 10, Sect. 3	Sect. 16, by substitution of new section.
Proc. 15 of 1901	—	—	Ord. 10, Sect. 4	Sect. 17, by substitution of new section.
Proc. 15 of 1901	—	—	Ord. 10, Sect. 5	Sect. 18, by substitution of new section.
Proc. 15 of 1901	—	—	Ord. 10, Sect. 6	Sect. 19, by substitution of new section.
Proc. 15 of 1901	—	—	Ord. 10, Sect. 7	Sect. 21, by substitution of the words "average salary" for the word "pay".

NO. OF LAW.	REPEALED BY.	EXTENT OF REPEAL.	AMENDED BY.	EXTENT OF AMENDMENT.
Proc. 15 of 1901	—	—	Ord. 10, Sect. 8	Sect. 22, by substitution of new section.
Proc. 15 of 1901	—	—	Ord. 10, Sect. 9	Sect. 26, by substitution of new section.
Proc. 15 of 1901	—	—	Ord. 10, Sect. 10	Sect. 27, by substitution of new section.
Proc. 15 of 1901	—	—	Ord. 10, Sect. 11	Sect. 28, by substitution of new section.
Proc. 15 of 1901	Ord. 10, Sect. 12	Sect. 29	—	—
Proc. 15 of 1901	—	—	Ord. 10, Sect. 13	Sect. 31, by omission of certain words.
Proc. 15 of 1901	—	—	Ord. 10, Sect. 14	Sect. 46, by the insertion of the words "or any provisions substituted for such sections."
Proc. 16 of 1901	Ord. II. (Private), Sect. 1	The whole	—	—
Proc. (Transvaal) 29 of 1901	Ord. II. (Private), Sect. 1	The whole	—	—
Proc. (Transvaal) 7 of 1902	—	—	Ord. 1 (Private), Sect. 11.	Sect. 19, by the addition of new subsection (36).
Proc. (Transvaal) 7 of 1902	—	—	Ord. 1. (Private), Sect. 12	Sect. 27, by the addition of new subsection (7).
Proc. (Transvaal) 12 of 1902	—	—	Ord. 28, Sect. 2	Sect. 7, by the substitution of new provisions.

xii. 1906 ORDINANCES: TABLE OF LAWS, &c., REPEALED OR AMENDED (*con.*)

NO. OF LAW.	REPEALED BY.	EXTENT OF REPEAL.	AMENDED BY.	EXTENT OF AMENDMENT.
Proc. (Transvaal) 30 of 1902	Ord. 6, Sect. 2	Sects. 1 and 2 (being the unrepealed sections)	—	—
Proc. (Transvaal) 39 of 1902	Ord. II. (Private), Sect. 1	Sects. 2, 3, 4, 5, 6, 7, 8, 12, 13, 14 and 22	—	—
Proc. (Transvaal) 39 of 1902	—	—	Ord. II. (Private), Sect. 93 (2)	Sect. 19, by the deletion of certain words <i>re</i> arbitration.
Ord. 20 of 1902	—	—	Ord. 20, Sect. 5	Sect. 2, by the omission of the words "for each additional wife."
Ord. 20 of 1902	—	—	Ord. 20, Sect. 6	Sect. 5, by substitution of new provision <i>re</i> punishment.
Ord. 23 of 1902	—	—	Ord. 4, Sect. 10	Sect. 7, by substituting a new form of declaration.
Ord. 23 of 1902	Ord. 4, Sect. 11	Sect. 11	—	—
Ord. 32 of 1902	—	—	Ord. 4, Sect. 9	By allowing the distillation of spirits from the produce of the vine.
Ord. 32 of 1902	—	—	Ord. 8, Sect. 2	Sect. 2 (<i>a</i>), by addition of paragraph <i>re</i> refreshment room attached to legislature.

No. OF LAW.	REPEALED BY.	EXTENT OF REPEAL.	AMENDED BY.	EXTENT OF AMENDMENT.
Ord. 32 of 1902	—	—	Ord. 8, Sect. 3	Sect. 7 (1), by addition of new paragraph <i>re</i> hours of sale or delivery of liquor under a wholesale license.
Ord. 32 of 1902	—	—	Ord. 8, Sect. 4	Sect. 7 (5), applying certain provisions of law to holder of a bottle liquor license.
Ord. 32 of 1902	—	—	Ord. 8, Sect. 5	Sect. 7 (7), by omission of certain words.
Ord. 32 of 1902	—	—	Ord. 8, Sect. 6	Sect. 7 (8), by substitution of new provisions <i>re</i> railway station liquor licenses.
Ord. 32 of 1902	—	—	Ord. 8, Sect. 7	Sect. 8, by the omission of the words "wine or" and the insertion of the words "save as is otherwise provided in the Customs Amendment Ordinance, 1906, or any Regulations made thereunder".
Ord. 32 of 1902	—	—	Ord. 8, Sect. 8	Sect. 9, by the omission of the words "wine or".
Ord. 32 of 1902	—	—	Ord. 8, Sect. 9	Sect. 10 (2), by the substitution of the word "seven" for the word "six".
Ord. 32 of 1902	—	—	Ord. 8, Sect. 10	Sect. 34, by the insertion of a new proviso.

xiv. 1906 ORDINANCES: TABLE OF LAWS, &c., REPEALED OR AMENDED (*con.*)

NO. OF LAW.	REPEALED BY.	EXTENT OF REPEAL.	AMENDED BY.	EXTENT OF AMENDMENT.
Ord. 32 of 1902	—	—	Ord. 8, Sect. 11	Sect. 42, by providing for renewal of license in case of death, liquidation, etc.
Ord. 32 of 1902	—	—	Ord. 8, Sect. 12	Sect. 52, by the omission of the words "or in respect of the same premises."
Ord. 32 of 1902	—	—	Ord. 8, Sect. 13	Sect. 82, by the addition of the words "boarding or."
Ord. 36 of 1902	Ord. 6, Sect. 2	Sects. 1 & 2	—	—
Ord. 41 of 1902	Ord. II. (Private)	The whole	—	—
Ord. 38 of 1903	Ord. 26, Sect. 17	Sect. 5	—	—
Ord. 41 of 1903	Ord. 4, Sect. 15	The whole	—	—
Ord. 45 of 1903	Ord. 6, Sect. 2	Sects. 4 & 5	—	—
Ord. 50 of 1903	—	—	Ord. 11, Sect. 1	Sect. 1, by the addition of the words "(f) Mechanical Engineers".
Ord. 57 of 1903	—	—	Ord. 13, Sect. 1	Sect. 7 (1), by the substitution of the word "may" for the word "shall".
Ord. 58 of 1903	—	—	Ord. 26, Sect. 1	Sect. 6 (1), by the insertion of the words "or other area".

NO. OF LAW.	REPEALED BY.	EXTENT OF REPEAL.	AMENDED BY.	EXTENT OF AMENDMENT.
Ord. 58 of 1903	—	—	Ord. 26, Sect. 1	Sect. 6 (8), by the addition of the words "and thereafter in whole or in part to withdraw such exemption".
Ord. 58 of 1903	Ord. 26, Sect. 17	Sect. 26	—	—
Ord. 58 of 1903	—	—	Ord. 26, Sect. 2	Sect. 40, by the addition of new sub-section (15).
Ord. 58 of 1903	—	—	Ord. 26, Sect. 3	Sect. 41 (2), by the insertion of the words "committees employing district nurses".
Ord. 58 of 1903	—	—	Ord. 26, Sect. 3	Sect. 41, by the addition of new sub-section (11).
Ord. 58 of 1903	Ord. 26, Sect. 9	Sect. 72 (3)	—	—
Ord. 62 of 1903	Ord. II. (Private), Sect. 1	Sects. 2, 3, 4 and 5	—	—
Ord. 2 of 1904	Ord. 6, Sect. 2	Sects. 1, 3, 4 and (5) being the unrepealed sections).	—	—
Ord. 17 of 1904	—	—	Ord. 12, Sect. 1	Sect. 29, by the addition of new sub-section (15).
Ord. 17 of 1904	Ord. 25, Sect. 1	Sect. 31, sub-sections (15) and (16)	—	—
Ord. 20 of 1904	Ord. 6, Sect. 2	The whole	—	—
Ord. 41 of 1904	Ord. 26, Sect. 6 (3)	Sect. 16	—	—

xvi. 1906 ORDINANCES: TABLE OF LAWS, &c., REPEALED OR AMENDED (*con.*)

NO. OF LAW.	REPEALED BY.	EXTENT OF REPEAL.	AMENDED BY.	EXTENT OF AMENDMENT.
Ord. 45 of 1904	—	—	Ord. 22, Sect. 1	Sect. 1, by the omission of the word "thereon" and the substitution therefor of the words "or base metals or minerals thereon or therein".
Ord. 46 of 1904	Ord. 5, Sect. 1	The whole	—	—
Ord. 48 of 1904	—	—	Ord. 21, Sect. 2	Sect. 10, by the addition of new sub-sections (<i>l</i>) (<i>m</i>) and (<i>n</i>).
Ord. IV. (Private) of 1904	Ord. II (Private)	The whole, except Sect. 8	—	—
Ord. 3 of 1905	—	—	Ord. 7, Sect. 1	Sect. 1, by substitution of new paragraph (<i>a</i>) to sub-section (1).
Ord. 3 of 1905	Ord. 9, Sect. 4	Sect. 2	—	—
Ord. 27 of 1905	Ord. 12, Sect. 2	Sect. 1 (3)	—	—
Ord. 27 of 1905	Ord. 12, Sect. 2	Sect. 6	—	—
Ord. 31 of 1905	—	—	Ord. 23, Sect. 1	Sect. 4, by the addition of new sub-sections (5) (6) and (7).
Ord. 36 of 1905	Ord. 25, Sect. 1	The whole	—	—
Ord. II. (Private) 1905	Ord. II. (Private), Sect. 1	Part I., with the exception of Sect. 6, and Part II.	—	—

AN ORDINANCE**Ord.
No. 1
of
1906.****To apply the Foreign Enlistment Act 1870 of the
Imperial Parliament to this Colony.**

(Assented to 4th July, 1906.)

WHEREAS doubts have arisen whether the Foreign Enlistment Act 1870 extends to such territories as became part of the dominions of the Crown subsequent to the passing of such Act;

And whereas The Transvaal became part of the dominions of the Crown on the First day of September 1900;

Be it enacted by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

1. The Act of the Imperial Parliament known as the "Foreign Enlistment Act 1870" the terms of which are set forth in the Schedule hereto is hereby declared to extend to The Transvaal and shall come into operation therein on a date to be fixed by Proclamation of the Governor in the *Gazette*.*

Foreign
Enlistment
Act 1870 de-
clared to
apply to this
Colony.

2. This Ordinance may be cited for all purposes as the Foreign Enlistment Act 1870 (Application to Colony) Ordinance 1906.

Title.

Schedule.

An Act of the Imperial Parliament to regulate the conduct of Her Majesty's subjects during the existence of hostilities between Foreign States with which Her Majesty is at peace. (9th August, 1870.)

Whereas it is expedient to make provision for the regulation of the conduct of Her Majesty's subjects during the existence of hostilities between Foreign States with which Her Majesty is at peace;

Be it enacted by the Queen's Most Excellent Majesty by and with the consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

* See Proclamation No. 84 (Adm.) of 1906, *Gazette*, 28th September, 1906, p. 713, putting the Act into operation as from the date of publication of such Proclamation in the *Gazette*.

**Ord.
No. I.
of
1906.**Short Title
of Act.*Preliminary.*

1. This Act may be cited for all purposes as the "The Foreign Enlistment Act 1870."

Application
of Act.

2. This Act shall extend to all the dominions of Her Majesty including the adjacent territorial waters.

Commence-
ment of Act.

3. This Act shall come into operation in the United Kingdom immediately on the passing thereof and shall be proclaimed in every British possession by the Governor thereof as soon as may be after he receives notice of this Act and shall come into operation in that British possession on the day of such proclamation and the time at which this Act comes into operation in any place is as respects such place in this Act referred to as the commencement of this Act.

*Illegal Enlistment.*Penalty on
enlistment in
service of
foreign state.

4. If any person without the license of Her Majesty being a British subject within or without Her Majesty's dominions accepts or agrees to accept any commission or engagement in the military or naval service of any foreign state at war with any foreign state at peace with Her Majesty and in this Act referred to as a friendly state or whether a British subject or not within Her Majesty's dominions induces any other person to accept or agree to accept any commission or engagement in the military or naval service of any such foreign state as aforesaid he shall be guilty of an offence against this Act and shall be punishable by fine and imprisonment or either of such punishments at the discretion of the court before which the offender is convicted; and imprisonment if awarded may be either with or without hard labour.

Penalty on
leaving Her
Majesty's
dominions
with intent
to serve a
foreign state.

5. If any person without the license of Her Majesty being a British subject quits or goes aboard any ship with a view of quitting Her Majesty's dominions with intent to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state or whether a British subject or not within Her Majesty's dominions induces any other person to quit or to go on board any ship with a view of quitting Her Majesty's dominions with the like intent he shall be guilty of an offence against this Act and shall be punishable by fine and imprisonment or either of such punishments at the discretion of the court before which the offender is convicted and imprisonment if awarded may be either with or without hard labour.

Penalty on
embarking
persons
under false
representa-
tions as to
service.

6. If any person induces any other person to quit Her Majesty's dominions or to embark on any ship within Her Majesty's dominions under a misrepresentation or false representation of the service in which such person is to be engaged with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state he shall be guilty of an offence against this Act and shall be punishable by fine and imprisonment or either of such punishments at the discretion of the court before which the offender is convicted; and imprisonment if awarded may be either with or without hard labour.

7. If the master or owner of any ship without the license of Her Majesty knowingly either takes on board or engages to take on board or has on board such ship within Her Majesty's dominions any of the following persons in this Act referred to as illegally enlisted persons: that is to say

Penalty on taking illegally enlisted persons on board ship.

**Ord.
No. 1
of
1906.**

(1) Any person who being a British subject within or without the dominions of Her Majesty has without the license of Her Majesty accepted or agreed to accept any commission or engagement in the military or naval service of any foreign state at war with any friendly state;

(2) Any person being a British subject who without the license of Her Majesty is about to quit Her Majesty's dominions with intent to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state;

(3) Any person who has been induced to embark under a misrepresentation or false representation of the service in which such person is to be engaged with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state;

Such master or owner shall be guilty of an offence against this Act and the following consequences shall ensue; that is to say

(1) The offender shall be punishable by fine and imprisonment or either of such punishments at the discretion of the court before which the offender is convicted; and imprisonment if awarded may be either with or without hard labour; and

(2) Such ship shall be detained until the trial and conviction or acquittal of the master or owner and until all penalties inflicted on the master or owner have been paid or the master or owner has given security for the payment of such penalties to the satisfaction of two justices of the peace or other magistrate or magistrates having the authority of two justices of the peace; and

(3) All illegally enlisted persons shall immediately on discovery of the offence be taken on shore and shall not be allowed to return to the ship.

Illegal Shipbuilding and Illegal Expeditions.

8. If any person within Her Majesty's dominions without the license of Her Majesty does any of the following acts; that is to say

Penalty on illegal ship-building and illegal expeditions.

(1) Builds or agrees to build or causes to be built any ship with intent or knowledge or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state; or

(2) Issues or delivers any commission for any ship with intent or knowledge or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state; or

**Ord.
No. 1
of
1906.**

(3) Equips any ship with intent or knowledge or having a reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state; or

(4) Despatches or causes or allows to be despatched any ship with intent or knowledge or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state:

Such person shall be deemed to have committed an offence against this Act and the following consequences shall ensue:

(1) The offender shall be punishable by fine and imprisonment or either of such punishments at the discretion of the court before which the offender is convicted; and imprisonment if awarded may be either with or without hard labour;

(2) The ship in respect of which any such offence is committed and her equipment shall be forfeited to Her Majesty:

Provided that a person building causing to be built or equipping a ship in any of the cases aforesaid in pursuance of a contract made before the commencement of such war as aforesaid shall not be liable to any of the penalties imposed by this section in respect of such building or equipping if he satisfies the conditions following; that is to say

(1) If forthwith upon a proclamation of neutrality being issued by Her Majesty he gives notice to the Secretary of State that he is so building causing to be built or equipping such ship and furnishes such particulars of the contract and of any matters relating to or done or to be done under the contract as may be required by the Secretary of State:

(2) If he gives such security and takes and permits to be taken such other measures if any as the Secretary of State may prescribe for ensuring that such ship shall not be despatched delivered or removed without the license of Her Majesty until the termination of such war as aforesaid.

Presumption
as to evi-
dence in case
of illegal
ship.

9. Where any ship is built by order of or on behalf of any foreign state when at war with a friendly state or is delivered to or to the order of such foreign state or any person who to the knowledge of the person building is an agent of such foreign state or is paid for by such foreign state or such agent and is employed in the military or naval service of such foreign state such ship shall until the contrary is proved be deemed to have been built with a view to being so employed and the burden shall lie on the builder of such ship of proving that he did not know that the ship was intended to be so employed in the military or naval service of such foreign state.

Penalty on
aiding the
warlike
equipment of
foreign ships

10. If any person within the dominions of Her Majesty and without the license of Her Majesty—

By adding to the number of the guns or by changing those on board for other guns or by the addition of any equipment for war increases or augments or procures to be increased or augmented or

is knowingly concerned in increasing or augmenting the warlike force of any ship which at the time of her being within the dominions of Her Majesty was a ship in the military or naval service of any foreign state at war with any friendly state—

Such person shall be guilty of an offence against this Act and shall be punishable by fine and imprisonment or either of such punishments at the discretion of the court before which the offender is convicted; and imprisonment if awarded may be either with or without hard labour.

11. If any person within the limits of Her Majesty's dominions and without the license of Her Majesty—

Prepares or fits out any naval or military expedition to proceed against the dominions of any friendly state the following consequences shall ensue:

(1) Every person engaged in such preparation or fitting out or assisting therein or employed in any capacity in such expedition shall be guilty of an offence against this Act and shall be punishable by fine and imprisonment or either of such punishments at the discretion of the court before which the offender is convicted; and imprisonment if awarded may be either with or without hard labour.

(2) All ships and their equipments and all arms and munitions of war used in or forming part of such expedition shall be forfeited to Her Majesty.

12. Any person who aids abets counsels or procures the commission of any offence against this Act shall be liable to be tried and punished as a principal offender.

13. The term of imprisonment to be awarded in respect of any offence against this Act shall not exceed two years.

Illegal Prize.

14. If during the continuance of any war in which Her Majesty may be neutral any ship goods or merchandise captured as prize of war within the territorial jurisdiction of Her Majesty in violation of the neutrality of this realm or captured by any ship which may have been built equipped commissioned or despatched or the force of which may have been augmented contrary to the provisions of this Act are brought within the limits of Her Majesty's dominions by the captor or any agent of the captor or by any person having come into possession thereof with knowledge that the same was prize of war so captured as aforesaid it shall be lawful for the original owner of such prize or his agent or for any person authorised in that behalf by the Government of the foreign state to which such owner belongs to make application to the Court of Admiralty for seizure and detention of such prize and the court shall on due proof of the facts order such prize to be restored.

Every such order shall be executed and carried into effect in the same manner and subject to the same right of appeal as in case of any order made in the exercise of the ordinary jurisdiction of such court; and in the meantime and until a final order has been made on such application the court shall have power to make

**Ord.
No. 1
of
1906.**

**Penalty on
fitting out
naval or mili-
tary expedi-
tions without
license.**

**Punishment
of acces-
sories.**

**Limitation of
term of im-
prisonment.**

**Illegal prize
brought into
British ports
restored.**

**Ord.
No. 1
of
1906.**

all such provisional and other orders as to the care or custody of such captured ship goods or merchandise and (if the same be of perishable nature or incurring risk of deterioration) for the sale thereof and with respect to the deposit or investment of the proceeds of any such sale as may be made by such court in the exercise of its ordinary jurisdiction.

General Provision.

License by Her Majesty: how granted. 15. For the purpose of this Act a license by Her Majesty shall be under the sign manual of Her Majesty or be signified by Order in Council or by proclamation of Her Majesty.

Legal Procedure.

Jurisdiction in respect of offences by persons against Act. 16. Any offence against this Act shall for all purposes of and incidental to the trial and punishment of any person guilty of any such offence be deemed to have been committed either in the place in which the offence was wholly or partly committed or in any place within Her Majesty's dominions in which the person who committed such offence may be.

Venue in respect of offences by persons. 17. Any offence against this Act may be described in any indictment or other document relating to such offence in cases where the mode of trial requires such a description as having been committed at the place where it was wholly or partly committed or it may be averred generally to have been committed within Her Majesty's dominions and the venue or local description in the margin may be that of the county city or place in which the trial is held.

Power to remove offenders for trial. 18. The following authorities that is to say in the United Kingdom any judge of a superior court in any other place within the jurisdiction of any British court of justice such court or if there are more courts than one the court having the highest criminal jurisdiction in that place may by warrant or instrument in the nature of a warrant in this section included in the term "warrant" direct that any offender charged with an offence against this Act shall be removed to some other place in Her Majesty's dominions for trial in cases where it appears to the authority granting the warrant that the removal of such offender would be conducive to the interests of justice and any prisoner so removed shall be triable at the place to which he is removed in the same manner as if his offence had been committed at such place.

Any warrant for the purposes of this section may be addressed to the master of any ship or to any other person or persons and the person or persons to whom such warrant is addressed shall have power to convey the prisoner therein named to any place or places named in such warrant and to deliver him when arrived at such place or places into the custody of any authority designated by such warrant.

Every prisoner shall during the time of his removal under any such warrant as aforesaid be deemed to be in the legal custody of the person or persons empowered to remove him.

19. All proceedings for the condemnation and forfeiture of a ship or ship and equipment or arms and munitions of war in pursuance of this Act shall require the sanction of the Secretary of State or such chief executive authority as is in this Act mentioned and shall be had in the Court of Admiralty and not in any other court; and the Court of Admiralty shall in addition to any power given to the court by this Act have in respect of any ship or other matter brought before it in pursuance of this Act all powers which it has in the case of a ship or matter brought before it in the exercise of its ordinary jurisdiction.

Jurisdiction in respect of forfeiture of ships for offences against Act.

**Ord.
No. 1
of
1906.**

20. Where any offence against this Act has been committed by any person by reason whereof a ship or ship and equipment or arms and munitions of war has or have become liable to forfeiture proceedings may be instituted contemporaneously or not as may be thought fit against the offender in any court having jurisdiction of the offence and against the ship or ship and equipment or arms and munitions of war for the forfeiture in the Court of Admiralty; but it shall not be necessary to take proceedings against the offender because proceedings are instituted for the forfeiture or to take proceedings for the forfeiture because proceedings are taken against the offender.

Regulations as to proceedings against the offender and against the ship.

21. The following officers that is to say

(1) Any officer of the customs in the United Kingdom subject nevertheless to any special or general instructions from the Commissioners of Customs or any officer of the Board of Trade subject nevertheless to any special or general instructions from the Board of Trade;

(2) Any officer of customs or public officer in any British possession subject nevertheless to any special or general instructions from the governor of such possession;

(3) Any commissioned officer on full pay in the military service of the Crown subject nevertheless to any special or general instructions from his commanding officer;

(4) Any commissioned officer on full pay in the naval service of the Crown subject nevertheless to any special or general instructions from the Admiralty or his superior officer;

Officers authorised to seize offending ships.

may seize or detain any ship liable to be seized or detained in pursuance of this Act and such officers are in this Act referred to as the "local authority"; but nothing in this Act contained shall derogate from the power of the Court of Admiralty to direct any ship to be seized or detained by any officer by whom such court may have power under its ordinary jurisdiction to direct a ship to be seized or detained.

22. Any officer authorised to seize or detain any ship in respect of any offence against this Act may for the purpose of enforcing such seizure or detention call to his aid any constable or officers of police or any officers of Her Majesty's army or navy or marines or any excise officers or officers of customs or any harbour-master or dock-master or any officers having authority by law to make seizures of ships and may put on board any ship so seized or detained any one

Powers of officers to seize ships.

**Ord.
No. 1
of
1906.**

or more of such officers to take charge of the same and to enforce the provisions of this Act and any officer seizing or detaining any ship under this Act may use force if necessary for the purpose of enforcing seizure or detention and if any person is killed or maimed by reason of his resisting such officer in the execution of his duties or any person acting under his orders such officer so seizing or detaining the ship or other person shall be freely and fully indemnified as well as against the Queen's Majesty her heirs and successors as against all persons so killed maimed or hurt.

**Special
power of
Secretary of
State or chief
executive
authority to
detain ship.**

23. If the Secretary of State or the chief executive authority is satisfied that there is a reasonable and proper cause for believing that a ship within Her Majesty's dominions has been or is being built commissioned or equipped contrary to this Act and is about to be taken beyond the limits of such dominions or that a ship is about to be despatched contrary to this Act such Secretary of State or chief executive authority shall have power to issue a warrant stating that there is reasonable and probable cause for believing as aforesaid and upon such warrant the local authority shall have power to seize and search such ship and to detain the same until it has been either condemned or released by process of law or in manner hereinafter mentioned.

The owner of the ship so detained or his agent may apply to the Court of Admiralty for its release and the court shall as soon as possible put the matter of such seizure and detention in course of trial between the applicant and the Crown.

If the applicant establish to the satisfaction of the court that the ship was not and is not being built commissioned or equipped or intended to be despatched contrary to this Act the ship shall be released and restored.

If the applicant fail to establish to the satisfaction of the court that the ship was not and is not being built commissioned or equipped or intended to be despatched contrary to this Act then the ship shall be detained till released by order of the Secretary of State or chief executive authority.

The court may in cases where no proceedings are pending for its condemnation release any ship detained under this section on the owner giving security to the satisfaction of the court that the ship shall not be employed contrary to this Act notwithstanding that the applicant may have failed to establish to the satisfaction of the court that the ship was not and is not being built commissioned or intended to be despatched contrary to this Act. The Secretary of State or the chief executive authority may likewise release any ship detained under this section on the owner giving security to the satisfaction of such Secretary of State or chief executive authority that the ship shall not be employed contrary to this Act or may release the ship without giving such security if the Secretary of State or the chief executive authority think fit so to release the same.

If the court be of opinion that there was not reasonable and probable cause for the detention and if no such cause appear in the course of the proceedings the court shall have power to declare that the owner is to be indemnified by the payment of costs and damages in respect of the detention the amount thereof to be assessed by the court and any amount so assessed shall be payable by the Commissioners of the Treasury out of any moneys legally applicable for that purpose. The Court of Admiralty shall also have power to make a like order for the indemnity of the owner on the application of such owner to the court in a summary way in cases where the ship is released by the order of the Secretary of State or the chief executive authority before any application is made by the owner or his agent to the court for such release.

**Ord.
No. 1
of
1906.**

Nothing in this section contained shall affect any proceedings instituted or to be instituted for the condemnation of any ship detained under this section where such ship is liable to forfeiture subject to this provision that if such ship is restored in pursuance of this section all proceedings for such condemnation shall be stayed; and where the court declares that the owner is to be indemnified by the payment of costs and damages for the detainer all costs charges and expenses incurred by such owner in or about any proceedings for the condemnation of such ship shall be added to the costs and damages payable to him in respect of the detention of the ship.

Nothing in this section contained shall apply to any foreign non-commissioned ship despatched from any part of Her Majesty's dominions after having come within them under stress of weather or in the course of a peaceful voyage and upon which ship no fitting out or equipping of a warlike character has taken place in this country.

24. Where it is represented to any local authority as defined by this Act and such local authority believes the representation that there is a reasonable and probable cause for believing that a ship within Her Majesty's dominions has been or is being built commissioned or equipped contrary to this Act and is about to be taken beyond the limits of such dominions or that a ship is about to be despatched contrary to this Act it shall be the duty of such local authority to detain such ship and forthwith to communicate the fact of such detention to the Secretary of State or chief executive authority.

**Special
power of
local authority to detain
ship.**

Upon the receipt of such communication the Secretary of State or chief executive authority may order the ship to be released if he thinks there is no cause for detaining her but if satisfied that there is reasonable and probable cause for believing that such ship was built commissioned or equipped or intended to be despatched in contravention of this Act he shall issue his warrant stating that there is reasonable and probable cause for believing as aforesaid and upon such warrant being issued further proceedings shall be had as in cases where the seizure or detention has taken place on a warrant issued by the Secretary of State without any communication from the local authority.

**Ord.
No. 1
of
1906.**

Where the Secretary of State or chief executive authority orders the ship to be released on the receipt of a communication from the local authority without issuing his warrant the owner of the ship shall be indemnified by the payment of costs and damages in respect of the detention upon application to the Court of Admiralty in a summary way in like manner as he is entitled to be indemnified where the Secretary of State having issued his warrant under this Act releases the ship before any application is made by the owner or his agent to the court for such release.

Power of Secretary of State or executive authority to grant search warrant.

25. The Secretary of State or the chief executive authority may by warrant empower any person to enter any dockyard or other place within His Majesty's dominions and enquire as to the destination of any ship which may appear to him to be intended to be employed in the naval and military service of any foreign state at war with a friendly state and to search such ship.

Exercise of powers of Secretary of State or chief executive authority.

26. Any powers of jurisdiction by this Act given to the Secretary of State may be exercised by him throughout the dominions of Her Majesty and such powers and jurisdiction may also be exercised by any of the following officers in this Act referred to as the chief executive authority within their respective jurisdictions; that is to say

- (1) In Ireland by the Lord-Lieutenant or other the chief governor or governors of Ireland for the time being or the chief secretary to the Lord-Lieutenant:
- (2) In Jersey by the Lieutenant-Governor:
- (3) In Guernsey Alderney and Sark and the dependent islands by the Lieutenant-Governor:
- (4) In the Isle of Man by the Lieutenant-Governor:
- (5) In any British possession by the Governor.

A copy of any warrant issued by a Secretary of State or by any officer authorised in pursuance of this Act to issue such warrant in Ireland the Channel Islands or the Isle of Man shall be laid before Parliament.

Appeal from Court of Admiralty.

27. An appeal may be had from any decision of a Court of Admiralty under this Act to the same tribunal and in the same manner to and in which an appeal may be had in cases within the ordinary jurisdiction of the court as a Court of Admiralty.

Indemnity officers.

28. Subject to the provisions of this Act providing for the award of damages in certain cases in respect of the seizure or detention of a ship by the Court of Admiralty no damages shall be payable and no officer or local authority shall be responsible either civilly or criminally in respect of the seizure or detention of any ship in pursuance of this Act.

Indemnity to Secretary of State or chief executive authority.

29. The Secretary of State shall not nor shall the chief executive authority be responsible in any action or other legal proceedings whatsoever for any warrant issued by him in pursuance of this Act or be examinable as a witness except at his own request in any court of justice in respect of the circumstances which led to the issue of the warrant.

Interpretation Clause.

30. In this Act if not inconsistent with the context the following terms have the meanings hereinafter respectively assigned to them; that is to say

Interpreta-
tion of terms.

**Ord.
No. 1
of
1906.**

- “Foreign state” includes any foreign prince colony province or part of any province or people or any person or persons exercising or assuming to exercise the powers of government in or over any foreign country colony province or part of any province or people: “Foreign state.”
- “Military service” shall include military telegraphy and any other employment whatever in or in connection with any military operation: “Military service.”
- “Naval service” shall as respects a person include service as a marine employment as a pilot in piloting or directing the course of a ship of war or other ship when such ship of war or other ship is being used in any military or naval operation and any employment whatever on board a ship of war transport store ship privateer or ship under letters of marque; and as respects a ship include any user of a ship as a transport store ship privateer or ship under letters of marque: “Naval service.”
- “United Kingdom” includes the Isle of Man the Channel Islands and other adjacent islands: “United Kingdom.”
- “British possession” means any territory colony or place being part of Her Majesty’s dominions and not part of the United Kingdom as defined by this Act: “British possession.”
- “The Secretary of State” shall mean any one of Her Majesty’s Principal Secretaries of State: “The Secretary of State.”
- “The Governor” shall as respects India mean the Governor-General or the Governor of any presidency and where a British possession consists of several constituent colonies and as respects any other British possession it shall mean the officer for the time being administering the government of such possession; also any person acting for or in the capacity of a governor shall be included under the term “Governor”:
- “Court of Admiralty” shall mean the High Court of Admiralty of England or Ireland the Court of Session of Scotland or any Vice-Admiralty Court within Her Majesty’s dominions: “Court of Admiralty.”
- “Ship” shall include any description of boat vessel floating battery or floating craft; also any description of boat vessel or other craft or battery made to move either on the surface of or under water or sometimes on the surface of and sometimes under water: “Ship.”
- “Building” in relation to a ship shall include the doing any act towards or incidental to the construction of a ship and all words having relation to building shall be construed accordingly: “Building.”

**Ord.
No. 1
of
1906.**

"Equipping."	"Equipping" in relation to a ship shall include the furnishing a ship with any tackle apparel furniture provisions arms munitions or stores or any other thing which is used in or about a ship for the purpose of fitting or adapting her for the sea or for naval service and all words relating to equipping shall be construed accordingly:
"Ship and equipment."	"Ship and equipment" shall include a ship and everything in or belonging to a ship.
"Master."	"Master" shall include any person having the charge or command of a ship.

Repeal of Acts and Saving Clauses.

Repeal of Foreign Enlistment Act. 31. From and after the commencement of this Act an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third chapter sixty-nine intituled "An Act to prevent the enlisting or engagement of His Majesty's subjects to serve in foreign service and the fitting out or equipping in His Majesty's dominions vessels for warlike purposes without His Majesty's license" shall be repealed: Provided that such repeal shall not affect any penalty forfeiture or other punishment incurred or to be incurred in respect of any offence committed before this Act comes into operation nor the institution of any investigation or legal proceeding or any other remedy for enforcing any such penalty forfeiture or punishment as aforesaid.

Saving as to commissioned foreign ships. 32. Nothing in this Act contained shall subject to forfeiture any commissioned ship of any foreign state or give to any British court over or in respect of any ship entitled to recognition as a commissioned ship of any foreign state any jurisdiction which it would not have had if this Act had not passed.

Penalties not to extend to persons entering into military service in Asia. 33. Nothing in this Act contained shall extend or be construed to extend to subject to any penalty any person who enters into the military service of any prince state or potentate in Asia with such leave or license as is for the time being required by law in the case of subjects of Her Majesty entering into the military service of princes states or potentates in Asia.

No. 2 OF 1906.]

[Promulgated 6th July, 1906.]

**Ord.
No. 2
of
1906.****AN ORDINANCE****To Make Provision for the Obtaining of the Evidence
of Persons residing in this Colony by Courts of
Law in neighbouring Colonies and Territories.**

(Assented to 4th July, 1906.)

WHEREAS the testimony of persons residing in this Colony is frequently required in the Courts of Law of neighbouring Colonies and Territories and it is necessary lest the ends of justice be defeated that provision should be made for compelling the attendance of such persons before the said Courts or for their examination in this Colony by means of interrogatories;

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

PART I.

1. The Laws mentioned in the Schedule hereto shall be and are hereby repealed but notwithstanding such repeal any tariff of witness expenses made for any Colony or Territory under any such Law shall continue in force in respect of the Colony or Territory mentioned in such Law until a tariff has been made under section *three* of this Ordinance in respect of such Colony or Territory.*

Repeal of
Laws.

2. Whenever a subpoena purporting to be issued by the proper officer of a competent Court in any Colony or Territory in South Africa to which this Part of this Ordinance applies has been transmitted by such officer to the Resident Magistrate of any district in which there resides or is a person whose attendance is required as a witness in such Court aforesaid it shall be the duty of such Resident Magistrate to endorse on the said subpoena his order that the same be served on the person named therein and the subpoena so endorsed shall thereupon be delivered to the messenger of the said Magistrate's Court or to such other person

Subpcena
issued by
Court of
Colony or
Territory in
South Africa
and trans-
mitted to a
Resident
Magistrate of
this Colony
for service in
his district
to be
endorsed by
such
Magistrate
and served by
messenger.

* For Tariff see Government Notice No. 1009 of 1906, *Gazette*, 5th Oct., 1906, p. 43.

**Ord.
No. 2
of
1906.**

as the said Resident Magistrate shall specially appoint for the purpose and it shall be the duty of such messenger or other person to serve such subpoena as soon as practicable on the person named therein; provided always that the necessary expenses of such service and the necessary expenses to be incurred by the person subpoenaed in going to and returning from the Court named in such subpoena and to be incurred during his detention at the place where his evidence is given shall have been transmitted to the said Resident Magistrate together with the said subpoena; and provided further that the portion of the expenses aforesaid assigned to the person named in the said subpoena shall have been paid to him by the officer serving the same.

Power to Lieutenant-Governor to make alter or rescind tariff of expenses.

3. The Lieutenant-Governor may from time to time make alter or rescind a tariff of such expenses as are mentioned in the last preceding section in respect of any Colony or Territory to which this part of this Ordinance applies.*

Penalty for non-attendance of person subpoenaed and how recoverable.

4. Any person who shall have been served with such subpoena as in section *two* is provided and shall not have attended at the time and place mentioned therein shall be liable to a penalty not exceeding one hundred pounds unless he shall offer a valid and lawful excuse for such non-attendance; and every such penalty shall be recoverable in the Court of Resident Magistrate in which he shall be residing at the instance of the Attorney-General.

How non-attendance of person to be subpoenaed proved.

5. The return of the person who under section *two* of this Ordinance is authorized to serve a subpoena showing that service has been duly made together with a certificate under the hand and seal of the presiding Judge or Magistrate of the Court from which the said subpoena was issued showing that the person so served did not attend when called upon and did not establish any valid and lawful excuse for his default shall be deemed sufficient proof of such person's non-attendance for the purpose of enforcing the penalty in the last preceding section mentioned.

* For Tariff see Government Notice No. 1009 of 1906, *Gazette*, 5th Oct., 1906, p. 43.

6. No person resident in any Colony or Territory to which this Part of this Ordinance applies who may be summoned as a witness before any Court of this Colony and whose attendance before such Court shall be enforced by any law of such Colony or Territory shall be liable while so attending to be arrested upon any civil or criminal process for any debt formerly due or for any offence formerly committed by him in this Colony.*

Privilege of freedom from arrest during attendance at Court of neighbouring Colony.

**Ord.
No. 2
of
1904.**

PART II.

7. If any civil cause or matter be pending in a Court of Resident Magistrate of any Colony or Territory in South Africa to which this part of this Ordinance applies and the Resident Magistrate of such Court shall certify that the evidence of a person resident or being in this Colony is required in such cause or matter and shall transmit such certificate to the Resident Magistrate of the district in which such person resides or is together with any interrogatories duly and lawfully framed which it is desired to put to such person it shall be the duty of such last-mentioned Magistrate upon receipt;

Examination by interrogatories of persons whose evidence is required in civil cases in Magistrates' Courts in neighbouring Colonies.

- (a) of such certificate and interrogatories;
- (b) of the expenses payable to such person for his appearance as herein provided;
- (c) of the amount payable in fees or stamps for the issue and service of the summons herein mentioned;

to summon such person to appear before him and upon such appearance to take the evidence of such person as if he were a witness in a civil case in the Court of such Magistrate and to put to such person the interrogatories aforesaid together with any other questions calculated to obtain full and true answers to such interrogatories and to take down or cause to be taken down the evidence so obtained and to transmit the same certified as correct to the Resident Magistrate in whose Court such civil cause or matter is pending.

**Ord.
No. 2
of
1906.**

It shall further be the duty of the Resident Magistrate who has obtained such evidence to transmit to the Resident Magistrate in whose Court the said cause or matter is pending a certificate showing the amount paid to the person aforesaid in respect of the expenses of appearance and the cost of the issue and service of any summons aforesaid.

Power to Lieutenant-Governor to frame tariff of expenses and fees for process.

8. The Lieutenant-Governor may from time to time make alter and rescind a tariff of expenses payable to persons summoned before a Resident Magistrate under the provisions of the last preceding section and of the fees and stamps payable in respect of the issue and service of any such summons.*

Penalty on person summoned for non-attendance.

9. Any person required to appear before a Resident Magistrate under the provisions of section *seven* shall be summoned in like manner and be liable to like penalties in the event of his non-attendance as if he had been summoned to give evidence under the Magistrates' Court Proclamation 1902 or any amendment thereof or any Regulations made thereunder.

Interrogatories lawfully taken in Colonies to which this Part of this Ordinance applies received as evidence in Magistrates' Courts in this Colony.

10. Whenever under any law in force in any Colony or Territory of South Africa to which this Part of this Ordinance applies the evidence of persons who reside or may be in such Colony or Territory has been taken by means of interrogatories for the purpose of using the same in any civil cause or matter pending in a Court of Resident Magistrate in this Colony such evidence if certified by the proper officer as having been taken in accordance with the law of such Colony or Territory shall (subject to all lawful objections) be received as evidence in such civil cause or matter.

GENERAL.

Taking effect of either Part of this Ordinance.

11. (1) Part I of this Ordinance shall take effect so far as concerns any Colony or Territory in South Africa as soon as the Lieutenant-Governor shall by Proclamation in the *Gazette* declare that such Colony or Territory has made due provision to compel the

* See Government Notice 1008 of 1906, *Gazette*, 5th October, 1906, p. 42, declaring that tariff shall be the same as the tariff in force in civil proceedings in Court of R.M. in this colony.

attendance of persons resident in such Colony or Territory as witnesses before the Courts of this Colony.*

**Ord.
No. 2
of
1906.**

(2) Part II of this Ordinance shall take effect so far as concerns any Colony or Territory in South Africa as soon as the Lieutenant-Governor shall by Proclamation in the *Gazette* declare that such Colony or Territory has made due provision for taking by interrogatories the evidence of persons resident in such Colony or Territory when such evidence is required in civil cases in Courts of this Colony. †

12. In this Ordinance the expressions "Resident Magistrate" and "Magistrate" shall include an Assistant Resident Magistrate and in the case of Territories in which the functions performed by Resident Magistrates and Assistant Resident Magistrates in this Colony are in such Territories performed by Resident Commissioners or Assistant Commissioners shall include a "Resident Commissioner" and "Assistant Commissioner." Interpretation of terms.

13. This Ordinance may be cited for all purposes as the Neighbouring Colonies Evidence Ordinance 1906. Title.

Schedule.

Law No. 2 of 1890.

Law No. 3 of 1892.

First Volksraad Resolution 11th May, 1894, Article 46.

Law No. 9 of 1895.

Law No. 10 of 1895.

* See Proclamation No. 57 (Administration) of 1906, *Gazette*, 6th July, 1906, p. 8, declaring Part I. of Ordinance to take effect so far as concerns Cape Colony, Orange River Colony and Bechuanaland Protectorate; Proclamation No. 85 (Administration) of 1906, *Gazette*, 28th September, 1906, p. 713, as concerns Basutoland; Proclamation No. 102 (Administration) of 1906, 8th November, 1906, p. 384, as concerns Natal. *Proc. 28 (Admin.) by as concerns Swaziland*

† See Proclamation No. 70 (Administration) of 1906, *Gazette*, 31st August, 1906, p. 488, declaring Part II. of Ordinance, to take effect so far as concerns Cape Colony, Natal, Orange River Colony, Southern Rhodesia and Bechuanaland Protectorate. *Proc. 28 (Admin.) by as concerns Swaziland.*

**Ord.
No. 3
of
1906.**

No. 3 of 1906.]

[Promulgated 13th July, 1906.

Repealed by Act 24/08. S.1.

AN ORDINANCE

**To impose a duty on the export of Angora Rams
and Ewes.**

(Assented to 9th July, 1906.)

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

Duty on
export of
Angora rams
or ewes.

1. Upon every Angora ram or ewe exported from this Colony after the date of the taking effect of this Ordinance there shall be payable save as herein provided to the officer appointed to receive the same a duty of one hundred pounds; provided always that no such duty shall be payable on the export of any such ram or ewe to any Colony or Territory in South Africa as soon as the Lieutenant-Governor shall by proclamation declare that such Colony or Territory has by statute provided for the imposition of a duty on the export of Angora rams and ewes not less than the amount imposed by this Ordinance.*

Penalties for
contraven-
tion of
Ordinance.

2. Every person who shall export from this Colony any Angora ram or ewe (save as in this Ordinance provided) without payment of the duty imposed thereby shall be liable on conviction in addition to the duty to a fine of not less than twenty-five pounds and not exceeding one hundred pounds for every such ram or ewe so exported and in default of payment to imprisonment with or without hard labour for a period of not less than one month and not exceeding six months unless such fine be sooner paid.

Special juris-
diction of
Magistrates
to impose
penalties.

3. Courts of Resident Magistrate shall have special jurisdiction to impose any of the penalties provided by this Ordinance for a contravention hereof.

* See Proclamation No. 104 (Administration) 1906, *Gazette*, 16th November, 1906, p. 448, declaring that Cape Colony has provided for imposition of such duty, and that therefore no such export duty is imposed in case of rams and ewes exported to Cape Colony.

~~4. It shall be lawful for the Lieutenant-Governor from time to time to make Regulations for carrying out the provisions of this Ordinance.~~

Power to make Regulations for carrying out Ordinance.

**Ord.
No. 4
of
1906.**

~~5. This Ordinance may be cited for all purposes as the Angora Export Duty Ordinance 1906.~~

Title.

No. 4 of 1906.]

*[Promulgated 29th June, 1906.

AN ORDINANCE

To amend the Customs Laws and Customs Tariff in certain respects and to allow the Distillation of Spirits from the produce of the Vine.

(Assented to 28th June, 1906.)

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

1. On and after the date of the taking effect of this Ordinance except as is hereinafter provided there shall be raised levied and collected and paid upon such goods wares and merchandise imported and brought into this Colony as are described and set forth in Classes I II III IV and VI of the Schedule hereunto annexed the duties therein set forth.

Amendment of existing Tariff.

2. The goods wares and merchandise described and set forth in Class V of the said Schedule shall be admitted into this Colony free of duty.

Free List.

3. The introduction of prison and penitentiary made goods into this Colony is prohibited.

Prohibition of introduction of prison made goods.

4. A rebate of Customs duties shall be granted on any goods and articles the growth produce or manufacture of the United Kingdom imported therefrom into this Colony for consumption therein to the extent following:—

Rebate of portion of the duties on British goods.

* But see §15, page 25, *post* as to dates of taking effect of Ordinance, and of certain parts of new tariff.

† See Government Notice No. 652 of 1906, *Gazette*, 29th June, 1906, p. 692, as to duties of importer *re* rebate of Customs duties.

**Ord.
No. 4
of
1906.**

(a) In the case of goods and articles charged with Customs Duty under Class I the amount shown in the column indicating such rebate:

(b) In the case of goods and articles charged under Classes II III IV and VI three per cent *ad valorem* on such goods and articles:

provided always that the manufactured goods and articles in respect of which such rebate as aforesaid shall be granted shall be *bonâ fide* the manufactures of the United Kingdom and that in the event of any question arising as to whether any goods or articles are entitled to any such rebate as aforesaid the decision of the Colonial Treasurer shall be final.

Similar rebate in respect of goods from British Colonies granting reciprocal treatment.

5. A rebate similar to that for which provision is made in the last preceding section shall be granted in like manner and under like provisions to goods and articles the growth produce or manufacture of any British Colony Protectorate or Possession granting equivalent reciprocal privileges to the Colonies and Territories parties to the Customs Union Convention; provided that no such rebate shall be granted in the case of any particular Colony Protectorate or Possession until on and after a date to be mutually agreed upon and publicly notified by the parties to the Convention.

Power of Lieutenant-Governor to suspend certain duties by Proclamation.

6. Under such Regulations as he may prescribe in that behalf the Lieutenant-Governor may in accordance with the provisions of the Customs Union Convention by Proclamation in the *Gazette*;*

(a) suspend the duty imposed on fresh chilled and frozen meat and on animals for slaughter; provided that on the re-imposition of such duties all stocks on hand shall be regarded as if in bond and liable to the duties then in force;

(b) ~~grant a rebate of the whole or part of the duty on methylated spirits or alcohol imported into or distilled in this Colony solely for manu-~~

* For Regulations see Proclamation No. 55 (Administration) 1906, *Gazette*, 29th June, 1906, p. 692; and Proclamation No. 82 (Administration), 1906, *Gazette*, 21st September, 1906, p. 637.

**Ord.
No. 4
of
1906.**

~~facturing or scientific purposes or for fuel or for export beyond the limits of this Colony or which may have been destroyed by fire or other inevitable accident and on soap or other substances imported for and exclusively used in connection with the industry of woolwashing;~~

(c) allow either by free importation or rebate an abatement of the duties on articles imported by and for the use of members of His Majesty's regular forces and on wines and spirits for the use of the Governor or the Lieutenant-Governor;

*ad. by Act
18. S. 1.*

~~(d) allow the importation free of duty into this Colony of any goods and articles excepting spirits the growth produce or manufacture of the Portuguese province of Mozambique or of British Central Africa; provided that the chief constituent parts of such goods are the products of the soil of the countries in question.~~

*para. (e) added
ch 6/08. S. 1.*

7. Whenever any goods upon which the duties have been paid in this Colony shall be removed to and for consumption in any other Colony or Territory within the Customs Union there shall be payable to the Government of such Colony or Territory in the Union ninety-five per cent of the Customs Union duties collected under this Ordinance on the said goods.

Payment of share of duties to other consuming Colonies in the Union.

*'section
added
6/08.*

~~8. For the purposes of estimating the amount of Customs Duty whenever levied on goods *ad valorem* and of the declaration and oaths which may be at any time required by any law or regulation in relation to the question of such duty the current value of such goods shall be taken to be the true current value in the open market for similar goods at the place of purchase bought in the ordinary manner from the manufacturer or supplier in normal quantities including the cost of packing and packages but not including agent's commission if it does not exceed five per cent;~~

Definition of value on which *ad valorem* duties are to be paid.

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provided that in no case shall ~~the true~~ current value as above ~~defined~~ be less than the cost of the goods to the importer at ~~the~~ place of purchase.

Spirits.

Amended by Act 6/1908, S. 3.

9. Notwithstanding anything to the contrary contained in this Ordinance or in the Liquor Licensing Ordinance 1902 or any amendment thereof it shall be lawful to distil spirits from the produce of the vine for sale upon payment of an excise duty of nine shillings per imperial proof gallon with an allowance for underproof down to seven shillings and sixpence per gallon and to admit similar spirits manufactured within the South African Customs Union at such rate of duty; provided that such spirits shall only be distilled disposed of removed or imported under Regulations* made by the Lieutenant-Governor as hereinafter mentioned; provided further that no such spirits distilled in this Colony shall be disposed of by the distiller except to persons licensed to deal in spirituous liquors; ~~and provided also that the provisions of this section both as regards the distillation of spirits within this Colony and the importation of spirits manufactured elsewhere within the South Africa Customs Union shall cease and determine after the expiry of any notice that may be given by the Governor in terms of Article XVI. subsection (d) of the Customs Union Convention. Such notice shall be published by Proclamation of the Lieutenant-Governor in the Gazette and upon the expiry of such notice the provisions of the Liquor Licensing Ordinance 1902 or any amendment thereof shall again apply in respect of any such distillation.~~

Form of
declaration.

10. The following form shall take the place of the declaration prescribed in section *seven* of the Customs Management Ordinance 1902.

I the undersigned.....
do hereby declare that the above is a true description and complete return of all the goods contained in the above-mentioned packages and that the values given of the

* For Regulations see Government Notice No. 652 of 1906, *Gazette*, 29th June, 1906, p. 692; Government Notice No. 653 of 1906, *Gazette*, 29th June, 1906, p. 696; and Government Notice No. 1161 of 1906, *Gazette*, 8th November, 1906, p. 391.

same are the true current value of same as defined by law including the cost of packing and packages at the place where the goods were purchased for importation into The Transvaal.

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The above declaration signed the.....
day of.....190... in the presence of

.....Collector.

I 1. Section *eleven* of the Customs Management Ordinance 1902 shall be and is hereby repealed and the following provision shall apply in lieu thereof:—

Form or label affixed to Post Office parcels to take the place of declaration under Section *ten* of this Ordinance.

For the purpose of entry for customs and collection of duty on goods imported into this Colony by parcels post any form or label affixed to the parcel under the Postal Regulations shall be deemed to be an entry made under the provisions of the Customs Management Ordinance 1902 and the statement of value entered on such form and signed by the sender shall take the place of the declaration to be made by the importer in section *ten* of this Ordinance for the purpose of ascertaining the value of the articles on importation into this Colony and all goods contained in any packets imported by Parcels Post and found not to agree with the value or description entered on the above-mentioned form or label shall be subject to forfeiture or the importer to the penalties prescribed for undervaluation or misdescription as if an entry and a declaration had been made.

I 2. Any entry writing oath affirmation or declaration required to be made by any law relating to the customs shall if made in any Colony or Territory in the South African Customs Union be binding and of full force and effect in any other portion of the Union and the same shall apply to any such entry writing oath affirmation or declaration made to or before an officer of this Colony in the Province of Mozambique.

Declarations made in any portion of Union in Province of Mozambique to be binding.

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No. 4
of
1906.**Power of
Lieutenant-
Governor
to make
Regulations.**13.** The Lieutenant-Governor may from time to time make alter and repeal Regulations for;*

- (a) the removal and conveyance to and across the borders of this Colony of goods referred to in this Ordinance;
- (b) the rebate or suspension of the duties referred to in sections *four five* and *six* of this Ordinance;
- (c) the payment to any other Colony or Territory of its share of the Customs Duties collected by the officers of this Colony;
- (d) the importation of spirits the produce of the vine;†
- (e) the distillation in this Colony of such spirits the licensing and control of distilleries the fees payable in respect of licenses for distilling (not exceeding one pound per annum for each still) the disposal and removal of such spirits and the mode of assessment and payment of the excise duty;§
- (f) prescribing the functions and duties of all officers employed in the carrying out of this Ordinance and generally for the due and proper administration thereof.

Penalties.

14. Any person who;

- (a) shall produce any false invoice;
- (b) make any false representation in regard to the country in which any goods were grown produced or manufactured or in any other respect; or
- (c) shall contravene any Regulation made under this Ordinance;

* For Regulations (to take effect from 1st July, 1906) see Government Notice No. 652 of 1906, *Gazette*, 29th June, 1906, p. 692.

† For Regulations (to take effect from 1st November, 1906) see Government Notice No. 1161 of 1906, *Gazette*, 8th November, 1906, p. 391.

§ For Regulations (to take effect from 1st July, 1906) see Government Notice No. 653 of 1906, *Gazette*, 29th June, 1906, p. 696.

shall be liable to a fine not exceeding three hundred pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding twelve months or to both such fine and imprisonment; and all goods and spirits in respect of which any such false invoice shall be produced or false representation made all goods imported or removed all spirits imported removed distilled or disposed of in contravention of any such Regulation all vehicles and animals made use of in the importation or removal of such goods or spirits and all stills or utensils used in the distillation of such spirits shall be forfeited.

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15. This Ordinance may be cited for all purposes as the Customs Amendment Ordinance 1906; and shall come into operation from the first day of July 1906 and the Customs Union and Tariff Amendment Ordinance 1903 and so much of any other law as may be repugnant to or inconsistent with the provisions of this Ordinance shall be and are hereby repealed; provided that—

Title and date of taking effect.

(1) the tariff in respect of any articles the duties on which shall have been increased by this Ordinance shall take effect from one o'clock p.m. on the twenty-fifth day of May 1906 and shall be subject to the provisions of sections *four* and *five* of this Ordinance; except in respect of the duties on second-hand clothing for sale (as mentioned in item No. 11) match-splints (mentioned in item No. 25) and skimmed or separated milk (mentioned in item No. 27) which shall take effect on the first day of July 1906;

(2) the tariff in respect of duties on galvanised and corrugated iron sheets wood

(a) unmanufactured

(b) ceiling and flooring boards planed tongued and grooved

shall take effect on the first day of September 1906.

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Schedule.

*Amended by Act 6/08
by substitution of certain
items.*

CUSTOMS UNION TARIFF.

Class I.—SPECIAL RATES.

	DUTY.			Rebate upon Goods the growth, pro- duce or manufacture of the Unit- ed Kingdom and recipro- cating Brit- ish Colonies.		
	£	s.	d.	£	s.	d.
1. Acetic Acid, per Imperial gallon	0	3	3	0	0	3
2. Ale, Beer, and Cider; all kinds of strength exceeding 3 per cent. of proof spirit, per Imperial gallon	0	2	0	0	0	1½
3. Animals:—						
(a) Cattle for slaughter, each	1	10	0			
(b) Sheep for slaughter, each	0	5	0			
(c) Mules and Geldings, each	1	0	0			
4. Beads, known as "Kaffir Beads," per lb.	0	0	6¼	0	0	0¼
5. Blasting Compounds, including all kinds of explosives suitable and intended for blasting, and not suitable for use in fire-arms; and collodion cotton not intended for manufacturing purposes, per lb.	0	0	2½	0	0	0½
6. Butter, butterine, margarine, ghee, and other substitutes for butter, per lb.	0	0	2¼	0	0	0¼
7. Candles, per 100 lbs.	0	5	0	0	0	10
8. Cards, playing, per pack (and in addition 15 per cent. <i>ad valorem</i>)	0	0	6			
9. Cement per 400 lbs	0	1	3	3 % <i>ad val.</i> 0	0	3
10. Chicory and substitutes for Coffee or Chicory, including Chicory Root, per lb.	0	0	2			
11. Clothing, second hand, for sale, per coat, vest, or trousers, each	0	2	0			
12. Coal and Patent Fuel, per ton of 2,000 lbs.	0	3	0			
13. Coke, per ton of 2,000 lbs.	0	1	0			
14. Cocoa:—						
(a) Raw, per lb.	0	0	1			
(b) Ground or manufactured, un- sweetened, per lb.	0	0	2	0	0	0½
(c) Cocoa and milk, chocolate and milk, coffee and milk, per lb.	0	0	2	0	0	0½
(d) Cocoa butter and cocoa paste, per lb.	0	0	2	0	0	0½
15. Coffee:—						
(a) Raw, per lb.	0	0	0¾			
(b) Roasted, ground, or mixed, per lb. . .	0	0	2			

	DUTY.			Rebate upon Goods the growth, pro- duce or manufacture of the Unit- ed Kingdom and recipi- tating Brit- ish Colonies.		
	£	s.	d.	£	s.	d.
16. Confectionery, including sweetened cocoa or chocolate, honey, jams, jellies, pudding and jelly powders, preserves, sweetmeats, candied or preserved ginger or chow-chow, and all other kinds compounded, made, or preserved with sugar, but not including purely medicinal preparations properly classed as apothecaryware, per lb.	0	0	2½	0	0	0¼
17. Corn and Grain:—						
(a) Wheat:—						
(1) In the grain, per 100 lbs.	0	1	2	0	0	2
(2) Ground or otherwise prepared, per 100 lbs.	0	2	6	0	0	3
(3) Bran, wheaten, per 100 lbs.	0	1	2	0	0	2
(b) Barley, buckwheat, Kaffir corn, maize, millet, oats, rye, beans and peas:—						
(1) In the grain, raw, or malted, per 100 lbs.	0	2	0	0	0	2
(2) Ground or otherwise prepared, including samp, per 100 lbs.	0	2	9	0	0	3
(c) Rice, per 100 lbs.	0	1	0			
Not including patent, proprietary, or other specially prepared foods for invalids or infants, or corn and grain prepared as vegetables.						
18. Dates, per lb.	0	0	0½			
19. Fish, not being of South African taking, per lb.	0	0	1¼	0	0	0¼
20. Fodder:—						
Chaff, hay, lucerne, oathay, oil-cake, and other fodder not otherwise described, per 100 lbs.	0	2	0	0	0	2
21. Fruits:—						
(a) Preserved, of all kinds, bottled, tinned or otherwise preserved, including pulp and candied peel, per lb.	0	0	2¼	0	0	0¼
(b) Dried, of all kinds, including almonds and nuts, per lb.	0	0	2¼	0	0	0¼
22. Gunpowder and other explosives suitable for use in firearms, per lb. (and in addition 15 per cent. <i>ad valorem</i>)	0	0	6			
23. Guns and Gun-barrels, fire-arms:—						
(a) Single, per barrel.	1	0	0			
(b) Double and other, per barrel. (and in either case in addition 15 per cent. <i>ad valorem</i>)	0	15	0			
24. Lard, including compound lard, cottolene, nuttose, and other similar substances for use as food, per lb.	0	0	1¼			

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Ord. No. 4 of 1906.	DUTY.		Rebate upon Goods the growth, pro- duce or manufacture of the Unit- ed Kingdom and recip- rocat- ing British Colonies. £ s. d.
	£	s.		d.
25. Matches:—			
(a) Wooden; in boxes or packages of not more than 100 matches, per gross of boxes or packages.....	0	2	0
In boxes containing more than 100, but not more than 200 matches, per gross of boxes or packages.....	0	4	0
And for every 100 additional matches, in boxes or packages, per gross of 100 matches.....	0	2	0
(b) Fuseses, vestas, or wax matches, or other patent lights used as such: in boxes or packages containing not more than 50, per gross of boxes or packages...	0	2	0
In boxes or packages of more than 50, but not more than 100, per gross of boxes or packages.....	0	4	0
And for every 50 additional in boxes or packages, per gross of 50 matches...	0	2	0
Match splints to be classed, and pay duty, as matches.			
26. Meats, fats, soups, and other similar substances used as food, but not including extracts and essences or tallow, per lb....	0	0	0 0 0½
27. Milk, condensed, desiccated, or preserved milk or cream:—			
(a) Full cream, per 100 lbs.	0	5	0 1 0
(b) skimmed or separated, per lb. ..	0	0	6
28. Oils, mineral: illuminating and burning, per Imperial gallon.....	0	0	1
29. Onions and Garlic, not preserved, per lb...	0	0	0½
30. Pickles, sauces, chillies, chutneys, and other condiments, per lb.	0	0	0 0 0½
31. Pills, imported in packages not for direct sale retail to the public, per lb.	1	0	0
32. Pistols and Revolvers, each (and in addition 15 per cent. <i>ad valorem</i>)	0	5	3 % <i>ad val.</i>
33. Potatoes, not preserved, per 100 lbs.	0	2	0 0 2
34. Soap, soap powders, and extracts, per 100 lbs..... (or 25% <i>ad valorem</i> , whichever shall be the greater)	0	4	0 0 7 (or 3% <i>ad val.</i> as the case may be)
35. Spices and Turmeric, per lb.	0	0	0 0 0½

	DUTY.			Rebate upon Goods the growth, produce or manufacture of the United Kingdom and reciprocating British Colonies, £ s. d.	Ord. No. 4 of 1906.
	£	s.	d.		
36. Spirits :—					
(a) Perfumed, per Imperial gallon	1	2	6		
(b) Liqueurs, cordials, and mixed spirits, exceeding 3 per cent. of proof spirit, per Imperial gallon	1	0	0		
(c) Other sorts, exceeding 3 per cent. of proof spirit, per Imperial proof gallon	0	19	0		
Note.—No allowance will be made for underproof in excess of 15 per cent.					
Note.—Medicinal and toilet preparations and essences (liquid) and syrups and tinctures containing over 3 per cent. of proof spirit to be classed as spirits under item (b).					
37. Sugar :—					
(a) Candy, loaf, castor, icing, and cube, per 100 lbs.	0	5	0		
(b) Other kinds, including golden and maple syrup, molasses, saccharum, and treacle, per 100 lbs.	0	3	6		
(c) Saccharine and other sweetening substances in a concentrated form, per lb.	1	0	0		
Note.—In the case of sugar upon which bounties are granted in the country of origin, an additional duty equal to the amount of such bounty is to be levied.					
38. Tea, per lb.	0	0	4		
39. Tobacco :—					
(a) Cigars and cigarillos, per lb. (and in addition 15 per cent. <i>ad valorem</i>)	0	6	0		
(b) Goorak, or gooracco, and hookah mixture, and all imitations or substitutes therefor or for tobacco, per lb.	0	6	0		
(c) Snuff, per lb.	0	4	0		
(d) Cigarettes, per lb. (and in addition 15 per cent. <i>ad valorem</i>)	0	4	6		
(e) Manufactured, per lb.	0	4	0		
(f) Unmanufactured, per lb.	0	3	0		
40. Vinegar :—					
(a) Of standard strength, fit for immediate use as such (<i>i.e.</i> , requiring no more than 40 grains of bi-carbonate of potash to neutralise 1 oz. troy):					
(1) In bottles or other vessels of the capacity of not more than one Imperial quart, per Imperial gallon	0	1	1	0	0
				1	

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	DUTY.			Rebate upon Goods the growth, pro- duce or manufacture of the United Kingdom and reciprocating British Colonies.		
	£	s.	d.	£	s.	d.
(2) In larger vessels or in bulk, per Imperial gallon	0	0	7	0	0	1
(b) Concentrated extract or essence of greater strength than above, per Im- perial gallon	0	3	3	0	0	3
41. Wine:—						
(a) Still wines, not exceeding 20 per cent. of proof spirit, per Imperial gallon. . .	0	4	0			
(b) Still wines, exceeding 20 per cent. but not exceeding 50 per cent. of proof spirit, per Imperial gallon	0	8	0			
(c) Sparkling wines, per Imperial gallon.. (and in addition 15 per cent. <i>ad valorem</i> on all the above classes of wine)	0	12	6			
<p>Note.—Wines containing less than 3 per cent. of proof spirit are not included in the above, and wines containing more than 50 per cent. of proof spirit are classed as spirits.</p> <p>General Note.—24 reputed half-pints, 12 reputed pints, 6 reputed quarts, and 4 reputed Imperial quarts to be deemed to be not less than 1 gallon.</p> <p>Tins, jars, or other receptacles of reputed weight to be deemed to be not less than such weight.</p> <p>Reputed 12 oz., 14 oz., and 16 oz. packets of candles to be deemed to be of those weights respectively.</p> <p>Cement in packages of not less than 350 lbs., and not more than 400 lbs., to be deemed to be 400 lbs.</p> <p>Packages of flour or wheaten meal containing not less than 90 lbs., and not more than 100 lbs. to be deemed to be 100 lbs.</p> <p>Oils, mineral, illuminating, and burning, in ordinary reputed two 5 American gallon or ten 1 American gallon tins to be deemed to be not less than 8½ Imperial gallons, and two 4 reputed Imperial gallon tins to be deemed to be not less than 8 Imperial gallons.</p> <p>“Proof” means the strength of proof as ascertained by Sykes’ hydrometer.</p>						

Class II.—MIXED RATES.

	£	s.	d.
42. Boots and Shoes, per £100	15	0	0
With a minimum per pair of—			
Men's	0	0	9
Women's	0	0	6
Children's	0	0	3
43. Printed matter :—			
(a) Advertising, including catalogues, price lists, almanacs, calendars, labels, posters, and show cards, per £100..	25	0	0
Or 2d. per lb., whichever shall be the greater.			
(b) Account and cheque books, printed stationery and forms, company reports, scrip, share certificates and promissory notes, cards (Christinas, New Year, birthday, post, and pictorial), directories, guide books and hand-books relating to South Africa, and boxes, cardboard, and bags, paper, printed upon, per £100	25	0	0
44. Vehicles :—			
(a) Carriages, carts, coaches, and wagons, and finished parts thereof not elsewhere enumerated, per £100	25	0	0
(b) Second-hand carriages, carts, coaches, and wagons, per vehicle	10	0	0
And in addition 15 per cent <i>ad valorem</i> , but in no case shall the duty be less than 25 per cent <i>ad valorem</i> .			
(Note.—Not including motor cars or cycles.)			
3 per cent <i>ad valorem</i> will be rebated under Section <i>four</i> of this Ordinance.			

Class III.—25 PER CENT ad valorem.

45. Beverages :—
- (a) Waters: aerated, mineral and table.
 - (b) Fruit juices, cordials and syrups, not elsewhere enumerated.
 - (c) All other kinds not exceeding 3 per cent of proof spirit.
46. Biscuits, cakes, puddings and pastry.
47. Blankets and sheets, or rugs, cotton or woollen, or manufactures of cotton and wool commonly used as cotton or woollen blankets or rugs, and cotton quilts, the single article in pairs or in the piece; and coats, jackets or other apparel made of blanketing or baize not elsewhere enumerated.
48. Bon-bons, surprise packets and crackers, and fancy confectionery.
49. Bricks, except bath.
50. Extracts and essences of all kinds for foods, flavouring or perfumery; not elsewhere enumerated, including concentrated soup.
51. Fire-works of all descriptions.
52. Harness and saddlery, not including riding saddles.
53. Medicinal preparations, not elsewhere enumerated, other than pills imported in packages not for direct sale retail to the public, when prepared by any secret or occult art and recommended to the public under any general name or title as specifics for any diseases or affections whatsoever affecting the human or animal bodies.
54. Oils, essential or perfumed, including eucalyptus.
55. Perfumery, cosmetics, dyes, powders and other preparations for toilet use, not elsewhere enumerated.
56. Shawls and shawling, and loin cloths, whether in the piece or not.
- Note.—3 per cent *ad valorem* will be rebated under Section *four* of this Ordinance.

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Class IV.—3 PER CENT ad valorem.

57. Ambulance materials, imported by recognised associations, corps, or hospitals, lawfully established for instruction or drill in first aid to the wounded.
58. Ammonium: anhydrous, carbonate, chloride (sal-ammoniac) and nitrate: in bulk.
59. Asbestos packing and boiler compositions.
60. Assay apparatus and assay mabor.
61. Bands and belting of all kinds for driving machinery, boiler tubes, bolting cloth and mill silk.
62. Barytes and pumice: in bulk.
63. Battery cloth and baize, gauze, matting, sieving and screening, for use in connection with machinery and apparatus, including brattice cloth, but not including cocoanut matting.
64. Bolts, nuts, rivets, screws, nails and washers, and brass and iron tips and caps for boots and shoes.
65. Bookbinders' requisites, consisting of boards, cloths, leather, marble paper, skin, thread, tape, vellum, webbing, wire, gold and silver leaf, parchment, imitation leather, binders' paper, and cardboard and linen board.
66. Bottles and jars of common glass or earthenware, and bottles ordinarily used for aerated waters: empty.
67. Brass and copper, and composition metal: in bars, ingots, plates and sheets; plain including perforated, but otherwise unmanufactured.
68. Calcium; carbonate, caustic, chloride, chlorate, bi-sulphite: in bulk.
69. Carbonic acid gas.
70. Cement, liquid, for tube mills.
71. Chains for hauling.
72. Chimneys: metal (smoke stacks).
73. Collodion cotton and glycerine and kieselguhr: in bulk for manufacturing purposes.
74. Confectioners' requisites, namely, glucose, moulding starch, gelatine, and unsweetened desiccated cocoanut: in bulk.
75. Corks and bungs, and cork wood unmanufactured.
76. Cranes, elevators and shears.
77. Crucibles, cupels, cupelling furnaces, graphite, ingot moulds, retorts and furnaces for roasting minerals.
78. Cyanide of potassium and of sodium; sulpho cyanide of potassium, sodium and calcium.
79. Disinfectants: in bulk, provided they are of a standard approved by the various Governments of the Union.
80. Emery: in bulk, emery cloth and paper, emery wheels.
81. Felt, rubberoid, uralite, and similar substances for building purposes.
82. Fire Clay and Terra Alba.
83. Fire escapes and fire extinguishing appliances and apparatus.
84. Fruits, fresh or green, including cocoanuts.
85. Glue: in bulk.
86. Gypsum (sulphate of lime or plaster of paris): in bulk.
87. Hair-cloth and springs for furniture.
88. Hops.
89. Hose: conveying.
90. Hubs, rims, spokes, felloes, shafts, tent bows and poles, cut or fashioned not finished, except when for waggons and carts commonly used for the conveyance of goods.
91. India rubber, unmanufactured.
92. Iron and steel:
 - (a) Rough and rolled but otherwise unmanufactured.
 - (b) Plain, perforated, galvanised and corrugated sheets.
 - (c) Angle, bar, channel, hoop, rod, plate, H, T, and similar iron or steel, not perforated or put together or worked up in any way for structural or other purposes: not elsewhere enumerated.
93. Jacks, screw and hydraulic.

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94. Launches, tugs and lighters; provided that when condemned or landed to be broken up duty shall be paid at the Customs on the hull and all fittings, according to the tariff that may then be in force.
95. Lead: bar, pipe, sheet, foil, and acetate of.
96. Leather: patent, enamelled, roan and morocco, and pig skin in the piece, and valve hide.
97. Lifts: power, including the gates.
98. Machinery:—
 - (a) Machinery, apparatus, appliances and implements (not including material, vehicles, mechanics' tools, domestic machines or harness) for agricultural, manufacturing, mining, book-binding, printing, and other industrial purposes.
 - (b) Machinery, apparatus, appliances, implements and electrical material used in connection therewith, for the generation, storage, transmission, distribution of, and lighting by, gas or electric power, but not including electroliers, hand lamps or fancy fittings.
99. Magnesium sulphate: in bulk.
100. Metal of all sorts in bars, blocks, ingots, and pigs for founding, not elsewhere described.
101. Metal shaft sets and rails, buckets, skips, trucks and tubs, wheeled or otherwise, for hauling on rails or wires.
102. Packing and lagging for engines, machinery, piping and buildings.
103. Paper: all plain paper in its original mill ream, wrapper or reels, not less in size than 16 inches by 15 inches, not including feint or ruled papers or bottling, brown, cartridge, drawing, manifold, packing, or tissue papers.
104. Pipes, piping and tubes of all kinds for gas, steam, drainage, sewerage, irrigation, water supply or punping, including cocks, meters and taps, but not including grids, manhole covers and fittings, surface boxes, down-piping and guttering.
105. Potassium and sodium: carbonate, bi-carbonate, caustic and silicate, chlorate, chloride, bichromate, permanganate, red and yellow prussiate of: in bulk.
106. Presses: wool, hay, straw and forage.
107. Printing, lithographic and ruling inks, roller composition and stamping colours and printers' bronze.
108. Railway construction or equipment requisites, as follows:—

Rails, sleepers, fastenings for rails or sleepers, girders, iron bridge-work, culvert tops, locomotives, tenders, ballast trucks, goods wagons, carriages, trolleys, engine water-tanks, turn tables, permanent or fixed signals, weigh-bridges and railway lamps.
109. Resin: in bulk.
110. Saddle-trees.
111. School furniture and requisites: being all articles certified by the Superintendent-General of Education, or any official appointed for that purpose in any Colony or Territory in the Union to be for use in any school.
112. Sheep-dip, sheep-dipping powders, materials suitable only for dip and dipping tanks.
113. Slates for roofing.
114. Sprayers and sprinklers and other apparatus for destroying pests or diseases in stock, plants or trees.
115. Springs, axles, steps and other metal parts not ordinarily made in the Union, for carts, carriages, coaches and wagons.
116. Staves, not worked further than roughly fashioned.
117. Substances for destroying pests or diseases in stock, plants or trees, sulphate of copper, arsenic and arsenious acid, arseniate of soda: in bulk.
118. Tanks and vats, suitable and intended for mining purposes, and sub-structures for the same.
119. Telegraphs and telephones: materials and instruments for use in construction and working of telegraph and telephone lines.
120. Thread: boot and shoe makers', saddlers' and sailmakers', and seaming twine and binding twine and harvest yarn.

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121. Tin and zinc: bar, plate or sheet: plain or perforated, but otherwise unmanufactured.
122. Traction engines, power lorries and trailers for the same, stone crushers, steam rollers and street sweeping machines.
123. Tramway construction and equipment requisites as follows:—
Rails, sleepers, fastenings for rails or sleepers, iron gates, girders, iron bridge-work, culvert tops, cars, trolleys, water-tanks, and turn tables.
124. Vegetables, fresh or green, but not including garlic, potatoes, or onions.
125. Water-boring and pumping apparatus, and pumps, not including beer pumps.
126. Wire and wire-netting for fencing: droppers, gates, hurdles, posts, standards, strainers, staples, stiles, winders, and other materials or fastenings of metal ordinarily used for agricultural or railway fencing; and baling wire.
127. Wire for making mattresses.
128. Wire rope.
129. Wood:—
(a) Unmanufactured.
(b) Ceiling and flooring boards: planed, tongued and grooved.

NOTE.—The whole of the duties upon this class will be rebated under Section *four* of this Ordinance.

Class V.—FREE.

130. All raw produce of South Africa, and animals bred in South Africa imported into the Union overland.
131. All animals bred and articles grown, produced or manufactured within the Union, except:—
Spirits, beer, or blasting compounds, distilled or manufactured within the Union, in case of the imposition of a duty or the prohibition of manufacture for sale.
132. Animals living, not elsewhere enumerated.
133. Appointments and uniforms for the military, naval, volunteer or other (Imperial or Colonial) forces of His Majesty.
134. Atlases, charts, globes and maps.
135. Bags (not including paper bags) for flour, grain, manure, local manufactures, produce, sugar, wool, coal and minerals, and bagging and sacking in the piece.
136. Band instruments and stands, the *bonâ fide* property of any military, naval or volunteer corps, and not the property of individuals.
137. Bones, feathers, grass, ivory, hair, hoofs, horns, moss, shells, skins, teeth, wool and other parts of animals, birds, fishes or reptiles, not being manufactured, polished, or further prepared than dried or cleaned, but in their raw and unmanufactured state.
138. Books and music, printed, including newspapers and periodicals, not being foreign unauthorized prints of any British or South African copyright work, the importation of which is prohibited, not being advertising matter elsewhere enumerated.
139. Borax, bromine, litharge, manganese dioxide and quicksilver: in bulk.
140. Bottles and jars of common glass or earthenware, imported full of any article liable to a rated duty only.
141. Bullion (in the bar or sheet), coin, specie, bank notes and other paper currency.
142. Carriages, carts, wagons and other wheeled vehicles, the manufacture of South Africa, imported into the Union overland.
143. Church decorations, altars, bells, fonts, lecterns, pulpits, organs, plate or vestments, and illuminated windows, imported by or for presentation to any religious body.
144. Coir, candle wick, cotton, flax, fibre, flock, hemp and jute: raw, waste or unmanufactured.
145. Consular uniforms and appointments, and printed official consular stationery.

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of
1906.**

146. Cork dust, paper shavings, sawdust, husks and other waste substances, intended and suitable for use only as packing material.
147. Cups, medals and other trophies imported for presentation as prizes at examinations, exhibitions, shows or other public competitions, for excellence in art, bravery, good conduct, humanity, industry, invention, manufactures, learning, science, skill or sport, or for honourable or meritorious public services, or rifle shooting by Imperial or Colonial forces or recognised rifle associations, not being for the purpose of advertisement: provided that such articles shall on importation or delivery free from the Customs bear engraved or otherwise indelibly marked on them the occasion or purpose for which presented.
148. Diagrams, designs, drawings, models and plans.
149. Diamonds and other gems, or precious stones, in their rough state.
150. Dye nuts, gambier, myrobalans, sumach, valonia, and dye-stuffs for leather; and alum.
151. Engravings, lithographs and photographs, not including enlargements or reproductions of photographs, and not being labels or advertisements elsewhere enumerated.
152. Fish fry and ova.
153. Fish: fresh, dried, cured, or salted of South African taking and raw oil from fish of South African taking.
154. Guano and other substances, animal, mineral or vegetable, artificial or natural, suitable for use as fertilisers or manures.
155. Ice.
156. Life boats, belts and buoys, and other life-saving apparatus imported by any recognised Society.
157. Marble in the rough or sawn.
158. Nitrates except nitrate of ammonium, for manufacturing purposes or for fertilisers: in bulk.
159. Oils: palm, palm kernel, cotton seed: in bulk.
160. Paintings, pictures, picture books and etchings, not being advertisements or labels elsewhere enumerated.
161. Platinum, chloride of.
162. Public Stores, imported or taken out of Bond by, and *bonâ fide* for the sole and exclusive use of, the Government of His Britannic Majesty, and of any Government belonging to the Union; provided that a certificate be delivered to the Customs authorities given under the hand of an officer approved by the Principal Officer of Customs, setting forth that any duty levied on such public stores would be borne directly by the Government; and provided further that no portion of such stores used or unused shall be sold or otherwise disposed of so as to come into the possession of or into consumption by any persons not legally entitled to import the same free of duty, without the consent of the Principal Officer of Customs and the payment of the duties to him by the officer so selling or disposing of such public stores at the rate leviable at the date of sale.
163. Rattans, cane and bamboo: unmanufactured.
164. Sculpture, being original works of art.
165. Seeds, bulbs, plants and tubers, for planting or sowing only, not including edible kinds or fodder.
166. Specimens illustrative of natural history and exhibits for public museums or scientific purposes, and antiquities for the same purposes.
167. Stone linings and pebbles for tube mills.
168. Sulphur: in bulk.
169. Sulphurous Anhydride.
170. Tallow.
171. Tobacco, the produce of South Africa, imported into the Union overland.
172. Vaccine, virus, toxin and serum.
173. Wax: viz.:—paraffin and stearine, and stearine grease, ordinarily used in the manufacture of candles or explosives.
174. Wood meal and wood pulp.

**Ord.
No. 4
of
1906.**

Class VI.—GENERAL ad valorem RATE 15 PER CENT.

175. All goods, wares, and merchandise not elsewhere charged with duty, and not enumerated in the Free List, and not prohibited to be imported into the Union, shall be charged with a duty of 15 % *ad valorem*.

NOTE:—3 % *ad valorem* will be rebated under Section four of this Ordinance.

**Ord.
No. 5
of
1906.**

No. 5 of 1906.]

*[Promulgated 20th July, 1906.

AN ORDINANCE

To Amend the Fish Preservation Ordinance 1904.

(Assented to 14th July, 1906.)

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

Repeal of Law. **1.** The Fish Preservation Ordinance 1904 shall be and is hereby repealed.

Period of close season for fish and protection of trout etc. for such period. **2.** The Lieutenant-Governor may from time to time by Proclamation in the *Gazette*;

†(a) prescribe fix and alter for any district or portion of a district of this Colony the periods of close season within which it shall not be lawful to fish for capture or destroy all or any particular fish;

(b) prescribe a list of fish being native fish which shall not be subject to any such periods of close season;

‡(c) prohibit for a specified period the fishing for capture or destruction in any river stream lake dam pool or other waters of any trout or of any other fish which have been or shall be introduced into this Colony.

* See Section 9 for date of coming into operation of Ordinance.

† See Proclamation 73 (Administration) of 1906, *Gazette*, 7th September, p. 537, declaring close season for trout to be from 1st May, to 30th September, for all districts.

‡ See Proclamation 71 (Administration) of 1906, *Gazette*, 31st August, 1906, p. 488, declaring that trout shall not be fished for in any water, except Mooi River, from 1st October, 1906, to 30th April, 1907.

See now Pro. 17 (Admin.) of prohibiting fishing for trout in any water

3. Any person who shall at any time by means of dynamite or other explosive or by means of chemical poisonous or other injurious substance wilfully kill or destroy any fish in any river stream lake dam pool or other waters in this Colony shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment of the same to imprisonment with or without hard labour for a period not exceeding six months or to both such fine and such imprisonment.

Prohibition of use of explosives and chemicals to destroy fish.

**Ord.
No. 5.
of
1906.**

*4. The Lieutenant-Governor may from time to time make alter and repeal Regulations not inconsistent with the provisions of this Ordinance;

Regulations to be made as to the netting of fish under license.

- (a) prohibiting the taking of all or any particular fish by means of any drag cast stake or other net without a license;
- (b) regulating the periods within which all fish or any particular fish may be taken under such license by means of a drag cast stake or other net;
- (c) prescribing who shall issue such licenses and the fees payable therefor;
- (d) prescribing the size of any such drag cast stake or other net and of its mesh and the manner and locality in which it shall be used;

and such Regulations may be put in force in every or any particular district of this Colony or in any portion of a district.

5. Any person who shall fish for capture or destroy any trout in any of the rivers streams or other waters in this Colony except by means of rod and line or shall use with intent to such capture or destruction any bait or lure other than artificial fly shall be liable on conviction to a fine not exceeding twenty pounds and in default of payment of the same to imprisonment with or without hard labour for a period not exceeding three months.

Trout to be captured by artificial fly only

* For Regulations see Government Notice No. 869 of 1906, *Gazette*, 31st August, 1906, p. 491. *Amend. as to be made by G.N. 222 of 1907.*

**Ord.
No. 5
of
1906.**

Penalties for
contraven-
tion of Pro-
clamation or
Regulations.

6. Any person who ;

(a) shall act in contravention of any Proclamation issued under section *two* ; or

(b) shall contravene any Regulation made under section *four* ;

shall be liable on conviction to a fine not exceeding twenty pounds and in default of payment of the same to imprisonment with or without hard labour for a period not exceeding three months.

Evidence.

7. Any person charged with contravening a Regulation under this Ordinance requiring him to have a license shall be deemed to be without such license unless he shall produce the same to the Court before which he is charged or give other satisfactory proof of possessing the same.

Forfeiture of
net.

8. When any person shall be convicted of taking fish by means of a drag cast stake or net in contravention of any Regulation made under this Ordinance the Court before which such conviction shall take place may order any such drag cast stake or net to be forfeited or may cancel any license issued under such Regulations.

Title and
date of
taking effect.

9. This Ordinance may be cited for all purposes as the Fish Preservation Ordinance 1906 and shall come into operation on the First day of September 1906.

No. 6 of 1906.]

*[Promulgated 3rd August, 1906.

**Ord.
No. 6
of
1906.**

AN ORDINANCE

To Consolidate and Amend the laws relating to Convict Prisons and Gaols and to provide for the establishment of Reformatories.

(Assented to 19th July, 1906.)

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows :—

* But see Section *one* of Ordinance.

PART I.

PRELIMINARY.

1. This Ordinance shall come into operation on such date as may hereafter be notified by the Lieutenant-Governor by Proclamation in the *Gazette*.*

Date of taking effect.

**Ord.
No. 6
of
1906.**

2. The laws mentioned in the Schedule hereto shall be and are hereby repealed to the extent therein set forth together with any other laws repugnant to or inconsistent with the provisions of this Ordinance.

Repeal of laws.

3. In this Ordinance unless inconsistent with the context;

Interpretation of terms.

“minister” shall mean any member of the Executive Council of this Colony to whom may be assigned from time to time by the Lieutenant-Governor the control and management of convict prisons gaols and reformatories;

“convict prison” shall mean any place which has already been appointed exclusively as a place for the imprisonment detention or confinement of persons convicted of any offence or which shall hereafter be established as such place under section *eleven* and described by notice in the *Gazette* under the hand of the minister and shall include all branches or out-stations buildings or premises to which convicts may be drafted or sent from any place for the purposes of imprisonment detention confinement labour or otherwise and all officers quarters used in connection with such place;

“gaol” shall mean any place now used or hereafter established under section *fifteen* and described by notice in the *Gazette* under the hand of the minister as a place for the detention or confinement of persons liable to detention in custody and shall include all yards and buildings and officers quarters used in connection with such place;

* See Proclamation No. 112 (Administration) of 1906, *Gazette*, 21st December, 1906, p. 682, declaring that Ordinance shall come into operation on the 1st January, 1907.

+ For appl. & description of Bultonia Central Prison see G.N. 474 of 1907.

**Ord.
No. 6
of
1906.**

- “lock-up” shall mean any building cell or place in which any person lawfully arrested or detained in custody is placed with a view to his being brought to trial or removed to a gaol or any building cell or place provided for the detention in custody of prisoners at or in the neighbourhood of any place where there is no ordinary gaol;
- “governor” and “deputy-governor” shall mean respectively the officers appointed under section *six* to a convict prison or gaol and any person lawfully acting for any such officer;
- “gaoler” shall mean the keeper or officer for the time being in charge of any gaol to which no governor or deputy-governor has been appointed;
- “subordinate officer” shall mean every officer male or female attached to a convict prison or gaol or reformatory other than a visiting magistrate resident magistrate lady superintendent governor deputy-governor warden chaplain or medical officer;
- “convict” shall mean any convicted person under detention at a convict prison;
- “prisoner” shall mean any person whether convicted or not who is detained in any gaol or lock-up;
- “Resident Magistrate” shall include an Assistant Resident Magistrate;
- “reformatory” shall mean any institution established under section *forty-five* and all lands outbuildings premises adjacent thereto and used in connection therewith;
- “Regulation” shall in Parts II to VII inclusive mean any Regulation made under section *thirty-seven* and in Part VIII shall mean any Regulation made under section *sixty-one* of this Ordinance;
- “warden” shall mean any officer male or female appointed to manage and be in charge of a reformatory or portion thereof and any person lawfully acting for such officer.

PART II.

ADMINISTRATION OF CONVICT PRISONS AND
GAOLS AND APPOINTMENT OF OFFICERS.**Ord.
No. 6
of
1906.**

4. (1) There shall be a department to be known as the "Prisons Department" in charge of which shall be an officer to be styled the "Director of Prisons" and appointed by the Lieutenant-Governor. Establishment of Prisons Department.
- (2) The duties of the Prisons Department shall be the performance of all work necessary for or incidental to the administration of convict prisons gaols reformatories and such other duties as may be assigned to it by Regulation.
5. (1) The Lieutenant-Governor may from time to time appoint an officer to be styled "Inspector of Prisons" who shall perform such duties as are assigned to him by this Ordinance or by Regulation. Inspector of Prisons appointment and duties.
- (2) The Inspector of Prisons shall periodically and at such other times as the minister may direct visit and inspect every convict prison gaol and lock-up within the Colony and shall conform to such instructions as may be issued to him in that behalf by the minister. It shall be his duty to see that all Regulations for the management of convict prisons gaols and lock-ups have been and are being strictly observed and to report immediately to the minister if such Regulations are not being strictly observed.
6. (1) There shall be for every convict prison and if the Lieutenant-Governor shall so determine for any gaol a governor or a deputy governor or both such officers and a medical officer and for every convict prison or gaol in which females are detained there shall if the Lieutenant-Governor shall so determine be a lady superintendent and if in any prison females only are detained the lady superintendent in charge. Officers of convict prisons and gaols.

thereof shall be deemed to be the gaoler and shall so far as practicable perform all the duties imposed upon a gaoler by this Ordinance or any Regulation.

(2) In every gaol for which a governor or deputy governor shall not have been appointed there shall be an officer to be styled the "gaoler" and such gaoler and the officers of every such gaol shall be under the immediate authority and superintendence of the resident magistrate of the district in which the same is situate who shall be responsible to the minister for the proper management of such gaol.

(3) Whenever no medical officer shall have been appointed for any gaol under this section the district surgeon resident at the town in which such gaol is situate shall act as the medical officer thereof.

(4) One or more ministers of religion may be appointed to every convict prison or gaol who shall perform the duties and functions of chaplain to such convict prison or gaol.

7. All officers of convict prisons and gaols (other than subordinate officers) shall be appointed and be removable by the Lieutenant-Governor and all subordinate officers shall be appointed by the Director of Prisons under an agreement in writing in which shall be incorporated the period and other conditions of their service and shall be removable by the Director of Prisons subject to an appeal to the minister made in accordance with Regulations.

Retirement of subordinate officer and penalties for unlawful withdrawal from service.

8. (1) No subordinate officer shall be at liberty to resign or withdraw himself from his office before the expiration of the period for which he shall have agreed to serve except with the permission in writing of the Director of Prisons.

(2) If any subordinate officer shall desert from a convict prison or gaol or shall withdraw himself from his office in contravention of the provisions of this section he shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment thereof to imprisonment with or without hard labour for a period not exceeding three months or to such imprisonment without the option of a fine and shall further be liable to forfeit all arrears of pay due to him.

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No. 6
of
1906.**

9. Whenever any officer of a convict prison or gaol is suspended removed from or resigns his office or dies the officer so suspended removed or resigning and the members of his family and the members of the family of every deceased officer shall quit the possession of any premises in which he or they have previously resided by virtue of such office when required so to do by notice under the hand of the Director of Prisons and if he or they refuse or neglect to give up such possession within forty-eight hours after such notice as aforesaid has been served the Resident Magistrate of the district upon proof made of the service of such notice and of such refusal or neglect to comply therewith may by warrant under his hand direct any person named in such warrant to enter by force if necessary into or upon the premises and eject or remove therefrom every such officer or any other person wrongfully retaining possession together with any goods or articles there found which are not the property of the Crown.

Duty of officer of convict prison or gaol to quit premises occupied by virtue of office on resignation thereof.

10. It shall be lawful for the Lieutenant-Governor from time to time as occasion may require to appoint any Resident Magistrate to be a visiting Magistrate of any convict prison or gaol and from time to time to revoke such appointment.

Appointment of visiting Magistrates.

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No. 6
of
1906.**

PART III.

CONVICT PRISONS.

Establish-
ment of
convict
prisons.

X 11. The Lieutenant-Governor may from time to time establish convict prisons in this Colony for the purposes of the detention and confinement in accordance with the provisions of this Ordinance and any Regulation of persons convicted of any offence and sentenced to any period of imprisonment with hard labour.

Reception of
convicts
into convict
prison only
upon
warrants.

12. (1) No governor or deputy governor or other officer of a convict prison shall receive into his custody thereat any convict except upon the warrant of the Court by which sentence was passed upon such convict or upon a warrant under the hand of the minister and he shall keep such warrant for purposes of record. And every sheriff deputy sheriff gaoler or other person shall be bound to transmit through an officer in charge of a convict such warrant at the time of the removal of such convict to a convict prison.

(2) If a convict be removed to a convict prison as in this section provided the warrant under which he shall have been detained at the place from which he is being removed shall be transmitted by the officer in charge of such prison to the officer in charge of the place to which such removal is made together with a statement of the punishments (if any) for prison offences recorded against him and a statement of all other facts relating to such convict as may be prescribed by Regulation.

(3) Any convict may by warrant under the hand of the Director of Prisons be from time to time removed from one convict prison to another convict prison or from a convict prison to a gaol or from a gaol to a convict prison if such convict be under sentence of hard labour or of death.

13. The governor or if there be no governor the deputy governor of every convict prison shall keep a journal in which he shall record all events of importance happening within the prison or outside such prison connected with the convicts detained therein and such journal shall be produced to the Inspector of Prisons and the visiting Magistrate upon every visit made by either of them and shall be signed by such Inspector or Magistrate upon every such visit in proof of such journal having been so produced.

Keeping of
journal in
convict
prison by
governor.

**Ord.
No. 6
of
1906.**

14. Every convict detained or confined in a convict prison shall subject to the provisions of this Ordinance and any Regulation perform such labour tasks and other duties as may be assigned to him by the governor or deputy governor thereof or by the officer in whose charge he shall be.

Performance
of labour
in convict
prison.

PART IV.

GAOLS.

15. The Lieutenant-Governor may from time to time establish gaols for the detention and confinement of persons liable to detention in custody

Establish-
ment of gaols.

16. No governor deputy governor or gaoler in charge of a gaol shall receive into his custody any person thereat except;

Reception of
persons in
gaols.

- (a) in the case of a person committed under an order of civil imprisonment or any other order writ or judgment of a civil court on the production to him of such order writ or judgment;
- (b) in the case of an alleged lunatic on production of an urgency order issued under section *four* of the Lunacy Proclamation 1902 or any amendment thereof or under the circumstances mentioned in section *six* of the said Proclamation or any amendment thereof;

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of
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- (c) in the case of a person accused but not convicted of having committed an offence upon the production of the warrant of commitment of such person;
- (d) in the case of a person convicted of and sentenced to imprisonment for an offence upon production of the warrant of the Court by which such sentence was passed;
- (e) in the case of a person committed for detention under sections *sixty-eight sixty-nine* or *seventy* of the Criminal Procedure Code 1903 upon production of the order of commitment;
- (f) in any other case upon a warrant under the hand of the minister;

and the governor deputy-governor or gaoler aforesaid shall keep every such order writ judgment or warrant for purposes of record.

Detention of prisoners and performance of hard labour in gaol.

17. Every person received into a gaol as aforesaid shall be detained therein in safe custody until lawfully discharged or removed therefrom and if any person sentenced to imprisonment with hard labour shall be detained in a gaol he shall be subject to any special order of the Court and subject also to the provisions of this Ordinance or any Regulation perform such labour and other duties as may be assigned to him by the governor deputy governor or officer in whose charge he shall be.

Male and female prisoners and white and coloured to be separated.

18. (1) Male and female prisoners shall be confined in separate parts of a gaol and in such a manner as to prevent them from seeing conversing or holding any intercourse with each other and the prisoners of either sex shall be divided into classes subject to any Regulation;

(2) White and coloured prisoners shall be confined in separate parts of a gaol and as far as possible white prisoners shall be kept out of view of coloured prisoners.

19. The governor or deputy governor (if any) and the gaoler of every gaol shall keep a journal in which he shall record all events of importance happening within the gaol or outside the gaol if in any way connected with prisoners detained therein; such journal shall be produced to the Inspector of Prisons and to the visiting Magistrate upon every visit made by either of them and to the Resident Magistrate of the district upon the occasion of every visit made by him in accordance with sections *twenty-two* and *twenty-three* and shall be signed by such Inspector or Magistrate upon each such visit in proof of such journal having been so produced.

Duty of gaoler to keep a journal.

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No. 6
of
1906.**

20. Prisoners detained under an order or judgment of a civil Court and unconvicted prisoners awaiting trial for an alleged offence and persons committed for detention under sections *sixty-eight* *sixty-nine* or *seventy* of the Criminal Procedure Code 1903 shall be allowed to procure for themselves from outside the gaol and to receive at proper hours therein food bedding clothing or other necessaries subject to a strict examination thereof and under such limitations and restrictions as may be prescribed by any Regulation which shall be framed as to prevent extravagance or luxury and to exclude all articles which might possibly communicate infection or facilitate escape.

Persons detained under order of civil imprisonment and unconvicted prisoners may procure necessaries.

21. No such prisoner as is mentioned in the last preceding section shall be compelled to wear prison dress unless such prisoners dress be deemed insufficient or improper or in an unsanitary condition or unless it is necessary to preserve the same for purposes of justice.

Unconvicted prisoners not compelled to wear prison dress except in certain cases.

22. No gaoler shall punish any prisoner for any offence except to carry out a sentence for a prison offence as hereinafter provided save that when and as often as it shall be urgently and absolutely necessary to secure any prisoner who has displayed or is threatening violence or who has escaped or who is clearly meditating or attempting to escape the gaoler may in his

Gaoler not to punish prisoner except to carry out a prison sentence or unless refractory or escaping.

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of
1906.**

discretion order such prisoner to be placed in irons or other approved mechanical means of restraint pending the arrival of the Resident Magistrate and such gaoler shall in every case make an entry in his journal recording the particulars thereof and shall without loss of time send notice of his action to the Resident Magistrate who shall as soon as may be visit the gaol and confirm or set aside the gaolers order.

Prisoners not to be subjected to mechanical restraint except in certain events.

23. No prisoner shall be placed in irons or be subjected to any other means of mechanical restraint save for violent conduct or escape or attempted escape or unless there shall be reason for suspecting that a prisoner is meditating escape or violent conduct or unless the medical officer shall in writing advise such restraint and all orders of mechanical restraint shall be recorded in a book to be kept for the purpose and such book shall be submitted to the visiting or Resident Magistrate on the occasion of each visit and no continuous period of mechanical restraint shall exceed three months without an order under the hand of the minister authorizing the same.

PART V.

POWERS AND DUTIES OF OFFICERS OF CONVICT PRISONS AND GAOLS AND DISCIPLINE OF CONVICTS AND PRISONERS.

Duty of officers of convict prisons to see that sentence of Court is carried out.

24. It shall be the duty of the governor or if there be no governor of the deputy governor of any convict prison or gaol or if there be no deputy governor then of the gaoler and of every subordinate officer who is in charge of any convict or prisoner to cause every convict or prisoner who shall be sentenced by any Court to any punishment to undergo the same in manner and form as by order on such sentence is directed and for so doing the order of the Court or a certified copy thereof shall be sufficient authority to each of the said persons respectively.

- 25.** (1) Every governor and deputy-governor of a convict prison or gaol and every gaoler shall be deemed to be a police officer and it shall be lawful for the minister from time to time to appoint as he shall deem necessary persons to be and act as police officers at the several convict prisons and gaols and such persons shall be invested with all powers authorities and functions by law belonging to police officers; provided that any such police officer may be suspended by any governor or deputy-governor or by the Resident Magistrate if there be no governor or deputy-governor until the decision of the minister shall be given.
- (2) All such police officers as aforesaid are authorized and required to use all lawful means in their power for detaining the convicts and prisoners under their charge in safe custody.

Governor and deputy governor of convict prison and gaoler appointed to have powers of police officers.

**Ord.
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of
1906.**

- 26.** (1) In every convict prison and gaol punishment cells shall be provided and appropriated exclusively for the confinement of convicts and prisoners convicted and sentenced for offences mentioned in Part VI.
- (2) No punishment cell shall be used until it has been certified by the visiting Magistrate or if there be no visiting Magistrate by the Resident Magistrate acting upon the report of the medical officer that it can be used as a punishment cell without detriment to the health of convicts or prisoners.
- (3) Every cell certified as in this section mentioned shall be distinguished by a number or mark placed in a conspicuous position and shall be referred to by its number or mark in the certificate of the visiting or Resident Magistrate.

Punishment cells.

- 27.** Any convict or prisoner who shall escape or conspire with any person to procure the escape of any convict or prisoner or who shall assist or incite any other convict

Penalty on convicts and prisoners for escape or attempting to escape.

**Ord.
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of
1906.**

or prisoner to escape from the convict prison or gaol in which he is placed or from any post place or conveyance where or wherein he may be for the purpose of labour or detention or from hospital or while in course of removal in custody from one place to another or otherwise or who shall make any attempt to escape from custody whether inside or outside any building or enclosure or place or conveyance or who shall be in possession of any instrument or other thing with intent to procure his own escape or that of another convict or prisoner shall be liable upon conviction before a Court of Resident Magistrate to imprisonment with hard labour for any period not exceeding two years to commence from the expiration of any period of imprisonment which he shall have been sentenced to undergo and in addition to whipping not exceeding twenty-four strokes and the Courts of Resident Magistrates shall have special jurisdiction to impose any such punishment as is mentioned in this section.

Rewards for recapture of escaped convicts.

28. Every person not being an officer of the Prisons Department or a police officer who shall apprehend and secure any convict or prisoner who has escaped as aforesaid and shall cause such convict or prisoner to be lodged in any lock-up or in custody of any governor deputy governor or gaoler of the convict prison or gaol from which such convict or prisoner escaped shall receive out of the public revenue (over and above his just and reasonable expenses) such sum by way of reward as the minister may determine. The minister may offer rewards out of the public revenue to persons who shall give information leading to the apprehension of convicts and prisoners who have escaped.

Power of officers to fire upon convicts or prisoners attempting to escape.

29. It shall be lawful for any officer of a convict prison or gaol who is on guard thereat or in charge of any party of convicts or prisoners within or without any convict prison or gaol to be armed with loaded firearms and if any convict or prisoner shall attempt to escape it shall be lawful whenever it is necessary to prevent such escape for any such officer to fire upon any such

convict or prisoner and if in acting thus and under the necessity aforesaid he shall kill or wound such convict or prisoner he shall not be guilty of any offence.

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of
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30. Every person who aids any convict or prisoner in escaping or attempting to escape from any convict prison gaol or lock-up or who for the purpose of facilitating the escape of any such convict or prisoner supplies or agrees or attempts to supply or aids incites or encourages any other person in supplying him with any mask dress disguise or any other articles instrument or matter or thing or conveys or causes to be conveyed into any convict prison or any place where convicts may be placed or in any gaol or lock-up any letter or token encouraging inciting or showing a desire to give aid in escaping or in breaking any Regulation shall be liable on conviction to imprisonment with or without hard labour for any period not exceeding two years.

Penalty for
aiding
escape

31. No fee or gratuity shall be paid or payable by any convict or prisoner either on his entrance into commitment to continuance in or discharge from any convict prison gaol or lock-up to any officer or person employed therein and any officer or person receiving or demanding any such fee or gratuity shall be liable on conviction to a fine not exceeding ten pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding one month or to such period of imprisonment without the option of a fine or to both such fine and such imprisonment.

Penalty of
officers
receiving or
demanding
fee.

32. No officer of any rank employed in connection with a convict prison or gaol nor any person acting for or employed by him shall sell or receive any benefit or advantage from the sale of any article to any convict or prisoner nor shall any such officer or person directly or indirectly have any interest in any contract or agreement for the supply of any such article. Any person contravening this section shall be liable on conviction to a fine not exceeding one

Penalty of
officers
selling to
convicts and
prisoners
or being
interested in
supply of
articles to
them.

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hundred pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding six months or to such period of imprisonment without the option of a fine or to both such fine and such imprisonment.

PART VI.

TRIAL OF OFFENCES COMMITTED IN CONVICT PRISONS AND GAOLS.

Jurisdiction of governors and Resident Magistrates to try breach of Regulations.

33. (1) The governor or the deputy governor of any convict prison or gaol and the Resident Magistrate of the district in which a gaol (not under the control of a governor or deputy governor) is situate shall try in such convict prison or gaol as the case may be any contravention by a convict or prisoner of any Regulation whether such contravention has taken place within the convict prison or gaol or outside the same during the period of detention of the convict or prisoner therein.

(2) The term "Resident Magistrate" in this and the two following sections shall in addition to including an Assistant Resident Magistrate include also a resident justice of the peace within whose jurisdiction a convict prison or gaol not under the control of a governor or deputy governor is situate and such resident justice of the peace shall have special jurisdiction to impose any punishment prescribed for any such contravention aforesaid.

Procedure in cases tried in prisons to be as in Courts of Resident Magistrate.

34. The proceedings on any trial within a convict prison or gaol under the powers of the last preceding section shall be in manner and form (as nearly as may be) the same as in Courts of Resident Magistrate in this Colony at the hearing and determination of criminal cases save that there shall be no appeal against any conviction or sentence on such trial.

35. (1) As often as a governor or deputy governor of a convict prison or gaol or a Resident Magistrate shall under the jurisdiction conferred by the last two preceding sections sentence any person to a period of imprisonment exceeding twenty-one days or to whipping the records shall within three days of such sentence be transmitted to the Registrar of the Supreme Court Pretoria who shall as soon as may be lay the same before a judge thereof and such judge may upon consideration of the same confirm set aside or reduce such sentence as justice may require; provided that no such sentence of imprisonment shall be suspended pending the decision of the judge; provided further that no sentence of whipping shall be inflicted until the same shall have been confirmed by such judge or in the event of the number of strokes being reduced until notification has been received of such reduction.

Review of sentences for prison offences.

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1906.**

(2) Every sentence imposed by a governor or deputy governor of a convict prison or gaol under the jurisdiction aforesaid and not subject to review under sub-section (1) of this section shall be reviewed by the visiting Magistrate of the convict prison or gaol in the following manner: he shall at every visit made by him in accordance with any Regulation call for the records of all cases which have been tried since his last visit and which are not subject to review under sub-section (1) and shall then or as soon as may be after his visit examine the same and thereupon may confirm set aside or reduce any such sentence as justice may require.

36. (a) Any convict or prisoner who shall contravene any provision of this Ordinance;

Trial of offences other than prison offences committed in prison.

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(b) any person not being a person detained in a convict prison or gaol who shall contravene any provision of this Ordinance or any Regulation;

(c) any person who shall in a convict prison or gaol commit any offence at common law or against any statute other than this Ordinance;

shall be brought before a Court of Resident Magistrate to be therein dealt with according to law; provided always that for the trial of any subordinate officer of a convict prison or gaol for a contravention of any Regulation the Magistrate is hereby authorized and required to hold his Court for the trial of such officer at the convict prison or gaol to which he is attached; provided further that if any subordinate officer of a convict prison or gaol shall exceed his leave or be intoxicated whether on or off duty and whether within or without a convict prison or gaol or be guilty of any act or omission tending in any way to impair the discipline of a convict prison or gaol or affecting the due performance of his duty he shall be guilty of an offence and may be tried by the governor or deputy governor of such convict prison or gaol (if there be a governor or deputy governor thereof); and such subordinate officer shall be liable on conviction to a deduction from his pay not exceeding five days pay.

*Goulding v. Rose
1909. T.S. 100.*

PART VII.

MISCELLANEOUS.

Power of
Lieutenant-
Governor to
make
Regulations.

37. The Lieutenant-Governor may from time to time make alter and rescind Regulations not inconsistent with the provisions of this Ordinance;*

(1) prescribing the duties respectively of the Director of Prisons and officers of the Prisons Department;

* For Regulations (to come into force on 1st January, 1907) for the government and management of convict prisons, see Government Notice No. 1348 of 1906, *Gazette*, 28th December, 1906, p. 741. *G.N. 555, 1098 of 1909.*

For Regulations (to come into force on 1st January, 1907), for the government and management of gaols, see Government Notice No. 1349 of 1906, *Gazette*, 28th December, 1906, p. 764. *G.N. 555 + 1094 of 1909.*

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(2) for the general government and management of convict prisons gaols and lock-ups and for the classification of convicts or prisoners therein and for the setting apart of places in gaols for persons confined by an order of civil imprisonment;

(3) prescribing the mode of appointment the conditions of service and the duties and conduct of the officers of convict prisons and gaols;

(4) prescribing the mode of supplying food and determining the scales of diet and the quantity of clothing and necessaries for the officers of convict prisons and gaols and for the convicts or prisoners detained therein;

(5) for the safe custody of convicts or prisoners when at labour or otherwise;

(6) as to the procedure for obtaining mitigation or remission of sentences or otherwise to well conducted convicts and prisoners; and for the supply of food clothing or means of travelling to convicts or prisoners on their discharge;

(7) as to the grant and withdrawal of indulgences and privileges to convicts and prisoners and the scale of remuneration to convicts and prisoners for labour performed during detention;

(8) as to the admission of any person within any convict prison or gaol other than the officers thereof and the persons who are or may be detained therein;

(9) as to the receipt and custody by officers of convict prisons and gaols of money valuables or other articles belonging to any convict or prisoner and defining the conditions and circumstances under which payment or delivery of such money valuables or other articles shall be made during the period of imprisonment to such convict or prisoner;

(10) prescribing the powers and duties of medical officers and chaplains of convict prisons and gaols;

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(11) prescribing the duties of visiting Magistrates of or Resident Magistrates in relation to convict prisons and gaols;

(12) for prohibiting the supply to convicts or prisoners of intoxicating liquor tobacco narcotics drugs and regulating the introduction into any convict prison or gaol of any article of food drink clothing or of any letters or documents;

(13) prescribing the duties and powers of the Inspector of Prisons;

(14) for the measuring photographing and taking of finger print impressions or other records of persons confined in any convict prison gaol or lock-up or otherwise detained in custody;

and any Regulations may provide penalties for any contravention thereof and different penalties in case of successive breaches:—

(a) for a contravention by an officer a fine not exceeding twenty pounds and in default of payment of the same imprisonment with or without hard labour for a period not exceeding two months or such imprisonment without the option of a fine or to both such fine and such imprisonment;

(b) for a contravention by a convict or prisoner;

(i) solitary confinement not exceeding forty-two days;

(ii) reduced diet not exceeding twenty-eight days in all or fourteen days at one time;

(iii) spare diet not exceeding seven days in all or three days at one time;

(iv) whipping not exceeding twenty-four strokes;

or any or all such punishments; provided always that whipping shall not be imposed as a punishment upon an unconvicted prisoner.

All Regulations made under any of the laws hereby repealed shall be deemed to be made under this section and shall remain of force and effect until rescinded or altered as herein provided.

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38. So much of this Ordinance and of any Regulation as relates to the treatment and conduct of convicts or prisoners shall be printed in legible characters both in the English and Dutch languages and fixed up in conspicuous parts of every convict prison or gaol and in such a manner as to be legible to officers convicts and prisoners therein.

Affixing notice in prisons of provisions as to treatment of prisoners.

39. Every convict or prisoner whose term of imprisonment shall expire on a Sunday shall be entitled to his discharge on the Saturday next preceding and any officer in whose custody he may be is authorized in such event to discharge him on the last-mentioned day.

Discharge of convicts.

40. It shall be the duty of every Resident Magistrate to require from the medical officer of a convict prison or gaol situate within his district or if for any cause such cannot be obtained from the medical officer then from some medical practitioner a certificate showing the cause of death of every convict or prisoner who may die at any such convict prison or gaol whether from natural causes violence or sentence of a court of law and if a Resident Magistrate shall deem it necessary he shall hold an inquest on the body of such convict or prisoner as far as may be in accordance with the Inquests Proclamation 1901 or any law amending the same.

Medical certificate on death of convict and inquest if necessary.

41. Any officer of a convict prison or gaol who shall be convicted of assaulting any convict or prisoner may in addition to any other penalty imposed therefor be dismissed from his office and if he shall have been sentenced for such offence to a fine of five pounds or upwards or to any period of imprisonment without the option of a fine he may not be re-appointed to the same office or appointed to any office in the public service of the Colony.

Officer of convict prison or gaol to be dismissed from office if convicted of assaulting prisoner.

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of
1906.**

Penalty for loitering about convict prisons and refusing to depart therefrom.

42. Any person loitering about any convict prison gaol or lock-up or other place where convicts or prisoners may be for the purpose of imprisonment or labour who refuses or neglects to depart therefrom upon being duly warned so to do by any police constable or by any officer of a convict prison or gaol shall be guilty of an offence and shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding one month or to a fine not exceeding ten pounds and in default of payment of the same to imprisonment with or without hard labour for a like period.

Agreements for labour of convicts.

43. Subject to Regulation the Director of Prisons may with the approval of the minister contract with any divisional council or municipal council or other public body or with any company or individual for the employment of convicts and prisoners who are under sentence of hard labour upon such terms and conditions as to safe custody and maintenance as may be agreed between such parties and any place agreed upon for such employment shall be deemed to be a convict prison or gaol for the purpose of offences by prisoners and convicts and officers in charge of the same.

Imprisonment not exceeding one month may under an order be in nearest lock-up.

44. When any Court of Resident Magistrate or court of resident justice of the peace held at a place where there is no prison shall sentence a person to imprisonment for any period not exceeding one month it shall be competent for such Court to direct such imprisonment to be in the nearest lock-up in lieu of in any gaol.

PART VIII.

REFORMATORIES.

Establishment of reformatories for juvenile offenders.

X 45. It shall be lawful for the Lieutenant-Governor to establish reformatories for the reception and custody of juvenile offenders and in every such reformatory the males shall be kept separate and apart from the females and white persons from coloured

persons. The establishment of a reformatory under this section shall be notified in the *Gazette* together with a description of the boundaries thereof.

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46. Whenever any juvenile who in the opinion of the Court before which he is charged is not less than twelve years and is less than sixteen years of age is convicted either upon indictment or summary trial of an offence punishable with imprisonment the Court may in addition to or in lieu of sentencing him to imprisonment order that he be sent to a reformatory established under this Ordinance and be there detained for a period of not less than two years and not more than five years; provided that such period of detention in a reformatory expires at or before such juvenile attains the age of eighteen years and the Court may further order that at the expiration of any such sentence of imprisonment or detention in a reformatory or in lieu thereof that such juvenile be apprenticed to some useful calling or occupation until he has attained the age of eighteen years.

Convicted juvenile may be sentenced to detention in reformatory in addition to or in lieu of imprisonment or detention in a reformatory.

47. (1) Whenever any Court shall order any juvenile to be detained in a reformatory established under this Ordinance a warrant shall be issued by the Court for that purpose setting forth the offence of which such juvenile has been convicted and the period for which such juvenile shall be so detained and the reformatory to which such juvenile shall be sent and the age of such juvenile and such warrant shall be forwarded to the warden of such reformatory and shall be the authority for the conveyance of the juvenile thereto and his detention therein.

Warrant to detain juvenile.

(2) In any proceedings taken for anything done in obedience to such warrant aforesaid the fact that it was done under the warrant shall be sufficient answer thereto without setting forth

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anything which has transpired previously and the production of such warrant shall be sufficient evidence in support of such answer.

How warrant to be obeyed.

48. Every warrant issued under this Part of this Ordinance shall be executed and obeyed by the person to whom the same is directed and delivered and the production thereof with a statement annexed thereto signed by the warden of a reformatory that the juvenile named in such warrant was duly received into and is at the signing thereof detained in such reformatory shall in all proceedings whatsoever be sufficient evidence of the facts stated in such warrant and of the subsequent detention and identity of the juvenile named therein.

Power of removal from one reformatory to another.

49. The Lieutenant-Governor may by an order under the hand of the minister at any time during the detention of any juvenile in a reformatory remove any such juvenile to any other reformatory established under this Ordinance and may also order the release of any juvenile from the reformatory in which he may be detained and he shall upon the production of any such order be removed or discharged in accordance therewith.

Power to bind inmate as apprentice.

50. At any time before the expiration of a warrant authorizing the detention of any juvenile in a reformatory the Resident Magistrate of the district in which such reformatory is situate or of the district in which such juvenile shall be detained may bind him as apprentice to any useful calling or occupation in the same manner in which destitute children are now authorized to be bound by any law and such binding shall be as effectual as if such juvenile were of full age and had bound himself; provided that if such juvenile shall have a parent or guardian alive no such apprenticeship shall take place without the consent of any such parent or guardian.

Provisions of articles of apprenticeship.

51. The Resident Magistrate aforesaid may in any articles of apprenticeship under this Ordinance provide that such portion of the wages to become due to such apprentice

as he may think fit shall be deposited at such times and in such manner as he shall determine in any Post Office Savings Bank of this Colony on account of such apprentice and every such deposit shall be deemed and allowed as a payment to such apprentice but no portion thereof shall be withdrawn by such apprentice without the consent in writing of the Resident Magistrate until the expiration of the apprenticeship.

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52. All members of the Executive Council all members of the Legislature all judges of the Supreme Court and the Resident Magistrate and all resident justices of the peace of the district in which the reformatory is situate shall be entitled to visit such reformatory and shall have admission to the same accordingly and the Resident Magistrate and all resident justices of the peace shall further be entitled to have access at convenient times to every juvenile in the district apprenticed under this Ordinance.

Who may
visit
reforma-
tories.

53. Every person who by virtue of the last preceding section shall visit any reformatory may inscribe in a book (to be for that purpose provided and kept by the warden of every reformatory) any remarks or observations which he may think fit to make touching or concerning such reformatory and the warden teachers officers servants and inmates thereof or any of them and may sign his name to such remarks or observations and every such book shall be carefully preserved by every such warden and any warden who shall obliterate or destroy any such books or any such remarks or observations or any signature thereto shall be liable on conviction to a fine not exceeding twenty-five pounds and in default of payment of the same to imprisonment with or without hard labour for a period not exceeding three months.

Visitors
book:
entries
therein.

54. If the warden of any reformatory or any teacher officer or servant thereof shall wilfully or negligently allow any juvenile detained therein to escape therefrom every such offender shall be liable on conviction to a fine not exceeding fifty pounds and in

Penalties for
allowing
escapes.

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default of payment of the same to imprisonment with or without hard labour for any period not exceeding six months or to such period of imprisonment without the option of a fine.

Apprentices
absconding:
penalties.

55. If any juvenile apprenticed or bound under this Ordinance shall desert or abscond from the service of his master it shall be lawful for any Court before which such apprentice shall be brought upon proof of such facts to order in addition to any punishment which may be imposed that the child be returned to the service of such master or that such child be detained in a reformatory until the attainment of an age not exceeding eighteen years.

Absconding
or escaping
penalties.

56. If any juvenile detained in any reformatory shall abscond therefrom or wilfully damage or destroy any property in or belonging thereto such juvenile if a male shall be liable on conviction to a penalty of whipping in manner hereinafter provided or whether a male or a female to reduction of diet and solitary confinement in accordance with Regulations and the Resident Magistrate of the district may order any juvenile convicted of absconding to be sent back to the reformatory and to be there detained till the attainment of the age of eighteen years or of such lesser age as such Resident Magistrate may determine.

In cases of
whipping.

57. In case any whipping shall be ordered under the provisions of the last preceding section the order shall specify the number of cuts to be inflicted and in the case of an offender under the age of fourteen years such number shall not exceed twelve and in no case shall exceed twenty and in all cases the instrument used shall be a cane and on the occasion of every such whipping there shall be present the warden of the reformatory and the medical officer thereof who shall sign in the record book the minute recording the particulars of such whipping.

58. Any person who shall directly or indirectly counsel incite or induce by letter or otherwise any juvenile detained in any reformatory to abscond or escape therefrom or break his apprenticeship and abscond from his master before his regular discharge or before the expiration of such apprenticeship or who shall aid or abet any such inmate in absconding or escaping or who knowing such juvenile to have absconded or escaped shall harbour or conceal or assist in harbouring or concealing him or shall prevent him from returning to such reformatory or to his master shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding six months or to such period of imprisonment without the option of a fine.

Accessories
to escape or
absconding.

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59 The production of the *Gazette* containing the notification of the establishment by the Lieutenant-Governor of any place as a reformatory under this Ordinance or notifying the appointment of any person as an officer of a reformatory shall be conclusive evidence of the facts stated therein in any proceedings in any Court.

Appointment
of officer under
this
Ordinance:
how
proved.

60. All civil proceedings to be brought against any person for anything done in pursuance of this part of this Ordinance shall be commenced within six months next after the act complained of; and notice in writing of such proceedings and the cause thereof shall be given to the defendant one month at least before such commencement.

Limitations
of actions
against
officers.

61. The Lieutenant-Governor may from time to time make alter and repeal Regulations not inconsistent with this Ordinance:

Power to
make
Regulations
for the
management
of
reforma-
tories.

- (a) for the classification treatment instruction and employment of juveniles detained in reformatories;
- (b) as to the food and clothing of such juveniles;
- (c) as to the discipline and good order of such juveniles and their punishment for breach of discipline;

For Regs. S.G.N. 237 of 1904.

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1906.**

(d) as to the appointment and duties of wardens guards instructors attendants and other officers employed at reformatories the removal of such officers and the conditions of their service.

The provisions of section *thirty-seven* relating to punishments which may be imposed on prisons officers for breaches of Regulations therein mentioned shall apply *mutatis mutandis* in the case of breaches of duty by officers of reformatories.

Title. **62.** This Ordinance may be cited for all purposes as the Prisons and Reformatories Ordinance 1906.

Schedule.

LAWS REPEALED.	EXTENT OF REPEAL.
Law No. 14 of 1880 ...	Articles <i>one, two, four, five, six, seven, nine, ten, twelve, thirteen, fourteen, fifteen, eighteen, nineteen, twenty one, twenty-two, thirty-two, and thirty-three</i> (being the unrepealed articles).
Proclamation (Transvaal) No. 30 of 1902 ...	Sections <i>one and two</i> (being the unrepealed sections).
Ordinance No. 36 of 1902 ...	Sections <i>one and two</i> .
Ordinance No. 45 of 1903 ...	Sections <i>four and five</i> .
Ordinance No. 2 of 1904 ...	Sections <i>one, three, four, and five</i> (being the unrepealed sections).
Ordinance No. 20 of 1904 ...	The whole.

No. 7 of 1906.]

[Promulgated 20th July, 1906.

**Ord.
No. 7
of
1906.**

AN ORDINANCE

To amend the Epidemic Disease and Hospital Committees Ordinance 1905.

(Assented to 14th July, 1906.)

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

1. Sub-section (1) of section *one* of the Epidemic Disease and Hospital Committees Ordinance 1905 shall be and is hereby amended by the repeal of paragraph (a) thereof and the substitution therefor of the following new paragraph ;

Amendment of sub-section (1) of section *one* of Ordinance No. 3 of 1905.

Ord. No. 7 of 1906.

“(a) for the carrying out of any Regulations
 “made by the Lieutenant-Governor
 “for the maintenance of the health of
 “the inhabitants of the area for which
 “such committee is appointed and
 “for the making of charges in
 “respect of any sanitary services rendered under such Regulations or for
 “carrying out in such area any such
 “Regulations as are mentioned in
 “section *fifty-eight* of the Municipal Corporations Ordinance 1903”.*

2. Penalties may be imposed by any such Regulations aforesaid for a breach thereof and different penalties may be imposed in the case of successive or continuous breaches but no such penalty shall exceed fifty pounds. The provisions of sections *fifty* to *fifty-five* inclusive of the Municipal Corporations Ordinance 1903 shall *mutatis mutandis* apply as if the Regulations aforesaid were bye-laws in force in a municipality and the committees aforesaid were Municipal Councils and the areas for which they are appointed were municipalities.

Penalties for breach of Regulations.

3. Any committee constituted by Proclamation No. 11 (Administration) 1906 and Proclamation No. 20 (Administration) 1906 shall be deemed to have been from the date of such Proclamation constituted under section *one* of the Epidemic Disease and Hospital Committees Ordinance 1905 as amended by this Ordinance and all Regulations published under the said Proclamations and all penalties heretofore imposed for breaches of such Regulations shall be deemed to have been lawfully made and imposed.

Validation of constitution of certain existing committees and of Regulations enforced by the same.

4. This Ordinance may be cited for all purposes as the Epidemic Diseases and Hospital Committees Amending Ordinance 1906.

Title.

* For Regulations as to Benoni Health Committee, see Government Notice No. 1080 of 1906, *Gazette*, 19th October, 1906, p. 213.

**Ord.
No. 8
of
1906.**

No. 8 of 1906.]

*[Promulgated 30th July, 1906.

AN ORDINANCE

**To further amend the law relating to the sale of
Intoxicating Liquor.**

(Assented to 27th July, 1906.)

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

Interpreta-
tion of
term.

1. In this Ordinance the term “principal law” shall mean the Liquor Licensing Ordinance 1902.

Amendment
of section
two of Ordi-
nance No.
32 of 1902.

2. Section *two* of the principal law shall be and is hereby amended by the addition to sub-section (*a*) thereof of the following new paragraph:

“(5) To any person selling liquor in a refreshment room attached to the legislature of this Colony if acting upon the permission of such legislature or any committee thereof and if selling such liquor in accordance with the regulations and conditions laid down by such legislature or committee thereof.”

Amendment
of sub-sec-
tion (1) of
section *seven*
of Ordinance
No. 32 of
1902.

3. Sub-section (1) of section *seven* of the principal law shall be and is hereby amended by the addition thereto of the following new paragraph (*e*):

“(e) No sale or delivery of liquor under the authority of a wholesale liquor license shall take place except during such hours as may be fixed by the licensing court in respect of each such license not being earlier than eight o'clock in the morning or later than eight o'clock at night.”

Amendment
of sub-sec-
tion (5) of
section *seven*
of Ordinance
No. 32 of
1902.

4. Sub-section (5) of section *seven* of the principal law shall be and is hereby amended by the addition thereto of the following words:

* See Section 17 as to date of operation of Ordinance.

“The provisions of paragraphs (c) (d) and (e) of sub-section (1) of this section shall *mutatis mutandis* apply to the holder of a ‘bottle liquor license’ whenever he shall sell liquor in quantities as great as twelve reputed quart or twenty-four reputed pint bottles.”

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of
1906.**

5. Sub-section (7) of section *seven* of the principal law shall be and is hereby amended as follows:

- (i.) by the omission from paragraph (c) thereof of the words “save such as is mentioned in the next succeeding paragraph (d)”;
 (ii.) by the omission therefrom of paragraph (d).

Amendment of sub-section (7) of section *seven* of Ordinance No. 32 of 1902.

6. Sub-section (8) of section *seven* of the principal law shall be and is hereby repealed and there shall be substituted therefor the following provisions:—

Repeal of sub-section (8) of section *seven* of Ordinance No. 32 1902 and of substitution of new provisions.

“(8) Licenses for the sale of liquor at any railway station refreshment room which is situated upon a railway to which the provisions of the Railway Regulation Ordinance 1903 or any amendment thereof are or shall hereafter be declared to be applicable shall be obtainable in the following manner and subject to the following conditions:—

- (a) The lessee or occupier of such refreshment room may apply to the General Manager of Railways (or to any officer of the Railway Administration appointed by the General Manager in that behalf) for the issue of such certificate as is mentioned in the next succeeding sub-section.
 (b) The said General Manager or any such officer aforesaid may with the approval of the Resident Magistrate of the district in which the refreshment room aforesaid is situate issue a certificate to the applicant authorizing the grant to him of a license by the Receiver of Revenue

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- of such district for periods of six months or twelve months but every such license shall expire on the Thirtieth day of June or the Thirty-first day of December next after the date of issue thereof as the case may be.
- (c) If the owner lessee or occupier of any such refreshment room shall be the Railway Administration the said General Manager or officer aforesaid may issue without the approval aforesaid to any servant of such Administration a certificate authorizing the grant to such servant by the Receiver of Revenue of such a license as is described in the last preceding sub-section.
- (d) Every such license shall be renewable in accordance with the provisions under which it was issued for periods of six months or twelve months.
- (e) Every such license may be transferred with the consent of the said General Manager or of such officer aforesaid; provided that in the case of a license issued under sub-section (b) such transfer shall be approved by the Resident Magistrate of the district in which the refreshment room aforesaid is situate.
- (f) Every such license may at any time be cancelled by the said General Manager.
- (g) For or in respect of every such license there shall be paid such sums as are prescribed by the Second Schedule hereto for a "railway station liquor license" according as such license be issued for six months or twelve months.

The sale of liquor at railway station refreshment rooms shall be subject to the following provisions; that is to say that upon any day other than Sunday Christmas Day and Good Friday liquor shall be sold only to persons lawfully using the station

premises for railway purposes or to persons taking meals at refreshment rooms during such meals and upon Sunday Christmas Day and Good Friday liquor shall be sold only:

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- (i) to persons taking meals at such refreshment rooms during such meals; or
- (ii) to passengers fifteen minutes before the departure or fifteen minutes after the arrival of a long distance train and the term "long distance train" shall be deemed to mean in the case of arrival a train which has carried and in the case of departure a train which is about to carry passengers one hundred miles or more."

7. Section *eight* of the principal law shall be and is hereby amended by the omission therefrom of the words "wine or" and by the insertion therein immediately after the word "article" of the words "save as is otherwise provided in the Customs Amendment Ordinance 1906 or any Regulations made thereunder".

Amendment of section *eight* of Ordinance No. 32 of 1902.

8. Section *nine* of the principal law shall be and is hereby amended by the omission therefrom of the words "wine or".

Amendment of section *nine* of Ordinance No. 32 of 1902.

9. Section *ten* of the principal law shall be and is hereby amended by the substitution of the word "seven" for the word "six" in sub-section (2) thereof.

Amendment of section *ten* of Ordinance No. 32 of 1902.

10. Section *thirty-four* of the principal law shall be and is hereby amended by the insertion of the following proviso immediately after the words "accommodation of the public":

Amendment of section *thirty-four* of Ordinance No. 32 of 1902.

"provided that such prohibition shall not apply where the Licensing Court grants a certificate for a hotel liquor license to be held with a general retail license."

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Amendment
of section
forty-two
of Ordinance
No. 32 of
1902.

11. Section *forty-two* of the principal law shall be and is hereby amended:

(1) by the insertion immediately after the words "such insolvent" of the words "and in the case of liquidation the official liquidator";

(2) by the addition to the end of the section of the words:

"Such widow executor curator trustee or liquidator may at the next licensing meeting apply for the renewal of the license for a period not exceeding six months as if such license had been held by such widow executor curator trustee or liquidator."

Amendment
of section
fifty-two
of Ordinance
No. 32 of 1902.

12. Section *fifty-two* of the principal law shall be and is hereby amended by the omission therefrom of the words "or in respect of the same premises".

Amendment
of section
eighty-two
of Ordinance
No. 32 of 1902.

13. Section *eighty-two* of the principal law shall be and is hereby amended by the addition immediately before the word "lodging" in the said section of the words "boarding or".

Liquor in
certain
quantities
not to be
removed
without a
permit.

14. No person shall convey or cause to be conveyed from any premises in any town village or municipality to any other premises or to any place any liquor in quantities as great as is mentioned in sub-section (1) of section *seven* of the principal law unless he shall be in possession of a permit issued by the Resident Magistrate of the district or a person authorised by him or in the case of a detached sub-district by the Assistant Resident Magistrate thereof or if there be no Resident Magistrate or Assistant Resident Magistrate by the Resident Justice of the Peace having jurisdiction in the area from which such conveyance of liquor is to take place.

*Every such permit shall be in the form prescribed by notice in the *Gazette* and shall state the description quantity and quality of liquor which the holder is authorised to convey or cause to be

McInnes &
Mitchell
v.
Rux
1907. F.S. 492.

* For form of permit see Government Notice No. 746 of 1906, *Gazette*, 30th July, 1906, p. 259.

conveyed under it the premises from which and to which the same is to be conveyed the name and address of the person in charge of the liquor and of the person to whom the same is to be delivered and shall further state whether such liquor is spirituous liquor was distilled in South Africa or imported from oversea; and it shall be a condition of every such permit that it shall accompany the person conveying the liquor and be produced on demand to any Magistrate Justice of the Peace police officer or constable.

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No. 8
of
1906.**

Any person who shall contravene the provisions of this section or the conditions of any permit granted under it shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months or to both such fine and such imprisonment and any liquor conveyed in contravention of this section or such permit shall be forfeited.

No permit shall be issued under this section for the conveyance of spirituous liquor distilled in this Colony unless the applicant shall satisfy the issuer that the excise duty payable on it by law has been paid or secured.

Any Magistrate Justice of the Peace police officer or constable may at all times demand from the person in charge of liquor being conveyed in the quantities aforesaid or of any vehicle which is suspected of being used to convey liquor in such quantities the permit required by this section.

Nothing in this section contained shall apply to any person conveying or causing to be conveyed liquor sold under the authority of a Brewers liquor license.

15. The provisions of section *fifty-six* of the principal law as amended by section *four* of the Liquor Licensing Further Amendment Ordinance 1903 shall apply to section *seven* of the principal law as hereby amended.

Applica-
bility of sub-
section (7)
of section
four of
Ordinance
No. 17 of
1903.

**Ord.
No. 8
of
1906.**

Persons liable to penalties in cases where license holder is a company or partnership.

16. Whenever any holder of a license granted under the principal law or any amendment thereof shall be a company (not being a firm or partnership) the secretary and every manager or director of such company shall be liable to the penalties prescribed for a contravention of such principal law or amendment by any such company and in case such license holder is a firm or partnership every member of such firm or partnership shall be liable to such penalties for such contravention by such firm or partnership; provided always that nothing in this section shall be deemed to exempt from liability to such penalties any other person who is lawfully found guilty of a contravention of any such law.

Title and date of taking effect.

17. This Ordinance may be cited for all purposes as the Liquor Licensing Amendment Ordinance 1906 and it shall be read as one with the principal law or any amendment thereof and shall take effect from and after the first day of August 1906.

No. 9 of 1906.]

*[Promulgated 3rd August, 1906.

**Ord.
No. 9
of
1906.**

AN ORDINANCE

To Establish a Provisional Joint Committee for the Witwatersrand District.

(Assented to 27th July, 1906.)

WHEREAS it is desirable to establish a provisional joint committee consisting of representatives of the local authorities within the Witwatersrand district for the purpose of establishing and managing hospitals for dealing with infectious and contagious diseases and for improving and maintaining the main reef road;

And whereas it is desirable to provide funds for the purposes of the said Committee;

Be it enacted by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

* But see definition of "appointed day" in section *one* and note thereto.

I. In this Ordinance unless inconsistent with the context:

Definition of terms.

**Ord.
No. 9
of
1906.**

“the joint committee” means the Rand Provisional Joint Committee as established and constituted by this Ordinance;

“the district” means the area within which the Witwatersrand High Court exercises jurisdiction.

“capital expenditure” shall mean and include any expenditure on the purchase of land or buildings or on the construction of buildings or works of a permanent character.

*“appointed day” means the thirty-first day of July 1906 or such later day as the Lieutenant-Governor may appoint either generally or with reference to any particular provision of this Ordinance and different days may be appointed for different purposes and different provisions of this Ordinance whether contained in the same section or different sections.

2. (1) There shall be established a Provisional Joint Committee to be known as “the Rand Provisional Joint Committee” for the purposes specified in this Ordinance which shall continue in existence until the Thirtieth day of June 1907; provided that the Lieutenant-Governor may from time to time by Proclamation in the *Gazette* extend the existence of the joint committee for periods not exceeding twelve months at a time.

Establishment of joint committee.

†(2) Subject to the provisions of this Ordinance the joint committee shall consist of a chairman and vice-chairman and other members; the chairman and vice-chairman shall be appointed by the joint committee and the other members shall be appointed as follows:—

Eight by the council of the Municipality of Johannesburg.

Three by the council of the Municipality of Germiston.

* See Government Notice No. 872 of 1906, *Gazette*, 31st August, 1906, p. 492, which appoints the 31st day of August, 1906, to be the “appointed day” for all purposes of the Ordinance.

† See Government Notice No. 833 of 1906, *Gazette*, 24th August, 1906, p. 441; Government Notice No. 1177, of 1906, *Gazette*, 16th November, 1906, p. 451; and Government Notice No. 1309 of 1906, *Gazette*, 14th December, 1906, p. 653, for appointment of members of committee.

**Ord.
No. 9
of
1905.**

Two by the council of the Municipality of Boksburg.

Two by the council of the Municipality of Krugersdorp.

Two by the council of the Municipality of Roodepoort-Maraisburg.

One by the council of the Municipality of Springs.

One by the council of any new Municipality which may hereafter be established in the district.

(3) The said councils are hereinafter collectively referred to as "the constituent authorities" and separately as "the constituent authority".

(4) The Colonial Secretary shall take such steps as may be necessary for constituting the joint committee as soon as may be after the passing of this Ordinance and for summoning the first meeting of the joint committee and regulating the proceedings thereat and all authorities and persons shall comply with any instructions issued by the Colonial Secretary for that purpose.

(5) The joint committee may act notwithstanding any vacancy in the joint committee and notwithstanding that any constituent authority is wholly unrepresented thereon.

* (6) It shall be lawful for the Lieutenant-Governor from time to time to make alter and rescind Regulations as to the constitution the appointment and qualification of members and the quorum and proceedings of the joint committee and as to the appointment by the joint committee of sub-committees which may consist in part of persons other than members of the joint committee and the delegation of powers and duties by the joint committee to such sub-committees and subject to the provisions of this Ordinance every such Regulation shall upon publication in the *Gazette* be of full force and effect.

* For such Regulations see Government Notice No. 1077 of 1906, *Gazette* 19th October, 1906, p. 210.

**Ord.
No. 9
of
1906.**

3. On the appointed day the Johannesburg Hospital Committee appointed under section *four* of the Epidemic Disease and Hospitals Committees Ordinance 1905 shall cease to exist and as from the appointed day the liabilities and property of the said committee shall attach to and vest in the joint committee; provided that such property shall subject to the terms of any bequest or donation for or in connection with the Johannesburg hospital be applied by the joint committee for the purposes of such hospital.

Abolition of Johannesburg hospital committee and transfer of properties and liabilities.

4. On the appointed day the Rand Plague Committee constituted by Government Notice No. 420 of 1904 shall cease to exist and as from the appointed day the property and liabilities of the Rand Plague Committee shall attach to and vest in the joint committee. The liabilities of the said Rand Plague Committee which attach to the joint committee under this section shall include all liabilities incurred in respect of acts done in good faith for carrying out the purposes of the said Rand Plague Committee; provided that such acts have been authorized or approved by the said Rand Plague Committee. Section *two* of the Epidemic Disease and Hospital Committees Ordinance 1905 shall from the appointed day be repealed.

Abolition of Rand Plague Committee and transfer of property and liabilities to joint committee

5. (1) The joint committee may with the approval of the Lieutenant-Governor establish maintain and carry on for the use of the inhabitants within the district such hospitals (including hospitals for the treatment of persons suffering from infectious diseases) as may from time to time be reasonably required and the hospitals specified in the First Schedule to this Ordinance shall as from the appointed day be under the management and control of the joint committee.

Power to establish and maintain hospitals.

(2) All the furniture stores and equipment which are the property of the Crown and are on the appointed day in use for the purposes of the hospitals specified in the First Schedule to this Ordinance or are on the appointed day stocked on the premises

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of
1906.**

of such hospitals for the purpose of use in connection therewith shall as from the appointed day vest in and belong to the joint committee.

(3) All the furniture stores and equipment which are the property of the council of the Municipality of Johannesburg and are on the appointed day in use for the purpose of the infectious disease ward maintained by the said council and specified in the said Schedule or are on the appointed day stocked therein for the purpose of use in connection therewith shall on the appointed day be taken over by the joint committee at a price to be agreed upon between the joint committee and the said council or failing agreement to be fixed by the arbitration of one arbitrator in accordance with the provisions of the Arbitration Ordinance 1904.

Dispensaries. **6.** The joint committee may with the approval of the Lieutenant-Governor establish and carry on for the use of the poorer inhabitants of the district dispensaries whether in connection with or apart from hospitals and may make provision for the treatment of and the supply of medicines to patients in such dispensaries.

District nurses. **7.** The joint committee may make provision for the nursing in their own homes of sick persons resident within the district who cannot conveniently be accommodated in any hospital and may for this purpose appoint district nurses and make charges for their services.

Mortuaries. **8.** The joint committee may and shall if required by the Lieutenant-Governor provide and fit up a mortuary in connection with any hospital under their control and may make charges for the use of such mortuary; provided that any mortuary controlled by the joint committee shall be available without charge for the reception of dead bodies which may be in the custody of the police.

9. The joint committee may provide proper places with all necessary apparatus and attendants for the disinfection or destruction of bedding clothing or other articles which have become infected and may cause any articles brought for the purpose of being so dealt with to be disinfected or destroyed free of charge.

Disinfecting
stations.

No. 9
of
1906.

10. The joint committee may provide and maintain ambulance carriages suitable for the conveyance of any patients to and from any hospital under the control of the joint committee.

Ambulances.

11. The joint committee shall prepare and submit for the approval of the Lieutenant-Governor a tariff of charges for the maintenance and treatment of patients in hospitals controlled by the joint committee and for the transport of patients to and from such hospitals in ambulance carriages provided by the joint committee; such tariff may provide for different rates of charges at different hospitals and in different wards of the same hospital.

Tariff of
hospital
charges.

Such tariff when approved by the Lieutenant-Governor shall be published in the *Gazette* and shall remain in force until amended by the joint committee but any amendment thereof shall also be subject to the approval of the Lieutenant-Governor and shall not come into force until after publication in the *Gazette*.

12. The joint committee may recover from any patient charges for the maintenance and treatment of such patient in any hospital and for his transport to or from such hospital in accordance with the tariff for the time being in force. Such charges shall be deemed to be a debt due from such patient to the joint committee and in the event of the death of any patient such charges shall be recoverable from his estate.

Recovery of
hospital
charges.

13. The joint committee may provide for the burial of any patient dying in any hospital under their control; provided that the expense incurred by the joint com-

Provision as
to burials.

**Ord.
No. 9
of
1906.**

Provision of
free wards.

mittee in the burial of any patient who dies leaving any property shall be a debt to the joint committee recoverable from his estate.

14. Notwithstanding anything hereinbefore contained it shall be lawful for the joint committee to provide in any of their hospitals free wards for the use of any patients resident within the district who may appear to be without means sufficient to enable them to pay patients' fees and no charge shall be made for the maintenance and treatment of any such patient in any free ward.

Admission of
patients
resident
outside the
district.

15. The joint committee may and when required by the Colonial Secretary shall receive as patients in any of the hospitals under their control persons not resident within the district; provided that payment of the charges which may become due to the joint committee in respect of such persons is guaranteed to the joint committee either by the local authority of the area within which they are resident or by the Colonial Secretary.

Inspection of
hospitals.

16. The Colonial Secretary may from time to time appoint any competent person to inspect any of the hospitals under the control of the joint committee and to report to him on the manner in which such hospitals are conducted. Any appointment made under this section shall be notified to the joint committee and any person so appointed shall be allowed by the joint committee free access to any hospital which he is appointed to inspect.

Power to
make
Regulations.

17. The joint committee may from time to time make alter and rescind Regulations for any or all of the following purposes:—

- (a) for regulating the management of any hospital dispensary mortuary or disinfecting station under their control;
- (b) for fixing the conditions on which patients will be admitted for treatment in any hospital or dispensary under the control of the joint com-

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of
1906.**

mittee and for regulating the conduct of patients in any such hospital or dispensary;

- (c) for regulating the use of ambulance carriages maintained by the joint committee.

18. (1) Whenever any part of the district appears to be threatened with or is affected by small pox cholera diphtheria typhus yellow fever bubonic plague or any contagious or infectious disease which the Lieutenant-Governor may from time to time proclaim to be a disease within the meaning of this section it shall be lawful for the Lieutenant-Governor to make and proclaim such Regulations to be in force in the district as may be required to prevent the outbreak or check the progress of or eradicate such disease. Any Regulation so made and proclaimed under the provisions of this section shall have the force of law in the district until repealed or amended by the Lieutenant-Governor.

Regulations
regarding
infectious
diseases.

(2) Without prejudice to the generality of the powers hereby conferred such Regulations may provide for all or any of the following matters:—

- (a) the speedy interment of the dead ;
 (b) the compulsory inoculation of persons against any such disease ;
 (c) the medical examination of persons and the inspection of premises ;
 (d) the removal of persons known or suspected to be suffering from or infected with any such disease to hospitals or isolation camps and their detention therein ;
 (e) the promotion of cleansing ventilation and disinfection ;
 (f) the destruction with or without compensation or the prohibition of the use or occupation of any premises which are infected or likely to be or become infected with any such disease or which are in consequence

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of defective or unsuitable construction or arrangement bad condition want of light air or ventilation or other sanitary defect liable to retain engender or spread the infection of any such disease.

(3) Such Regulations may prescribe penalties for contraventions thereof not exceeding a fine of one hundred pounds or in default of payment imprisonment with or without hard labour for one year or imprisonment with or without hard labour for such period without the option of a fine or both such fine and such imprisonment and different penalties may be imposed for continuing contraventions or second or subsequent contraventions of such Regulations.

(4) The joint committee shall be the authority for executing and enforcing any Regulations made under this section and shall have power to do all things necessary for the purpose of the execution and enforcement thereof.

(5) Section *fifty-eight* of the Municipal Corporations Ordinance 1903 as amended by section *twenty-eight* of the Municipal Corporations Amendment Ordinance 1904 and any Regulations made thereunder shall not during the continuance of the joint committee apply to any municipality within the district.

General
powers of
joint
committee.

19. The joint committee shall have power to do any of the following things:—

- (1) To incur all expenditure necessary for the carrying out of any purpose of this Ordinance.
- (2) To construct purchase maintain alter or improve hospitals offices or other buildings required for the purposes of this Ordinance.
- (3) To contribute on such terms as may be considered expedient towards the establishment or maintenance of any hospital within the district not being a hospital conducted for the purpose of private profit.

- Ord.
No. 9
of
1906.**
- (4) To acquire voluntarily by purchase lease or exchange subject to the approval of the Lieutenant-Governor any land or rights therein or in connection therewith for any of the purposes of this Ordinance; provided that any such land or rights so acquired shall be registered in the name of the joint committee.
- (5) To let sell or otherwise dispose of any movable or immovable property of the joint committee; provided that in the case of immovable property such disposal shall be subject to the approval of the Lieutenant-Governor.
- (6) To insure with any company firm or person against any loss damages risks or liabilities of any kind which may affect the joint committee.
- (7) To appoint and remunerate officers and servants of the joint committee and to dismiss the same.
- (8) To enter into contracts of apprenticeship with persons who desire to be trained as nurses.
- 20.** (1) The joint committee may enter into any contract with any person for any of the purposes of this Ordinance; provided that the joint committee shall not enter into ; Contracts.
- (a) any contract involving capital expenditure ;
- (b) any contract of service (other than such contracts of apprenticeship as are in subsection (8) of the preceding section mentioned) extending beyond the period fixed for the time being for the continuance of the committee which is not terminable upon one month's notice after the expiration of such period ;
- (c) any other contract the performance of which according to the terms thereof will extend beyond the period fixed for the time being for the continuance of the committee;

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unless the Lieutenant-Governor shall first have signified in writing under the hand of the Colonial Secretary his approval of such contract.

(2) Any such contract lawfully made shall bind the joint committee its successors and all parties thereto.

(3) Every contract shall be deemed to be duly executed by or on behalf of the joint committee if signed by the chairman or vice-chairman thereof or if signed by any one or more members thereto authorized by resolution of the joint committee.

Application of certain sections of Municipal Corporations Ordinance 1903 and amending Ordinances.

21. The following sections of the Municipal Corporations Ordinance 1903 namely sections *twenty-four twenty-six twenty-seven twenty-eight twenty-nine thirty-two thirty-three* and *fifty-four* section *seventeen* of the Municipal Corporations Amendment Ordinance 1904 and section *nine* of the Municipal Amending Ordinance 1905 shall so far as the same are consistent with the provisions of this Ordinance apply to the joint committee as if they were herein re-enacted with such modifications as are necessary to make them applicable to the joint committee.

Legal proceedings.

22. All actions or other legal proceedings brought by or against the joint committee shall be brought or defended in the name of the chairman thereof.

Provisions as to the main reef road.

23. (1) As from the appointed day the joint committee shall have the same power to make construct alter repair and if necessary temporarily close any portion of the road known as the main reef road or the witwatersrand road referred to in section *forty-three* of the Local Authorities Roads Ordinance 1904 as any local authority has with regard to any road vested in such authority.

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of
1906.**

(2) The joint committee may carry out any work on the said road which it is empowered to carry out under this section by its own servants or may contract for the performance of any such work by the constituent authority in whom the portion of the road on which such work is to be carried out is vested or by any other person.

(3) Notwithstanding anything in section *forty-four* of the Local Authorities Roads Ordinance 1904 all actions or other legal proceedings brought in respect of the said main reef road involving the control management or rights of traction over the same shall be brought by or against the joint committee and not by or against any local authority in which such road is vested by the said section *forty-four*.

(4) Nothing in this section contained shall be deemed to affect any right acquired before the appointed day by any person to construct tramways on or along the said road.

24. The joint committee shall from time to time make Regulations as to the manner in which payments shall be authorized by or on behalf of the joint committee and shall from time to time appoint a finance sub-committee for controlling their finance and any cost debt or liability exceeding one hundred pounds shall not be incurred except upon a resolution of the joint committee passed on an estimate submitted by the finance sub-committee. Finance.

25. There shall be paid to the joint committee out of funds at the disposal of the Colonial Treasurer for the purpose of such payments the sums specified in the Second Schedule hereto for the purpose of such capital expenditure as is therein described as and when the same shall be required and such sums shall be expended by the joint committee for the said purposes or for the purposes of such other capital expenditure as the Lieutenant-Governor may approve. Provision
for capital
expenditure.

**Ord.
No. 9
of
1906.**

Sums payable to joint committee for ordinary expenditure.

26. There shall be paid to the joint committee out of the public revenue of this Colony for the purpose of enabling the joint committee to defray their ordinary expenditure such sums as may from time to time be appropriated under any Law appropriating public moneys for any of the purposes of this Ordinance.

Successor to the joint committee

27. If on the date when the joint committee shall cease to exist no other body shall have been constituted by law as the successor thereof the Lieutenant-Governor shall be deemed to be the successor thereof and shall take over all the liabilities and hold all the property of the joint committee; provided that any property of the joint committee which is subject to the terms of any bequest or donation for or in connection with any hospital shall be applied by the Lieutenant-Governor in accordance with the terms of such bequest or donation.

Exemption from duty.

28. No transfer duty stamp duty or any registration or other charges shall be payable on the transfer to the joint committee of any immovable property referred to in section *three* or the First Schedule of this Ordinance.

Title.

29. This Ordinance may be cited for all purposes as the Rand Provisional Joint Committee Ordinance 1906.

FIRST SCHEDULE.

Hospitals placed under management and control of joint committee under section *five* sub-section (1).

Lazaretto. Chronic Sick Home.	}	Situate on Government portion of Farm Rietfontein No. 144.
Infectious Disease Ward maintained by Council for the Municipality of Johannesburg.		

Boksburg Public Hospital.

SECOND SCHEDULE.

Provision for capital expenditure.

For construction of hospitals and acquisition of sites therefor
£73,000.

Such sums as may from time to time be set apart by the legislature for the construction of the Main Reef Road.

No. 10 of 1906. | *| Promulgated 17th August, 1906.

added by Act 5 of 1908, S. 1.

**Ord.
No. 10
of
1906.**

AN ORDINANCE

To Amend the Police Regulation Proclamation 1901

(Assented to 9th August, 1906.)

WHEREAS it is expedient to amend The Police Regulation Proclamation 1901 hereinafter described as the "principal law";

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

1. Section *one* of the principal law shall be and is hereby amended by the omission therefrom of the clause defining "Deputy Commissioner of Police".

Amendment of section *one* of Proclamation No. 15 of 1901.

2. Section *two* of the principal law shall be and is hereby amended by the omission therefrom of the words "Deputy Commissioner and so many Assistant Commissioners" and the substitution therefor of the words "and so many Deputy District Commissioners".

Amendment of section *two* of Proclamation No. 15 of 1901.

3. Section *sixteen* of the principal law shall be and is hereby repealed and there shall be substituted therefor the following provision:—

Repeal of section *sixteen* of Proclamation No. 15 of 1901 and substitution of new provision.

"16. A superannuation allowance shall be granted to a member of the force who has attained the age of fifty years; provided that such member may in the discretion of the Governor be retained in the force above such age but not after he has attained the age of fifty-five; and an invalid allowance shall be granted to a member of the force under the age of fifty years if the Governor directs his retirement upon receipt of a certificate to the effect set forth in Schedule B to this Proclamation signed by two medical practitioners and approved by the Commissioner".

* But see section *fifteen* as to date of coming into operation of Ordinance.

**Ord.
No. 10
of
1906.**

Repeal of section *seventeen* of Proclamation No. 15 of 1901 and substitution of new provision.

4. Section *seventeen* of the principal law shall be and is hereby repealed and there shall be substituted therefor the following provision:—

“17. The allowance granted under section *sixteen* shall be calculated in the following manner: A member of the force not eligible for an invalid allowance whose service is less than ten years and who retires from the force otherwise than by voluntary resignation or dismissal shall receive a gratuity equal to one month’s average salary for each year of service; but any such member of the force whose service is ten years or more shall receive at his option either a gratuity equal to one month’s average salary for each year of service or an annuity equal to one-fiftieth of his average salary for each year of service but not so as to exceed three-fifths of such average salary”.

Repeal of section *eighteen* of Proclamation No. 15 of 1901 and substitution of new provision.

5. Section *eighteen* of the principal law shall be and is hereby repealed and there shall be substituted therefor the following provision:—

“18. If a member of the force is disabled for further service by an injury received by him without his own default when in the execution of duty involving special risk and as a result of such duty the Governor may retire him from the force and grant him a gratuity not exceeding one month’s average salary for each year of service or an annuity equal to one-fiftieth of his average salary for each year of service not being less than one-fifth nor exceeding three-fifths of such average salary; provided always that if he is so severely injured as to be incapable of earning a livelihood the annuity granted under this section shall not be less than one-half of his average salary”.

6. Section *nineteen* of the principal law shall be and is hereby repealed and there shall be substituted therefor the following provision:—

“19. If a member of the force lose his life from an injury received by him in the execution of duty involving special risk and as a result of such duty whether death occurs immediately or within a year after the injury his widow and minor children (if any) shall be paid either a gratuity equal to one month's average salary for each year of service rendered by the deceased or an annuity equal to one-fiftieth of his average salary for each year of service but not exceeding three-fifths of his average salary; provided always for the purpose of this section the deceased's service shall be deemed to be his actual service enhanced by the number of years if any by which his age at death falls short of fifty; provided further that if a gratuity under section *eighteen* had been granted to the deceased it shall be deducted in convenient instalments from the payments made under this section”.

Repeal of section *nineteen* of Proclamation No. 15 of 1901 and substitution of new provision.

**Ord.
No. 10
of
1906.**

7. Section *twenty-one* of the principal law shall be and is hereby amended by the omission therefrom of the word “pay” and the substitution therefor of the words “average salary”.

Amendment of section *twenty-one* of Proclamation No. 15 of 1901.

8. Section *twenty-two* of the principal law shall be and is hereby repealed and there shall be substituted therefor the following provisions:—

“22. (1) In the calculation of gratuities or annuities under this Proclamation salary includes pay ration allowances and allowances for quarters or the value of free quarters but no other emoluments; and average salary means the average of the salary drawn by a member of the force during the last three years of his service or during his whole service whichever may be the shorter period.

Repeal of section *twenty-two* of Proclamation No. 15 of 1901 and substitution of new provisions.

**Ord.
No. 10
of
1906.**

(2) An annuity granted under section *nineteen* to a widow or minor child shall cease in the case of a widow on re-marriage in the case of a son at the age of twenty-one and in the case of a daughter at the age of twenty-one or on marriage under such age”.

Repeal of section *twenty-six* of Proclamation No. 15 of 1901 and substitution of new provisions.

9. Section *twenty-six* of the principal law shall be and is hereby repealed and there shall be substituted therefor the following provisions:—

“26. (1) When a charge of insubordination or breach of discipline is made against a sergeant or a constable the District Commissioner in charge of the district or inspector in charge of the division in which such sergeant or constable is serving shall unless the offence alleged is of a serious nature try the same in a summary manner and if he shall find such sergeant or constable guilty of the charge may impose a fine not exceeding three pounds.

(2) If any such charge of insubordination or breach of discipline is of a serious nature the District Commissioner or Inspector as the case may be shall forthwith report the alleged offender to a Deputy Commissioner of Police.

(3) If any such charge of insubordination or breach of discipline be made against a sergeant or constable serving in a division not under the control of an inspector the superintendent in charge of such division shall forthwith report the alleged offender to a Deputy Commissioner.

(4) If any charge of insubordination or breach of discipline be made against a superintendent the District Commissioner or Inspector as the case may be shall forthwith report the alleged offender to a Deputy Commissioner”.

IO. Section *twenty-seven* of the principal law shall be and is hereby repealed and there shall be substituted therefor the following provisions:—

“27 (1) A Deputy Commissioner upon conviction before him of a constable accused of a serious charge of insubordination or breach of discipline may sentence such offender to dismissal from the force.

(2) A Deputy Commissioner upon conviction before him of a sergeant or superintendent for insubordination or breach of discipline shall report his findings with such recommendations as he may think fit to make to the Commissioner.

(3) An appeal shall lie to the Commissioner against any finding or sentence of a Deputy Commissioner District Commissioner or Inspector and in the event of a sentence involving dismissal from the force or reduction in rank an appeal shall lie from the decision of the Commissioner to the Attorney-General; save as aforesaid no appeal shall lie against any finding or sentence on a trial held under this or the preceding section”.

II. Section *twenty-eight* of the principal law shall be and is hereby repealed and there shall be substituted therefor the following provisions:—

“28. Any officer authorized under the last two preceding sections to try a charge of insubordination or breach of discipline may for the purposes thereof issue summonses requiring persons named therein to appear at a time and place to be therein mentioned to give evidence on oath as to matters known to them in relation to such charge and any person duly summoned as aforesaid who shall fail to attend in obedience

Repeal of section *twenty-seven* of Proclamation No. 15 of 1901 and substitution of new provisions.

**Ord.
No. 10
of
1906.**

Repeal of section *twenty-eight* of Proclamation No. 15 of 1901 and substitution of new provisions.

**Ord.
No. 10
of
1906.**

to the summons or who on attending shall refuse to be sworn or being sworn shall refuse to answer all questions which he may be lawfully required to answer may be fined by the officer holding the trial a sum not exceeding five pounds and such fine imposed on a member of the force may be recovered by deduction from his pay”.

Repeal of section *twenty-nine* of Proclamation No. 15 of 1901.

12. Section *twenty-nine* of the principal law shall be and is hereby repealed and any balance to the credit of the fund mentioned in such section shall be credited to a police recreation fund which may be created and which when created shall be managed and controlled in accordance with rules to be made by the Commissioner with the approval of the Attorney-General.

All fines imposed on members of the force for insubordination and breaches of discipline and all fees received by members of the force for special police services shall be paid into the revenue of the Colony.

Amendment of section *thirty-one* of Proclamation No. 15 of 1901.

13. Section *thirty-one* of the principal law shall be and is hereby amended by the omission therefrom of all words after the words “may have become entitled”.

Amendment of section *forty-six* of Proclamation No. 15 of 1901.

14. Section *forty-six* of the principal law shall be and is hereby amended by the addition immediately after the words “*twenty-eighth* sections respectively” of the words “or any provisions substituted for such sections”.

Title and date of taking effect.

15. This Ordinance may be cited for all purposes as the Police Regulation Amendment Ordinance 1906 and shall come into operation on the First day of October 1906.

No. 11 of 1906.] [Promulgated 17th August, 1906.

by Act 32/09. S.1.

AN ORDINANCE

To amend the Mining Certificates Ordinance 1903.

(Assented to 9th August, 1906.)

**Ord.
No. 11
of
1906.**

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

*1. Section *one* of the Mining Certificates Ordinance 1903 shall be and is hereby amended by the addition of the following words thereto;

Amendment of section *one* of Ordinance No. 50 of 1903.

“(f) mechanical engineers”;
and the provisions of sections *two* and *three* of the said Ordinance shall apply in respect of the said section *one* as hereby amended.

2. This Ordinance may be cited for all purposes as the Mining Certificates Amendment Ordinance 1906. Title.

No. 12 of 1906.] [Promulgated 17th August, 1906.

by Transvaal Constitution. Letters Patent of 1906. S.50.

AN ORDINANCE

To further amend the Labour Importation Ordinance 1904 and to amend the Labour Importation Amendment Ordinance 1905.

(Assented to 9th August, 1906.)

**Ord.
No. 12
of
1906.**

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

I. Section *twenty-nine* of the Labour Importation Ordinance 1904 shall be and is hereby amended by the addition thereto of the following new sub-section:—

Amendment of section *twenty-nine* of Ordinance No. 17 of 1904.

* For Regulations see Government Notice No. 1232 of 1906, *Gazette*, 30th November, 1906, p. 570.

**Ord.
No. 12
of
1906.**

*“(15) For the prevention of gambling and of the possession of gaming appliances by labourers whether in or outside any mine or compound.”

and the provisions of section *thirty* of the said Ordinance shall apply to such new sub-section.

Repeal of sub-section (3) of section *one* and section *six* of Ordinance No. 27 of 1905.
Title.

2. Sub-section (3) of section *one* and section *six* of the Labour Importation Amendment Ordinance 1905 shall be and are hereby repealed.

3. This Ordinance may be cited for all purposes as the Labour Importation Amendment Ordinance 1906 and shall be read as one with the Labour Importation Ordinance 1904 and the Labour Importation Amendment Ordinance 1905.

No. 13 of 1906.]

[Promulgated 24th August, 1906.

AN ORDINANCE

**Ord.
No. 13
of
1906.**

To amend the Crown Land Disposal Ordinance 1903.

(Assented to 18th August, 1906.)

WHEREAS it is expedient to amend the Crown Land Disposal Ordinance 1903;

Be it enacted by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

Amendment of section *seven* of Ordinance No. 57 of 1903.

1. Section *seven* of the Crown Land Disposal Ordinance 1903 shall be and is hereby amended by the omission from sub-section (1) thereof of the word “shall” and by the substitution therefor of the word “may”.

Penalty for trespassing on and refusing to depart from Crown land.

2. Any person found trespassing upon Crown land may be required by any Resident Magistrate Assistant Resident Magistrate Justice of the Peace or police officer or constable or by some person

* For Regulations see Government Notice No. 958 of 1906, *Gazette*, 28th September, 1906, p. 715.

acting under the authority of the Commissioner of Lands to forthwith quit such land and take with him all goods and persons brought by him thereon and to state his name and ordinary place of abode and any person who shall upon such requirement aforesaid refuse to depart or delay his departure therefrom with all such goods and persons aforesaid or refuse to state his name and ordinary place of abode shall upon conviction be liable to a fine not exceeding twenty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding one month or to such imprisonment without the option of a fine and all reasonable force may be used by any such officer aforesaid to effect such immediate departure.

**Ord.
No. 13
of
1906.**

3. This Ordinance may be cited for all purposes as the Crown Land Disposal Amendment Ordinance 1906 and shall be read as one with the Crown Land Disposal Ordinance 1903.

No. 14 of 1906.]

[Promulgated 24th August, 1906.

AN ORDINANCE

To apply a sum of money for the Service of the year ended the 30th day of June 1905.

**Ord.
No. 14
of
1906.**

(Assented to 18th August, 1906.)

BE IT ENACTED by the Lieutenant-Governor of the Transvaal with the advice and consent of the Legislative Council thereof as follows:—

1. The public revenue of this Colony is hereby charged towards the service of the year ended the 30th day of June 1905 with a sum of eight hundred and sixty-eight pounds fifteen shillings and seven pence in addition to the sums mentioned respectively in the Appropriation Ordinance (No. 3) 1904 and the Appropriation Ordinance (No. 2) 1905.

Public
Revenue
to be charged
with
£868 15s. 7d.

**Ord.
No. 14
of
1906.**

How to be applied.

2. The money granted by this Ordinance shall be applied to the purposes and services set forth in the Schedule annexed hereto.

Not to be applied otherwise than as granted.

3. The moneys granted by this Ordinance shall not be issued or applied to any use intent or purpose other than the particular services to which the said amounts have been granted respectively by this Ordinance.

The Treasurer to make payments under warrant of the Lieutenant-Governor.

4 The Colonial Treasurer being duly authorized thereto by warrant under the hand of the Lieutenant-Governor shall issue and pay from time to time such sums of money as shall be required for the purposes hereinbefore mentioned not exceeding in the whole the sums respectively in that behalf specified and shall in his accounts be allowed credit for all sums paid by him in pursuance of such warrant; and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sum or sums for which the same receipts shall have been respectively given.

Title.

5. This Ordinance may be cited as the Appropriation Ordinance (No. 1) 1906.

SCHEDULE.

No. of Vote.	Title of Vote.	Accounting Officer.	Amount.
XI.	Labour Importation ...	Superintendent of Foreign Labour Secretary for Public Works	£ s. d. 858 15 7
XXXI.	Public Works		10 0 0
		Total ...	£868 15 7

No. 15 of 1906.] [PROMULGATED 24TH AUGUST, 1906.

AN ORDINANCE

**To Apply a Sum of Money for the Service of the
Year ended the 30th day of June 1906.**

**Ord.
No. 15
of
1906.**

(Assented to 18th August, 1906.)

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

1. The public revenue of this Colony is hereby charged towards the service of the year ended the 30th day of June 1906 with a sum of seventy-nine thousand six hundred and forty-eight pounds in addition to the sum mentioned in the Appropriation Ordinance (No. 3) 1905.

Public
revenue to
be charged
with £79,648.

2. The money granted by this Ordinance shall be applied to the purposes and services set forth in the Schedule annexed hereto.

How to be
applied.

3. The moneys granted by this Ordinance shall not be issued or applied to any use intent or purpose other than the particular services to which the said amounts have been granted respectively by this Ordinance.

Not to be
applied
otherwise
than as
granted.

4. The Colonial Treasurer being duly authorized thereto by warrant under the hand of the Lieutenant-Governor shall issue and pay from time to time such sums of money as shall be required for the purposes hereinbefore mentioned not exceeding in the whole the sums respectively in that behalf specified and shall in his accounts be allowed credit for all sums paid by him in pursuance of such warrant; and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sum or sums for which the same receipts shall have been respectively given.

The
Treasurer to
make pay-
ments under
warrant of
the
Lieutenant-
Governor.

5. This Ordinance may be cited as the Appropriation Ordinance (No. 2) 1906.

Title.

SCHEDULE.

**Ord.
No. 15
of
1906.**

No. OF Vote.	TITLE OF VOTE.	ACCOUNTING OFFICER.	AMOUNT.
			£
VII.	Master of the Supreme Court	Secretary to the Law Department	136.
IX.	Magistrates	Secretary to the Law Department	986.
XIII.	Colonial Secretary, Division I.	Assistant Colonial Secretary, Division I.	32,301.
XVI.	Education	Director of Education	7,218.
XIX.	Census	Commissioner of Census	5,000.
XXII.	Grants-in-Aid (General)	Assistant Colonial Secretary, Division II.	4,695.
XXIV.	Native Affairs	Secretary for Native Affairs	4,717.
XXIX.	Customs	Director of Customs	3,870
XXXI.	Pensions and Gratuities	Accountant-General	4,225.
XXXII.	Miscellaneous	Accountant-General	6,029.
XXXIII.	Selati Railway	Accountant-General	1,872.
XXXV.	Labour Importation	Superintendent of Foreign Labour	1,896.
XXXIX.	Agriculture and Forests	Director of Agriculture	6,703.
		Total	£79,648.

No. 16 OF 1906.] [PROMULGATED 24TH AUGUST, 1906.

**Ord.
No. 16
of
1906.**

AN ORDINANCE

To apply a sum of money for the service of the year ending the 30th day of June 1907.

(Assented to 18th August, 1906.)

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

Public revenue to be charged with
£3,761,132.

1. The public revenue of this Colony is hereby charged towards the service of the year ending the Thirtieth day of June 1907 with a sum of three million seven hundred and sixty-one thousand one hundred and thirty-two pounds.

How to be applied.

2. The money granted by this Ordinance shall be applied to the purposes and services set forth in the Schedule annexed hereto.

Not to be applied otherwise than as granted.

3. The moneys granted by this Ordinance shall not be issued or applied to any use intent or purpose other than the particular services to which the said amounts have been granted respectively by this Ordinance.

4. The Colonial Treasurer being duly authorized thereto by warrant under the hand of the Lieutenant-Governor shall issue and pay from time to time such sums of money as shall be required for the purposes hereinbefore mentioned not exceeding in the whole the sums respectively in that behalf specified and shall in his accounts be allowed credit for all sums paid by him in pursuance of such warrant; and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sum or sums for which the same receipts shall have been respectively given.

The Treasurer to make payments under warrant of the Lieutenant-Governor.

**Ord.
No. 16
of
1906.**

5. This Ordinance may be cited as the Title. Appropriation Ordinance (No. 3) 1906.

SCHEDULE.

SCHEDULE OF ESTIMATED EXPENDITURE FOR THE YEAR 1906-7.
ORDINARY EXPENDITURE.

No. of Vote.	Title of Vote.	Accounting Officer.	Amount.
			£
I.	H. E. the Lieutenant-Governor	Private Secretary to H.E.the Lieutenant-Governor	5,859
II.	Executive and Legislative Councils	Clerk of the Councils	13,911
III.	Labour Importation	Superintendent of Foreign Labour.	35,874
IV.	Attorney-General	Secretary to the Law Department	34,313
V.	Sheriff of The Transvaal	Secretary to the Law Department	7,497
VI.	Commissioner of Patents	Secretary to the Law Department	4,207
VII.	Registrar of Deeds	Secretary to the Law Department	10,774
VIII.	Master of the Supreme Court	Secretary to the Law Department	11,406
IX.	Superior Courts	Secretary to the Law Department	28,796
X.	Magistrates	Secretary to the Law Department	141,714
XI.	Transvaal Town Police	Commissioner of Police	355,988
XII.	Prisons	Director of Prisons	205,071
XIII.	Colonial Secretary, Division I.	Assistant Colonial Secretary, Division I.	66,783
XIV.	Colonial Secretary, Division II.	Assistant Colonial Secretary, Division II.	27,826
XV.	Volunteers	Commandant	202,273

**Ord.
No. 16
of
1906.**

Schedule.—(Continued.)

No. of Vote.	Title of Vote.	Accounting Officer.	Amount.
XVI.	Education	Director of Education	410,700
XVII.	Government Printing and Stationery	Government Printer	63,766
XVIII.	Public Health	Medical Officer of Health	70,517
XIX.	Lunacy	Medical Superintendent	24,875
XX.	Pretoria Hospital	Medical Superintendent	16,063
XXI.	Grants-in-Aid to Local Authorities	Assistant Colonial Secretary, Division II.	144,325
XXII.	Native Affairs	Secretary for Native Affairs	107,433
XXIII.	Treasury	Accountant-General	17,488
XXIV.	Inland Revenue	Accountant-General	27,239
XXV.	Audit Office	Assistant Auditor-General	13,209
XXVI.	Customs	Director of Customs	78,920
XXVII.	Posts and Telegraphs	Postmaster-General	421,220
XXVIII.	Pensions and Gratuities	Accountant-General	20,255
XXIX.	Miscellaneous	Accountant-General	10,000
XXX.	Selati Railway	Accountant-General	62,150
XXXI.	Mines	Secretary to the Mines Department	114,835
XXXII.	Lands	Secretary for Lands	31,856
XXXIII.	Surveys	Surveyor-General	39,264
XXXIV.	Public Works	Secretary for Public Works	441,904
XXXV.	Irrigation and Water Supply	Director of Irrigation	61,525
XXXVI.	Agriculture and Forests	Director of Agriculture	127,516
		Total Ordinary Expenditure	£3,457,352

SPECIAL EXPENDITURE.

XXXVII.	Extension of Telephone System	Postmaster-General	£ 36,280
XXXVIII.	Public Works	Secretary for Public Works	250,000
XXXIX.	Prisons Workshops	Director of Prisons	7,500
XL.	Development of Tobacco Industry	Director of Agriculture	10,000
		Total Special Expenditure	£ 303,780

SUMMARY.

Ordinary Expenditure	...	...	...	£ 3,457,352
Special Expenditure	...	...	...	303,780
Gross Total	...	...	£	3,761,132

No. 17 of 1906.] [Promulgated 24th August, 1906.

AN ORDINANCE

To provide out of Treasury Balances for the Construction of certain Works and other purposes.

**Ord.
No. 17
of
1906.**

(Assented to 18th August, 1906)

WHEREAS it is desirable to make provision out of the balance in the hands of the Colonial Treasurer for certain capital and other expenditure not properly chargeable upon the ordinary revenue of the Colony;

Be it enacted by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

1. It shall be lawful for the Lieutenant-Governor by warrant under his hand to authorize the Colonial Treasurer to issue and pay from time to time out of any balances remaining in his hands on the thirtieth day of June 1906 and not appropriated by Law for any other purpose such sums of money as shall be required for the purposes specified in the Schedule to this Ordinance not exceeding the amounts respectively specified for such purposes.

Power of Lieutenant-Governor to authorize issue and payment of certain balances of moneys unappropriated on 30th June, 1906.

2. All sums of money issued under the provisions of this Ordinance shall be applied to the purposes and services set forth in the said Schedule until the same are completed and shall not be used or applied for any other purpose.

Moneys issued under Ordinance to be applied only to purposes set forth in Schedule.

3. The Colonial Treasurer being duly authorized as provided herein by warrant under the hand of the Lieutenant-Governor shall issue the sums of money specified in such warrants to the persons designated in the Schedule hereto as accounting officers for the respective votes and shall in his accounts be allowed credit for all sums paid by him in pursuance of such warrants; and the receipts of the accounting officers aforesaid shall be to him a full discharge for the sums for which such receipts shall have been given.

Colonial Treasurer to issue moneys specified in warrant of Lieutenant-Governor to persons designated in Schedule.

Ord. No. 17 of 1906. **4.** This Ordinance may be cited as the **Title.**
Appropriation Ordinance (Extraordinary)
1906.

SCHEDULE.

LETTER OF VOTE.	NATURE OF EXPENDITURE.	ACCOUNTING OFFICER.	AMOUNT.
A.	Telegraph and Telephone Construction	Postmaster-General	£ 15,000
B.	Extirpation of Cattle Disease	Director of Agriculture	25,000
C.	Pretoria Mint	Secretary for Lands	50,000
D.	Inter-Colonial Council	Accountant-General	465,000
E.	Allowances to Z.A.R. Officials	Accountant-General	50,000
		Total	£605,000

No. 18 of 1906.]

[Promulgated 24th August, 1906.]

Ord. No. 18 of 1906.

AN ORDINANCE

To provide out of Treasury Balances for the Construction of certain works and other purposes.

(Assented to 18th August, 1906.)

WHEREAS it is desirable to make provision out of the balances in the hands of the Colonial Treasurer for certain capital and other expenditure not properly chargeable upon the ordinary revenue of the Colony:

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:

Power of Lieutenant-Governor to authorize issue and payment of certain balances of money unappropriated on 30th June 1905.

1. It shall be lawful for the Lieutenant-Governor by warrant under his hand to authorize the Colonial Treasurer to issue and pay from time to time out of any balances remaining in his hands on the thirtieth day of June 1905 and not appropriated by law for any other purpose such

additional sums of money as shall be required for the purposes specified in the Schedule to this Ordinance not exceeding the amounts respectively specified for such purposes.

**Ord.
No. 18
of
1906.**

2. All sums of money issued under the provisions of this Ordinance shall be applied to the purposes and services set forth in the said Schedule until the same are completed and shall not be used or applied for any other purpose.

Moneys issued under Ordinance to be applied only to purposes set forth in Schedule.

3. The Colonial Treasurer being duly authorized as provided herein by warrant under the hand of the Lieutenant-Governor shall issue the sums of money specified in such warrants to the persons designated in the Schedule hereto as accounting officers for the respective Votes and shall in his accounts be allowed credit for all sums paid by him in pursuance of such warrants; and the receipts of the accounting officers aforesaid shall be to him a full discharge for the sums for which such receipts shall have been given.

Colonial Treasurer to issue moneys specified in warrant of Lieutenant-Governor to persons designated in Schedule.

4. This Ordinance may be cited as the Appropriation Ordinance (Additional Extraordinary) 1906.

Title.

SCHEDULE.

Letter of Vote.	Nature of Expenditure.	Accounting Officer.	Amount.
C.	Public Works	Secretary for Public Works	£ 75,257
D.	Extirpation of Cattle Disease	Director of Agriculture	10
G.	Advances to Surveyors for survey costs	Surveyor General	15,000
H.	Burgher Land Settlements	Assistant Colonial Secretary, Division II.	191,585
J.	Purchase of Johannesburg Market Concession	Secretary for Lands	96,061
		Total ...	£377,913

No. 19 of 1906.]

*[Promulgated 24th August, 1906.]

**Ord.
No. 19
of
1906.**

† AN ORDINANCE

**To provide for the Registration of Births and Deaths
and for other purposes.**

(Assented to 18th August, 1906.)

WHEREAS it is desirable to make provision for the proper registration of births and deaths within this Colony and to establish a central registration office for births marriages and deaths.

Be it enacted by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

PART I.

GENERAL.

Date of
taking effect
and repeal
of laws.

‡ 1. This Ordinance shall come into operation on a date to be hereafter fixed by Proclamation of the Lieutenant-Governor in the *Gazette* and from and after such date Proclamation No. 27 of 1900 shall be and is hereby repealed.

Interpreta-
tion of terms.

2. In this Ordinance unless inconsistent with the context;

“adult” shall mean every person of the age of sixteen years and upwards;

“birth” shall mean the birth of any viable child whether such child be living or dead at the time of birth;

“body” shall mean any human dead body including the body of any still-born child;

“burial” shall mean burial in earth interment or any other form of sepulture or the cremation or any other mode of disposal of a body;

* See section *one* postponing date of coming into operation till date to be hereafter fixed.

+ Cf. Act 8/09. S. 9.
* *Commence operation*

“burial place” means and includes any burial ground whether public or private or any place whatsoever wherein is buried interred cremated or otherwise disposed of or intended to be buried interred cremated or otherwise disposed of one or more bodies;

**Ord.
No. 19
of
1906.**

“District Registrar” and “Assistant District Registrar” shall mean respectively any person appointed or lawfully acting in such several capacities for any district or portion of a district under section *four* of this Ordinance;

“house” shall mean the whole or part of any tenement and any convict-prison gaol lock-up reformatory hospital asylum barracks public or charitable institution and any tent hut or cart carriage wagon truck van or other vehicle; and any mine or compound used in connection therewith and any other place of residence and any place in or upon which any person may be born or die;

“occupier” shall mean in respect of any convict-prison gaol lock-up reformatory hospital asylum barracks or public or charitable institution every governor deputy governor superintendent gaoler or medical or other officer or person in charge of such convict-prison gaol lock-up reformatory hospital asylum barracks or public or charitable institution; and in respect of any mine or mine compound every manager of such mine or compound; and in respect of any house let in lodgings or separate apartments shall mean any person residing in such house who is the person under whom such lodgings or separate apartments are immediately held and in every other case shall mean the owner when in occupation of a house and if the owner be not in occupation every lessee or other person in occupation or having the charge care or custody thereof;

**Ord.
No. 19
of
1906.**

“ police officer ” shall mean any officer constable or trooper of any police force established in this Colony by any law ;

“ Resident Magistrate ” shall include an Assistant Resident Magistrate ;

“ register ” shall for the purposes of sections *thirty-six* and *thirty-seven* of this Ordinance include in addition to any “ births register ” or “ deaths register ” kept under this Ordinance any books registers or records mentioned in section *thirty-three* ;

“ Registrar-General ” shall mean the officer appointed under section *three* of this Ordinance and any person lawfully acting in such capacity ;

“ Regulation ” shall mean any Regulation made by the Lieutenant-Governor either under section *five* or section *thirty-two* of this Ordinance.

Appoint-
ment of
Registrar-
General.

3. The Lieutenant-Governor may from time to time appoint an officer to be styled the “ Registrar-General of Births Marriages and Deaths ” whose office shall be the central registration office for all notices of births and deaths for all such returns as shall be required by any Regulation to be rendered thereto by District Registrars and for returns made under Law No. 3 of 1871 and Law No. 3 of 1897 as amended by the provisions of section *thirty-five*.

Appoint-
ment of
District
Registrars
and Assistant
District
Registrars of
Births and
Deaths.

4. (1) The Lieutenant-Governor may from time to time appoint officers to be styled “ District Registrars of Births and Deaths ” for each of the magisterial districts of the Colony or for such other area as may be prescribed by notice in the *Gazette* and whenever there shall be no Registrar appointed for a district which is a magisterial district the Resident Magistrate of such district shall *ex officio* be the Registrar.

(2) The Lieutenant-Governor may from time to time appoint persons styled “ Assistant District Registrars of Births and Deaths.”

**Ord.
No. 19
of
1906.**

- (3) The duties of any District Registrar or Assistant District Registrar mentioned in this section shall be those prescribed by this Ordinance or by any Regulation.
- × 5. The Lieutenant-Governor may from time to time make alter and repeal Regulations not inconsistent with the provisions of this Ordinance:
- (a) for the management of the Registrar-General's office or of any district registration office;
 - (b) prescribing the duties and powers of the Registrar-General and of the District Registrars and Assistant District Registrars;
 - (c) for obtaining particular information respecting all births and deaths occurring in this Colony and prescribing the nature and extent of such information;
 - (d) prescribing any forms certificates notices or registers to be used in connection with the registration of births and deaths and as to the use of the same; as to the correction of alterations in and additions to any such forms certificates notices or registers and for the disposal safe custody and preservation of the same;
 - (e) prescribing the fees payable for searches made or allowed certificates given or for any act performed under the provisions of this Ordinance or any Regulation and the persons by whom and to whom such fees are payable; and
 - (f) generally for the better carrying out of the objects and purposes of this Ordinance.

Power of Lieutenant-Governor to make Regulations for purposes of Ordinance.

Such Regulations when published in the *Gazette* shall have the full force of law and by such Regulations penalties may be imposed for the contravention thereof not exceeding in any case a fine of ten pounds and in default of payment imprisonment with or without hard labour for a period of one month.

**Ord.
No. 19
of
1906.**

Births and deaths registration books to be kept.

6. Books shall be kept by each District Registrar and shall be called the "Births Register" and "Deaths Register" respectively; and there shall be respectively recorded therein such information as to births and deaths as may be prescribed by Regulation.

Information may be transmitted by post.

7. Any information required by this Ordinance or any Regulation to be given to the Registrar-General or District Registrar or Assistant District Registrar may be transmitted through the post by prepaid registered letter.

Duties of District Registrars and Assistant District Registrars to inform themselves of births and deaths in their districts.

8. It shall be the duty of every District Registrar and Assistant District Registrar to inform himself as far as possible of every birth or death which occurs within his district and after the expiry of the time allowed under this Ordinance for giving any notice or information of any such birth or death if such notice or information shall not have been given the District Registrar or Assistant District Registrar may by notice in writing under his hand require any person whose duty it is under this Ordinance to give any such information to attend within such time as shall be specified in such notice at the office of such District Registrar or Assistant District Registrar or at any other place mentioned in such notice there to give such District Registrar or Assistant District Registrar or to any other person as may be named in such notice such information as may be necessary concerning the birth or death as the case may be; provided always that when an inquest or enquiry is being held or has been held under the Inquests Proclamation 1901 or any law amending the same concerning the death of any person no such requisition as is in this section mentioned shall be made by any District Registrar or Assistant District Registrar for information as to such death.

Duty of District Registrar or Assistant District Registrar on receipt of notice of birth or death.

9. On receipt by the District Registrar or Assistant District Registrar of any notice information memorandum return or certificate in respect of a birth or death given or transmitted under the provisions of this Ordinance he shall examine the same and

cause any defect or inaccuracy therein to be supplied or corrected as far as may be possible and for the purposes of this section he may require any person whose duty it is to give information under this Ordinance to attend and give information in the manner prescribed by the last preceding section.

**Ord.
No. 19
of
1906.**

10. No birth or death shall be registered after the expiration of two years from the date of such birth or death except upon the written authority of the Registrar-General and except upon the particular information prescribed by Regulation.

Registration to be within two years of birth or death.

11. When the birth of any child has been registered and the name (if any) by which it was registered is altered or if it shall have been registered without a name when a name is given to it the parent or guardian of such child or other person authorized by Regulation to procure the alteration or giving of a name may within two years next after the registration of the birth deliver to the District Registrar of the district wherein the birth of such child has been registered a certificate in the form prescribed by Regulation and signed by the father mother or guardian of the child or such other person and the District Registrar on receipt of such certificate and on payment of such fee as may be prescribed by Regulation shall without any erasure of any original entry forthwith enter in the births register or in such other book as may be prescribed by the Regulation the name mentioned in the said certificate as having been given to the child and shall forthwith transmit the said certificate with all required information to the Registrar-General.

Procedure where birth of child is registered and no name is given or the name given is altered.

12. In the case of an illegitimate child no person shall be required to give information under this Ordinance as the father of such child concerning the birth of such child and the District Registrar or Assistant District Registrar shall not enter in any register or other book the name of any person as the father of such child except at the joint request of the mother and of the person who shall in the presence of such

Illegitimate children.

**Ord.
No. 19
of
1906.**

District Registrar or Assistant District Registrar acknowledge himself in writing to be the father of such child; such acknowledgment shall be embodied in the certificate or register and such person shall together with the mother sign in the presence of any such Registrar the notice certificate or register as the case may be.

New-born child or body found exposed.

13. If any live new-born child or any body shall be found exposed the person finding the same shall as soon as may be give notice to a justice of the peace or police officer and any justice of the peace or police officer who shall know or be informed of the discovery of such child or body and in the case of a new-born child any person in whose charge such new-born child shall be placed and any person holding any official enquiry into or being aware of any circumstances relating to such exposure shall forthwith give to the District Registrar or Assistant District Registrar of the district wherein such child or body shall be found such notice or information as may be prescribed by Regulation.

Duties of persons holding inquests to give information to District Registrars.

14. Every person holding any inquest or enquiry as to the death of any person under the provisions of the Inquests Proclamation 1901 or any law amending the same shall enquire into such particulars in respect of the death as may be prescribed by Regulation and shall forthwith furnish such particulars to the District Registrar of the district.

Returns by custodians of burial places.

15. The custodian or person having the charge or control of any burial place shall from time to time in accordance with Regulation furnish to the District Registrar returns setting forth the full name the nationality the last known address the dates of the death and of the burial and so far as has been ascertained the cause of the death of any person whose body shall be buried in such burial place.

Information by undertakers.

16. Every undertaker or other person having charge of any funeral shall obtain as far as possible and supply to the custodian or person having charge or control

of a burial place whenever it has been arranged that a burial shall take place therein such information as may be necessary to enable the said custodian or person aforesaid to frame the returns required by the last preceding section.

**Ord.
No. 19
of
1906.**

17. Any person who shall without reasonable cause or excuse fail or neglect to give or transmit any notice information memorandum return or certificate required by this Ordinance or by any Regulation to be given or transmitted shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding one month; provided that no person shall be liable to be convicted under this section if it shall appear that any other person has duly given or transmitted the required notice information memorandum return or certificate.

Penalty for failure to give notices or information.

18. Any person who shall wilfully make or cause to be made for the purpose of being inserted in any notice or information or in any births register or deaths register any false statement relating to any of the particulars required by this Ordinance or by any Regulation made thereunder to be made known and registered shall on conviction be liable to the penalties which may by law be imposed for perjury.

Penalty for false statements made for insertion in information.

PART II.

REGISTRATION OF BIRTHS AND DEATHS IN URBAN AREAS.

19. Part II of this Ordinance shall apply to and be in force within such areas as may from time to time by Proclamation in the *Gazette* be defined as urban areas.

Application of Part II of Ordinance.

20. In the case of every child born alive in any such urban area whose birth has not been registered under Proclamation No. 27 of 1900 it shall be the duty of the father or the mother of the child and in the event of the death or absence or other inability of the father and the mother then of any person present at the birth or of the occupier of the house in which a child is born

Duty of father or mother or occupier of house to notify birth of child.

For areas defined as urban areas see Proc. 103 (Admn) 1907 with an alteration as to Pretoria by Proc. 80 (Admn) 1908.

**Ord.
No. 19
of
1906.**

and in the case of the death absence or other inability of such occupier then of the person having charge of the child within seven days next after the day of such birth to give such notice or information thereof as shall be prescribed by Regulation to the District Registrar of the district or to an Assistant District Registrar thereof.

Duty of medical practitioners or midwives in case of still-born child.

21. (1) In the case of any still-born child any medical practitioner or registered midwife who was in attendance at the birth or any medical practitioner who has examined the body of such child shall forthwith sign and give without fee or reward to one or other of the persons required by this Ordinance to give information concerning a birth a certificate stating that such child was still born and any such person who would if the child had not been still born have been required by this Ordinance to give information concerning the birth shall deliver such certificate as aforesaid to the District Registrar of the district or an Assistant District Registrar thereof and if no medical practitioner or registered midwife was present at the still birth or no medical practitioner has examined the body of such child such person shall make a solemn declaration before a Justice of the Peace that such child was not born alive and deliver such declaration within twenty-four hours of such still birth to such District Registrar or Assistant District Registrar.

(2) Every such District Registrar or Assistant District Registrar upon receiving such notice or information as aforesaid accompanied by such certificate or solemn declaration shall forthwith or as soon after as he is required give without fee or reward either to the person giving the notice or information concerning the birth or to the undertaker or other person having charge of the burial of a still-born child an order under his hand authorizing burial; provided always

that no such order shall be given if such Registrar is not satisfied that the child was still-born in which case he shall report to the Resident Magistrate such facts concerning the alleged still birth as are known to him.

**Ord.
No. 19
of
1906.**

22. (1) Whenever any person shall die and his death shall not have been registered under Proclamation No. 27 of 1900 it shall be the duty of every adult present at the death of such deceased person and if there has been no adult present at the death then of the occupier of the house in which any such death shall have happened or in case of the death or absence or other inability of such occupier then of every adult inmate of such house or of any person desiring that a body shall be buried to give notice or information of such death within twenty-four hours of such death in manner prescribed by Regulation to the District Registrar of the district or an Assistant District Registrar thereof who if he shall be satisfied that the death was due to natural causes shall give without fee or reward to the person giving the notice or information an order under his hand authorizing burial but no such order shall be given unless a certificate shall be produced by a registered medical practitioner stating that to the best of his knowledge and belief death was due to natural causes. If no such certificate is produced or if the District Registrar or Assistant District Registrar shall not be satisfied that death was due to natural causes he shall forthwith report to the Resident Magistrate such facts concerning the death as are known to him.
- (2) The Resident Magistrate on receipt of any such report as is referred to in sub-section (1) hereof shall instruct the District Surgeon failing production of such certificate as is required in sub-

Duty of persons present at death of any person.

**Ord.
No. 19
of
1906.**

section (1) hereof to investigate the cause of death and if in the opinion of such District Surgeon death occurred from natural causes the Resident Magistrate shall give an order authorising burial and shall communicate the opinion of the District Surgeon to the District Registrar or Assistant District Registrar.

Duty of medical practitioner in case of death of patient.

23. In the case of the death of any person who has been attended during his last illness by a medical practitioner such practitioner shall unless he believes that such death was not due to natural causes forthwith sign and give without fee or reward to some person required by this Ordinance to give notice or information concerning the death a certificate stating to the best of his knowledge and belief the cause of death and such person shall within twenty-four hours from the receipt thereof deliver such certificate to the District Registrar of the district or an Assistant District Registrar thereof and every such District Registrar or Assistant District Registrar upon receiving such notice or information as aforesaid accompanied by such certificate shall forthwith or so soon after as he is required give without fee or reward either to the person giving the notice or information concerning the death or to the undertaker or other person having charge of the burial an order under his hand authorizing burial.

Whenever any medical practitioner shall be unable to give the certificate of death as aforesaid he shall forthwith report such inability to the Resident Magistrate.

Duty of Magistrate on receiving report of medical practitioner or District Registrar as to still-born births or deaths.

24. As often as any Resident Magistrate shall receive any such report as in sections *twenty-one* or *twenty-three* is mentioned and where after such enquiry as is provided for under section *twenty-two* he shall not be satisfied that death occurred from natural causes he shall hold an inquest in manner provided by the Inquests Proclamation 1901 or any law amending the same; a Resident Magistrate holding any such inquest as is in this section mentioned

shall at the conclusion thereof or sooner if he thinks fit by an order under his hand authorize burial; every order made in pursuance of this section shall be given to the person who gives notice of a still-birth or death as the case may be or to some other person who causes the body to be buried or to the undertaker or other person having charge of the burial and the Resident Magistrate making such order shall furnish to the District Registrar of the district or to an Assistant District Registrar thereof who shall have registered or who would but for such inquest have registered such still-birth or death such particulars of such order and of such still-birth or death as may be prescribed by Regulation.

**Ord.
No. 19
of
1906.**

25. Every such order as aforesaid authorizing the burial of a body shall be produced by the person receiving it or by some person on his behalf to the person who buries the body or performs any funeral or religious service in connection with its burial and the person in charge of the burial place; and any person by whom any such order aforesaid has been received who fails to produce or cause the same to be produced as aforesaid shall be liable on conviction to a fine not exceeding ten pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

Delivery of burial order to person who buries the body.

26. Save in case of urgent necessity (to be defined by Regulation) no burial shall take place without an order as aforesaid authorizing burial and every person in the case of such urgent necessity who buries any body or performs any funeral or religious service in connection with the burial of any body and every person in charge of a burial place shall within thirty-six hours after the burial give notice thereof in writing to the District Registrar or an Assistant District Registrar of the district from which such body has been brought for burial or within which such burial or funeral or religious service has been performed and any person contravening any provision of this section shall be liable on

No burial to take place without a burial order except in cases of urgent necessity.

**Ord.
No. 19
of
1906.**

conviction to a fine not exceeding twenty-five pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

Penalty for failure to deliver certificate to registration officer.

27. Any person to whom a certificate is given by a medical practitioner or registered midwife in pursuance of this Ordinance who fails to deliver such certificate to the District Registrar or an Assistant District Registrar shall be liable on conviction to a fine not exceeding ten pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

PART III.

REGISTRATION IN AREAS OTHER THAN URBAN AREAS.

Application of Part III of Ordinance.

28. Part III of this Ordinance shall apply to any part of the Colony in which this Ordinance is in force and to which Part II thereof does not apply.

Duties of parents in case of birth of children.

29. In the case of every child born alive whose birth has not been registered under Proclamation No. 27 of 1900 it shall be the duty of the father or the mother of the child and in the event of the death absence or other inability of the father and the mother then of any person present at the birth or of the occupier of the house in which a child is born and in case of the death absence or other inability of such occupier then of the person having charge of the child within three months next after such birth to give such notice or information thereof as shall be prescribed by Regulation to the District Registrar of the district or to an Assistant District Registrar thereof or to a justice of the peace or to a police officer and every such justice of the peace or police officer shall on receipt of such notice or information forthwith notify such birth to the District Registrar or an Assistant District Registrar.

30. Whenever any person shall die and his death shall not have been registered under Proclamation No. 27 of 1900 it shall be the duty of every adult present at the death of such deceased person and if there has been no adult present at the death then of the occupier of the house in which any such death shall have occurred or in the case of the death or absence or other inability of such occupier of every adult inmate of such house or of any person who has caused a body to be buried to give notice or information of such death within three months of the date thereof in the manner prescribed by Regulation to the District Registrar of the district or an Assistant District Registrar thereof or to a justice of the peace or to a police officer and every such justice of the peace or police officer shall on receipt of such notice or information forthwith notify such death to such District Registrar or Assistant District Registrar.

Duties of persons present at death to notify death to registration officer.

**Ord.
No. 19
of
1906.**

31. The provisions of sub-section (1) of section *twenty-one* shall apply for the purpose of notifying information as to the delivery of still-born children in areas to which this Part of this Ordinance applies; provided that in such areas the certificate or declaration required by the said sub-section shall be delivered to the registration officer within three months of the delivery of the still-born child.

Application of provisions of sub-section (1) of section *twenty-one* in non-urban areas.

PART IV.

MISCELLANEOUS.

32. (1) Nothing in this Ordinance contained shall apply to the notification of births and deaths of natives but the Lieutenant-Governor may by Regulation prescribe special provisions to be in force in any district of the Colony or portion of a district for the notification of births and deaths of natives and may by any such Regulation prescribe penalties for the breach thereof not exceeding the penalties in section *thirty-eight* mentioned.

Power of Lieutenant-Governor prescribe to special provisions as to notice of births and deaths of natives.

For list of Native Magistrate areas see G.N. 1408 of 1907. See also Regns. under G.N. 1403 of 1907.

**Ord.
No. 19
of
1906**

(2) The term "native" in this section shall mean a person both of whose parents belong to an aboriginal race or tribe of Africa.

Books kept under Proclamation No. 27 of 1900 to be transmitted to District Registrar for preservation.

33. As soon as may be after the coming into operation of this Ordinance all books registers and other records of births and deaths which are in the custody of any person in any district and which have been kept upon information given prior to or under Proclamation No. 27 of 1900 shall be transmitted to the District Registrar of such district and when received by such Registrar shall be by him preserved and dealt with in manner prescribed by Regulation.

*Amended by Act
13/09. 5.9. by
Extending
Applications
to Marriage
Registers.*

Certificates of births and deaths to be given on application and payment of fee and to be *prima facie* evidence of facts set forth.

34. Every person shall be entitled upon application in writing and upon payment of such fee as may be prescribed by Regulation to search any births register or deaths register which is by virtue of this Ordinance in the custody or under the control of the Registrar-General or of any District Registrar and every person shall be entitled upon like application and payment of fee to receive from the Registrar-General or a District Registrar a certificate (in the form prescribed by Regulation) of any entry contained in any such register. Every such certificate shall be signed by the Registrar-General or District Registrar as the case may be and when purporting to be so signed shall be *prima facie* evidence in any Court of Law or public office of the facts set forth therein.

Duplicates of marriage registers to be in future transmitted to Registrar-General.

35. Article *fourteen* of Law No. 3 of 1871 and article *thirteen* of Law No. 3 of 1897 shall be and are hereby amended by the substitution of the words "Registrar General" for the words "Government Secretary" and "Superintendent of Natives" wherever such words respectively occur in such articles.

*Amended by Act
13/09. 5.9.
"Registers" to
include a
Marriage
Registers.*

Penalty on custodian for negligently losing or injuring registers.

36. Any person having the custody of any register or certified copy thereof or of any part thereof who shall negligently lose or injure the same or negligently while it is in his custody allow the same to be

injured shall be liable on conviction to a fine not exceeding twenty-five pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

**Ord.
No. 19
of
1906.**

37. Any person who shall wilfully destroy or injure or render illegible or cause to be destroyed or injured or rendered illegible any register or certified copy thereof or any part thereof or shall falsely make or counterfeit or cause to be falsely made or counterfeited any part of a register or certified copy thereof or shall wilfully insert or cause to be inserted in any register or certified copy or part thereof any false entry or shall wilfully give any false certificate or shall certify any writing to be a copy of or extract from a register knowing such copy or extract to be false in any part or who shall forge or counterfeit the signature seal impression or stamp of the Registrar-General or any District Registrar or Assistant District Registrar or in the case of a marriage register of any officer empowered or enjoined by law heretofore in force to issue a copy of such register shall be liable upon conviction to imprisonment with or without hard labour for a period not exceeding five years and any person having the custody or care of any register who shall knowingly permit any such offence shall be liable to the same penalty.

Penalty for wilfully destroying or falsifying registers and wilfully giving false certificates.

*Amend. by Act
13/09 5.9.
"Registers" to
include a
marriage
register.*

Article *twenty-two* of Law No. 3 of 1871 shall be and is hereby repealed.

38. Any person who contravenes or neglects or refuses to comply with any provision of this Ordinance or of any Regulation for the contravention of which or for the neglect or refusal to comply with which no penalty is specially provided shall be liable on conviction to a fine not exceeding ten pounds and in default of payment of the same to imprisonment with or without hard labour for a period not exceeding one month.

Penalties for contravention where no penalty specially provided.

**Ord.
No. 19
of
1906.**

Solemn declarations under this Ordinance to be exempt from stamp duties.

Penalty for removing bodies or remains of bodies without written authority of Colonial Secretary.

39. Notwithstanding anything in the Stamp Duties Amendment Proclamation 1902 contained no affidavit or solemn declaration made by any person for the purpose of complying with any provision of this Ordinance or Regulation shall be liable to stamp duty.

40. (1) No person shall remove or cause to be removed or shall in any manner exhume or cause to be exhumed or disturb or cause to be disturbed a body or the remains of a body which may have been interred in a burial place without an authorization in writing under the hand of the Colonial Secretary nor unless such precautions be observed as may be prescribed by the Colonial Secretary or any medical practitioner appointed by him: any person who shall contravene the provisions of this section or who shall fail to observe any such precaution aforesaid shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding six months or to such imprisonment without the option of a fine.

(2) No person shall be guilty of an offence under this section who temporarily or of necessity disturbs or causes to be disturbed a body or the remains of a body for the purposes of interring another body in the same grave.

Burial order in case of persons dying outside Colony if it is desired to bury such persons within Colony.

41. It shall be lawful for a Resident Magistrate to issue to any person having the charge of the body of a deceased person who has died outside this Colony and whose relatives or friends desire that such body be buried within the district under the jurisdiction of such Resident Magistrate an order authorizing the burial of such body within such district and notwithstanding anything in sections *twenty-five* or *twenty-six* of this Ordinance contained the production of any such order

*Amnd. by S. 9
Act. 8/09.*

shall be sufficient authority to any person to bury such body or allow such body to be buried or to perform any funeral or religious service in connection with its burial.

**Ord.
No. 19
of
1906.**

42. This Ordinance may be cited for all ^{Title.} purposes as the Births Marriages and Deaths Registration Ordinance 1906.

No. 20 of 1906.] [Promulgated 24th August, 1906.

7
Amended by Act of 1908. S. 1.

AN ORDINANCE

To amend the Law relating to the taxation of Natives.

(Assented to 18th August, 1906.)

**Ord.
No. 20
of
1906.**

WHEREAS it is expedient to amend in certain respects the law relating to the taxation of natives;

Be it enacted by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

1. In this Ordinance unless inconsistent with the context; Interpretation of terms.

“principal law” shall mean the Native Tax Ordinance 1902;

“farm labourer” shall mean any adult male native residing on a farm and certified in accordance with section *three* as having been in the *bona fide* employment of the proprietor of such farm for domestic purposes or in connection with farming operations thereon since the first day of January of the year in which demand is made upon him for payment of the tax payable under the principal law;

“farm” shall include any portion of a farm held under separate title;

“proprietor” shall mean the owner or lessee of any farm or the representative of any absentee owner or lessee thereof;

Ord.
No. 19 20
of
1906.

“municipal location resident” shall mean any adult male native who since the first day of January of the year in which demand is made upon him for payment of the tax due under the principal law has resided in a location under the control of the council of a municipality and produces proof to the satisfaction of the collector that he has paid all rent and other charges due to such council in respect of his residence in such location;

“adult male native” shall mean any aboriginal native apparently of the age of eighteen years or over who has earned or appears to the collector to be capable of earning an adult male natives wages. Such definition shall further apply for the purposes of section *two* of the principal law.

Tax payable
by farm
labourers and
municipal
location
residents.

2. In the case of every farm labourer or municipal location resident the consolidated tax of two pounds payable under section *two* of the principal law shall be reduced to one pound; provided always that if a farm labourer or municipal location resident has more than one wife by native custom he shall be liable to pay the further tax for such additional wife under the said section *two* as amended by section *five* of this Ordinance.

Number of
farm
labourers
to be
certified.

3. (1) The number of farm labourers in respect of any farm shall be certified under the hand of the proprietor thereof and if the collector be dissatisfied with the certificate so given he shall report the facts to the Resident Magistrate of the district or in the case of a detached sub-district to the Assistant Resident Magistrate thereof who may cause any such certificate to be amended after hearing the proprietor and instituting any enquiries that appear necessary. The decision of such Magistrate shall be final and conclusive.

(2) Every proprietor shall annually upon demand by a collector furnish him with a full and complete return of the farm labourers who were on his farm on the first day of January

in any year; and such return shall be in the form set forth in the Schedule hereto and signed by such proprietor.

**Ord.
No. 20
of
1906.**

4. (1) Any proprietor who fails to comply with any provision of the last preceding section or who gives a certificate thereunder false in any material particular knowing the same to be false shall be liable on conviction to a fine not exceeding fifty pounds or in default of payment of the same to imprisonment with or without hard labour for a period not exceeding six months or to such period of imprisonment without the option of a fine.
- (2) Any adult male native who neglects or refuses to produce any tax receipt or document serving the purpose of a tax receipt or document granting an extension of time for payment of or exemption from any tax due from him when such receipt or document is demanded for inspection by any person authorized to make such demand shall be liable on conviction to a fine not exceeding one pound or in default of payment of the same to imprisonment with or without hard labour for a period not exceeding seven days.
- (3) Any adult male native who knowingly permits any tax receipt or document aforesaid to be used by another in order that it may be tendered or represented as the receipt or document of such other native or who uses or attempts to use the receipt or document of another native so as to represent the same as his own shall be liable on conviction to a fine not exceeding ten pounds or in default of payment of the same to imprisonment with or without hard labour for a period not exceeding three months or to such period of imprisonment without the option of a fine.

5. Section *two* of the principal law shall be and is hereby amended by the omission therefrom of the words "for each additional wife."

Amendment
of section *two*
of Ordinance
No. 20 of
1902.

**Ord.
No. 20
of
1906.**

Amendment
of section
five of
Ordinance
No. 20 of
1902.

6. Section *five* of the principal law shall be and is hereby amended by the omission therefrom of the words "ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months" and by the substitution thereof of the words "five pounds or in default of payment of the same to imprisonment with or without hard labour for a period not exceeding one month". The provisions of the said section *five* as hereby amended shall apply in respect of a wilful neglect by a farm labourer or municipal location resident to pay the tax due under section *two* of this Ordinance.

Title.

7. This Ordinance may be cited for all purposes as the Native Tax Amendment Ordinance 1906 and shall be read as one with the principal law.

Schedule.

FORM OF CERTIFICATE UNDER SECTION *THREE*.

Name of Farm.	Number of adult male natives thereon.	Number of adult male natives employed as farm labourers or for domestic purposes.	Names of natives employed as farm labourers.	Names of other adult male natives.	Dates since which employed

(Signed).....

Proprietor.

No. 21 1906.] [Promulgated 24th August, 1906.

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AN ORDINANCE

**Ord.
No. 21
of
1906.**

To further amend the Rand Water Board Extended Powers Ordinance 1904.

(Assented to 18th August, 1906.)

WHEREAS it is expedient to further amend in certain respects the Rand Water Board Extended Powers Ordinance 1904 (hereinafter called the "principal law");

Be it enacted by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

I. The council of the municipality which may hereafter be constituted for Benoni and the area adjacent thereto shall be deemed to be a local authority and a constituent authority for all the purposes of the principal law and the following provisions with reference to the rating roll of the Rand Water Board and the membership of the board shall have effect:

Council of Benoni municipality to be a local and constituent authority for the purposes of the Rand Water Board Extended Powers Ordinance 1904 and provisions as to rating roll and membership of board.

(a) as soon as a rating roll has been framed for the said municipality in accordance with the Local Authorities Rating Ordinance 1903 or any amendment thereof the council thereof shall cause the amount of the total valuation of rateable property within the area of the said municipality to be notified to the secretary of the board and the said amount shall be included in the municipal section of the rating roll of the Rand Water Board as if the same had been notified under section *fifty-nine* of the principal law;

(b) upon such notification as aforesaid being made the number of members of the board shall be increased by the addition of two members of

**Ord.
No. 31
of
1906.**

whom one shall be appointed by the said council and one by the Transvaal Chamber of Mines;

- (c) the members first appointed by the said council and Chamber respectively under this section shall hold office until the new appointment of members of the board by the constituent authorities in accordance with section *seven* of the principal law in the month of January 1909.

Amendment
of section
ten of
Ordinance
No. 48 of
1904.

2. Section *ten* of the principal law as amended by section *one* of the Rand Water Board Extended Powers Amendment Ordinance 1905 shall be and is hereby further amended by the addition thereto of the following new sub-sections:—

- “(l) To cultivate or otherwise turn to account any land owned or held on lease by the board and for the purpose of such cultivation or turning to account to acquire and maintain all necessary plant machinery or implements.
- (m) To lend money upon terms to be settled by agreement to constituent authorities for the purpose of enabling such authorities to store distribute and measure water supplied to them by the board.
- (n) Generally to enter into contracts for the carrying out of the powers of the board.”

Title.

3. This Ordinance may be cited for all purposes as the Rand Water Board Extended Powers Amendment Ordinance 1905 and shall be read as one with the Rand Water Board Incorporation Ordinance 1903 the Rand Water Board Extended Powers Ordinance 1904 and the Rand Water Board Extended Powers Amendment Ordinance 1905 and this Ordinance and the said Ordinances may be cited together for all purposes as the Rand Water Board Statutes 1903 to 1906.

No. 22 of 1906.]

[Promulgated 24th August, 1906.

AN ORDINANCE

Ord.
No. 22
of
1906.

To amend the Local Authorities Rating Ordinance 1904.

(Assented to 18th August, 1906.)

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

1. Section *one* of the Local Authorities Rating Amendment Ordinance 1904 shall be and is hereby amended by the omission therefrom of the word "thereon" and the substitution therefor of the words "or base metals or minerals thereon or therein".

Amendment
of section
one of
Ordinance
No. 45 of
1904.

2. This Ordinance may be cited for all purposes as the Local Authorities Rating Amendment Ordinance 1906 and shall be read as one with the Local Authorities Rating Ordinance 1903 and the Local Authorities Rating Amendment Ordinance 1904.

Title.

No. 23 of 1906.]

[Promulgated 24th August, 1906.

made by Act 35 of 1908 S.2.

AN ORDINANCE

Ord.
No. 23
of
1906.

To amend the Mines Works and Machinery Regulations Amendment Ordinance 1905.

(Assented to 18th August, 1906.)

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

**Ord.
No. 23
of
1906.**

Amendment
of section
four of
Ordinance
No. 31 of
1905.

I. Section *four* of the Mines Works and Machinery Regulations Amendment Ordinance 1905 shall be and is hereby amended by the addition thereto of the following new sub-sections:—

“(5) The Lieutenant-Governor may permit the issue of licenses for stands on ground held under mining title to any applicant therefor who is desirous of carrying on works for the generation and supply of light heat and power or for the treatment of ores or bye-products and may permit the erection of buildings incidental to such works on such stands; provided that no such application shall be granted if the ground in respect of which such application is made is required for mining purposes or if the grant of such stand would be prejudicial to the proper working of any claim or mynpacht.

* (6) The Lieutenant - Governor may make alter and repeal Regulations prescribing the sizes of the stands aforesaid and the amounts payable as license moneys in respect of such stands.

(7) Any such license moneys shall whenever such stands be upon Crown land be paid to the Colonial Treasurer; and whenever such stands be on private land one half of such moneys shall be paid to the owner of the land and one half to the Colonial Treasurer.”

The provisions of sub-sections (3) and (4) of this section shall *mutatis mutandis* apply to any such application as aforesaid.

No license for any such stand nor permission to erect works as aforesaid shall be deemed to authorize the supply from such works of light heat or power to any person other than for mining purposes or purposes incidental to mining operations except with the consent of the local authority having jurisdiction in the area in or through which it is proposed to supply such person.

* For Regulations (to come into force on the 1st October, 1906) see Government Notice No. 966 of 1906, *Gazette*, 28th September, 1906, p. 729.

~~2. This Ordinance may be cited for all purposes as the Mines Works and Machinery Further Amendment Ordinance 1906 and it shall be read as one with the Mines Works and Machinery Regulations Ordinance 1903 and the Mines Works and Machinery Regulations Amendment Ordinance 1905.~~ Title.

**Ord.
No. 23
of
1906.**

No. 24 of 1906.] [Promulgated 24th August, 1906.]

X
AN ORDINANCE

To further amend the Municipalities Elections Ordinance 1903.

**Ord.
No. 24
of
1906.**

(Assented to 18th August, 1906.)

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

I. Notwithstanding anything in Chapter IV of the Municipalities Elections Ordinance 1903 the Council shall not be required to make a new voters roll oftener than once in every three years and any person who is not on the voters roll in force for the time being in a municipality may at any time apply to the town clerk thereof (in such form as the Council thereof may from time to time prescribe) to be enrolled as a voter and the council on being satisfied that such person is qualified under the said Ordinance or any amendment thereof to be so enrolled shall cause the name of such person to be placed on the voters roll; provided always that:—

Council not obliged to make voters roll oftener than triennially and power to add to voters roll on application.

- (i) if the Council shall refuse the said application such decision of the Council shall be subject to appeal as if it were a decision of the Resident Magistrate or advocate given under section *nineteen* of the said Ordinance;

Cf. Act 23/09 as to municipal elections in Natal & J. C. Org.

**Ord.
No. 24
of
1906.**

- (ii) no person shall be enrolled under this section as a voter in any ward upon an application made after the publication of a notice of any election in such ward under section *thirty* of the said Ordinance until such election shall have been held;
- (iii) in the case of a municipality in which the elections are conducted under the provisions of sections *four* to *twelve* of the Municipal Corporations Amendment Ordinance 1904 or any amendment thereof no person shall be enrolled under this section as a voter in the municipality upon an application made after the issue of the Magistrates notice relating to any election therein until such election shall have been held;
- (iv) the non-enrolment of any voter upon an application made under this section shall not invalidate any election held after the date of such application.

Title.

2. This Ordinance may be cited for all purposes as the Municipalities Elections Amendment Ordinance 1906 and shall be read as one with the Municipalities Elections Ordinance 1903 and any law amending the same.

No. 25 of 1906.]

*[Promulgated 24th August, 1906.

**Ord.
No. 25
of
1906.****AN ORDINANCE***Amended by Act 4/09. S. 7. as to definition of "this ordinance".***To amend the Opium Importation Ordinance 1905.**

(Assented to 18th August, 1906.)

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

* See section *thirteen* as to date of operation of Ordinance.

1. The Opium Importation Ordinance 1905 and sub-sections (15) and (16) of section *thirty-one* of the Labour Importation Ordinance 1904 as amended by section *eight* of the Labour Importation Amendment Ordinance 1905 shall be and are hereby repealed.

Repeal of Ordinance No. 36 of 1905.

**Ord.
No. 25
of
1906.**

2. It shall be the duty of all persons who at the date of the coming into operation of this Ordinance are lawfully entitled to keep for sale and sell opium and extract of opium to make a return to the Colonial Secretary of all stocks of opium and extract of opium in their possession and the Colonial Secretary shall issue a permit authorizing the possession of the stocks so declared.

Persons lawfully entitled to sell opium to make returns of the quantity in stock at date of operation of Ordinance.

* Every such return shall be made prior to a date to be notified in the *Gazette* and in a form prescribed by Regulation.

Any such person aforesaid who fails to make such return as aforesaid within the prescribed period or who sells or is found in possession of opium or extract of opium without having obtained a permit under this section shall be liable on conviction to the penalties mentioned in section *three* of this Ordinance.

3. (1) From and after the coming into operation of this Ordinance no person (other than a person registered under the Medical Dental and Pharmacy Ordinance 1904 as a chemist and druggist) shall import into this Colony any opium or extract of opium and no such registered chemist and druggist shall import any such substance unless thereto authorized by a permit stating the quantity which may be imported and signed by the Colonial Secretary; and † such permit shall be in the form and shall contain such conditions as may be prescribed by Regulation.

Prohibition of importation of opium except under permit issued only to chemists and druggists

* See Government Notice No. 981 of 1906, *Gazette*, 1st October, 1906, p. 2, fixing the 22nd October, 1906, as the date prior to which returns to be made, and see Government Notice No. 970 of 1906, *Gazette*, 28th September, 1906, p. 717, as to form of return.

† For form of permit see Government Notice No. 970 of 1906, *Gazette*, 28th September, 1906, p. 717.

**Ord.
No. 25
of
1906.**

(2) The Director of Customs may detain any such substance imported into this Colony after the coming into operation of this Ordinance until a permit issued under this section has been produced in respect thereof.

(3) Any person contravening the provisions of this section or the conditions of any permit issued thereunder shall be liable on conviction to a fine not exceeding five hundred pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and any opium or extract of opium suspected of having been unlawfully imported may be seized and if any person be convicted of a contravention of this or the preceding section or the conditions of any such permit aforesaid the opium or extract of opium in respect of which such contravention shall take place shall be forfeited.

Conditions of
purchase of
opium
from
importers by
medical
practitioners
and chemists.

4. Every registered medical practitioner or chemist and druggist may purchase opium or extract of opium from any person authorized under section *two* to possess or under section *three* to import such substance; provided that no such purchase shall be effected except upon a request in writing signed by the purchaser stating the quantity which he desires to purchase and such written request shall be retained and preserved by the seller and shall be open to the inspection of the Secretary of the Pharmacy Board or of any person authorized by him in writing under his hand in manner prescribed by section *fifty-seven* of the Medical Dental and Pharmacy Ordinance 1904 for the inspection of poisons books kept by registered chemists and druggists.

5. Every person entitled under section *two* to possess or under section *three* to import or under section *four* to purchase opium or extract of opium may keep and sell the same subject to the provisions of section *eight* and shall cause to be entered in a book to be exclusively kept for the purpose:—

- (i) the quantity of opium or extract of opium possessed imported or acquired;
- (ii) the date of its importation or acquisition;
- (iii) the person from whom and the place from which the same was imported or acquired;
- (iv) the quantity which has been disposed of and whether by sale or by process of manufacture; and if such disposal be by sale the date of such sale the name and address of the purchaser and the number of the permit issued under section *eight* of this Ordinance unless the substance aforesaid has been sold under the provisions of section *four* in which case the facts relating to such sale shall be entered in the book.

Importers purchasers and sellers to keep books containing records for inspection of Secretary of Pharmacy Board and police officer.

**Ord.
No. 25
of
1906.**

Every such book shall be so kept as to clearly show in addition to the purchases and sales the amount of opium or extract of opium held in stock and every such book shall be open to the inspection of the Secretary of the Pharmacy Board or of any person authorized by him in writing under his hand as prescribed by section *fifty-seven* of the Medical Dental and Pharmacy Ordinance 1904 for the inspection of poisons books kept by registered chemists and druggists and to the inspection also of any police officer of or above the rank of inspector.

6. Any person who shall sell opium or extract of opium to such person as is described in sub-section (1) of section *four* in contravention of the provisions thereof and any such person therein described who

Penalties for contravening provisions and requirements of sections *four* and *five*.

**Ord.
No. 25
of
1906.**

shall purchase opium or extract of opium from a person not authorized under section *two* to possess or under section *three* to import such substance and any person required by sections *four* or *five* to keep such written request to purchase or book as is therein described who shall not keep such written request or book or who shall fail to produce the same for inspection when demanded by the Secretary of the Pharmacy Board or person authorized by him as aforesaid or police officer aforesaid shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

*Ho Sick v. Pua
1907. F.S. 467.*

Penalty for being in possession of opium except for medicinal purposes or unless authorized to keep for sale or sell under this Ordinance.

7. Any person who shall have in his possession or on any premises occupied by him any opium or extract of opium (except for medicinal purposes) unless he be a person authorized in accordance with this Ordinance to keep for sale or sell the same shall be liable on conviction in addition to any penalties to which he may be otherwise liable under this Ordinance or any other law to a fine not exceeding five hundred pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and any such substance found in his possession shall be forfeited.

*Rep. by Act 4/04
S.1 and 2 &
new provisions
substituted.*

Opium only to be sold on production of permit.

8. ~~(1) Notwithstanding anything in sections *fifty* and *fifty-five* of the Medical Dental and Pharmacy Ordinance 1904 contained no person shall sell or supply opium or extract of opium to any person other than a person authorized under section *five* to sell the same except upon the production to him of a permit to purchase or obtain such substance signed by a Resident Magistrate Assistant Resident~~

**Ord.
No. 25
of
1906.**

Magistrate or Resident Justice of the Peace having jurisdiction in the district in which such sale or supply shall take place and in accordance with the particulars stated on such permit; provided always that in the case of a labourer introduced into this Colony under the Labour Importation Ordinance 1904 such permit shall be signed by an Inspector of the Foreign Labour Department.

* (2) Every such permit shall be in the form prescribed by Regulation and shall not be issued by such officer except upon production to him of a prescription signed by a registered medical practitioner. No such permit shall be issued to any such labourer as aforesaid except on production of a prescription signed by the medical officer who supervises the health of the labourers employed on the premises of the employer of such labourer.

(3) Every such prescription shall state the quantity which may be sold or supplied and the period prescribed for the consumption of such quantity. Every such permit shall state the quantity which may be sold or supplied thereon and the period for which such permit is available. During such period no further permit under this section shall be issued to the holder thereof. Every such permit if issued to such labourer as aforesaid and the counterfoil thereof shall if required by the officer issuing it be marked with the finger impression or other evidence of identification of such labourer and the counterfoil shall be retained by such labourer as evidence of his right to be in possession of such substance.

(4) No such permit shall be issued for a longer period than one month nor for a greater quantity of opium or extract of opium than two pounds in weight; provided that in the case of a person other than such labourer as afore-

* For form of permit see Government Notice No. 970 of 1906, *Gazette*, 28th September, 1906, p. 717.

**Ord.
No. 25
of
1906.**

said such permit may be renewed from month to month by an officer authorized to issue such permits without the production of a fresh prescription; provided further that the total periods of renewal do not exceed six months.

(5) Every person selling or supplying opium or extract of opium in accordance with the provisions of this section shall endorse on the permit the quantity sold or supplied by him in terms thereof and as soon as such quantity together with any quantities which may be previously endorsed thereon in compliance with this section shall amount in all to the quantity authorized by the said permit to be sold or supplied he shall retain such permit and forthwith forward it to the officer who issued the same.

(6) Any person who shall contravene any provision of this section shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

Power to police constable to enter and search premises where it is reasonably suspected that opium is kept in contravention of Ordinance.

9. Any police constable having a written authority from a Magistrate Justice of the Peace or officer of police above the rank of inspector may enter and search any premises place or vehicle if such constable shall have reasonable grounds for suspecting that any opium or extract of opium is kept in contravention of this Ordinance and if any such substance be found on such search it may be seized and removed and on conviction of the owner of the premises place or vehicle or of the person found in possession of the substance of a contravention of any provision of this Ordinance it shall be forfeited; provided always that if it appears that any delay occasioned by obtaining such written authority will defeat the objects of this section such police officer

may exercise the powers conferred hereby without any such written authority aforesaid but he shall as soon as possible report what he has done to the chief officer of police of the district or to the Resident Magistrate.

**Ord.
No. 25
of
1906.**

10. (1) The burden of proving any fact which would be a defence to a charge of contravening any provision of this Ordinance shall lie upon the person charged.

Evidence
and
procedure.

*Ho Fick v. Rex
1907. F.S. 467.*

(2) Every person required by this Ordinance to be in possession of a permit to possess import purchase or obtain opium or extract of opium shall be deemed to be without such permit unless he shall produce or give satisfactory proof of possessing the same.

(3) In any indictment summons or other form of charge under this Ordinance it shall be sufficient to set forth the offence charged in the words of this Ordinance or in similar words without negating any exception exemption or qualification.

(4) In any charge of selling or supplying opium or extract of opium to a labourer introduced under the Labour Importation Ordinance 1904 in contravention of or without complying with the provisions of this Ordinance or any Regulation made thereunder it shall not be necessary to set out the name of such labourer but it shall be sufficient to allege that such sale or supply was effected to a labourer so introduced.

11. (1) In any contravention of sections *three four five six or eight* of this Ordinance the person registered as a medical practitioner or chemist and druggist as the case may be shall be liable to the penalties prescribed for such contravention though the act or default constituting such contravention was that of an apprentice clerk servant or agent in the employ of such registered person unless he shall satisfy the Court that

Persons
liable to
penalties.

**Ord.
No. 25
of
1906.**

such act or default was not due to his negligence in the supervision or direction of such apprentice clerk servant or agent.

(2) Every director and manager of a company shall be liable to the penalties prescribed for a contravention of this Ordinance by such company.

Power to
make
Regulations.

***12.** The Lieutenant-Governor may from time to time make alter and rescind Regulations not inconsistent with the provisions of this Ordinance for the better carrying out of the objects and purposes of any provision or requirement thereof relating to permits and returns of stocks of opium and for defining the substances to be included in the expression "opium" or "extract of opium."

Title and
date of
taking effect.

13. This Ordinance may be cited for all purposes as the Opium Trade Regulation Ordinance 1906 and shall come into operation on the First day of October 1906.

No. 26 of 1906.] [Promulgated 28th September, 1906.

**Ord.
No. 26
of
1906.**

AN ORDINANCE

To further amend the Law relating to Municipal Corporations.

(Assented to 12th September, 1906.)

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

Amendment
of section
six of
Ordinance
No. 58 of
1903.

I. Section *six* of the Municipal Corporations Ordinance 1903 as amended by section *eighteen* of the Municipal Corporations Amendment Ordinance 1904 shall be and is hereby further amended by the insertion in sub-section (1) thereof immediately after the words "town or village" of the words "or other area" and by the addition at the end

* For definition of "opium" and "extract of opium" and for such regulations see Government Notice No. 970 of 1906, *Gazette*, 28th September, 1906, p. 717.

of sub-section (8) thereof of the words "and thereafter in whole or in part to withdraw such exemption."

**Ord.
No. 25
of
1906.**

2. Section *forty* of the Municipal Corporations Ordinance 1903 as amended by section *twenty-three* of the Municipal Corporations Amendment Ordinance 1904 shall be and is hereby further amended by the addition thereto of the following new sub-section:—

Amendment
of section
forty of
Ordinance
No. 58 of
1903.

"(15) To acquire equip and maintain boats and boating establishments".

3. Section *forty-one* of the Municipal Corporations Ordinance 1903 as amended by section *twenty-four* of the Municipal Corporations Amendment Ordinance 1904 shall be and is hereby further amended by the insertion in sub-section (2) thereof immediately after the word "hospital" of the words "committees employing district nurses" and by the addition of the following new sub-section:—

Amendment
of section
forty-one of
Ordinance
No. 58 of
1903.

"(11) To purchase land within the municipality as a site for a railway station and to transfer any such land to or on behalf of the Railway Administration or to reimburse to the Railway Administration any expenditure incurred by the Administration in the acquisition of a site for a railway station within the Municipality."

4. ~~(1) The Lieutenant-Governor may from time to time make alter or repeal regulations for any municipality prescribing the hours during which the sale of merchandise by retail may be conducted and the hours during which persons may be employed in any such sale within such Municipality.~~

Lieutenant-Governor
may make
Regulations.

*Amf. by Act
32/08. 5. 2*

~~(2) Any such regulations and any other regulations which may be made by the Lieutenant-Governor or Colonial Secretary under the Municipal Corporations Ordinance 1903 or any law amending the same may provide penalties for the breach thereof not exceeding a fine of fifty pounds and in default of payment imprisonment with or without hard labour for a period of three months.~~

**Ord.
No. 26
of
1906.**

Contra-
vention of Or-
dinance bye-
laws or regu-
lations by
Company
firm or part-
nership.

5. In case any contravention of the provisions of the Municipal Corporations Ordinance 1903 or any law amending the same or of any bye-law or regulation in force in the Municipality is committed by a company firm or partnership the managing director or person having the management or control of the business or property in the case of a company or firm and each partner in the case of a partnership shall be responsible therefor and shall be liable to the penalty provided for such contravention provided however that in case of the cancellation or suspension under section *sixty-two* of the Municipal Corporations Ordinance of 1903 of a trade license granted by the Council to any company firm or partnership or to any person on behalf of a company firm or partnership any disqualification to hold a license imposed under the said section may be attached either to such company firm or partnership or to the person who is under this section responsible for the offence in respect of which the order of cancellation or suspension is made or both to the company firm or partnership and such person as to the Magistrate making the order shall seem fit.

Deputy
Chairman of
Council
elected under
sections *four*
to *twelve* of
the Municip-
al Corpora-
tions Amend-
ment Ordin-
ance 1904.

6. (1) In the case of any Municipality the Council of which is elected in the manner prescribed by sections *four* to *twelve* inclusive of the Municipal Corporations Amendment Ordinance 1904 a Deputy Chairman of the Council shall be elected from time to time subject *mutatis mutandis* to the provisions of section *fourteen* of the said Ordinance and such Deputy Chairman shall whenever it shall be necessary owing to the death resignation absence illness or incapacity of the Chairman do all acts which the Chairman as such may do. The fact of the death resignation absence illness or incapacity of the Chairman shall be notified by the Town Clerk or his deputy to the first meeting of the Council held after such death resignation absence illness or

incapacity has happened or commenced and be recorded in the Council's Minutes. Such record shall be sufficient authority for all acts done by the Deputy Chairman which the Chairman as such may do from the date of the death or resignation or the commencement of the absence illness or incapacity of the Chairman until a new Chairman shall be appointed or the Chairman shall resume his duties.

**Ord.
No. 26
of
1906.**

(2) At every meeting of the Council of such a Municipality the Chairman if present shall preside and in case of his absence the Deputy Chairman and in case neither the Chairman nor Deputy Chairman shall be present at any meeting then the Councillors present shall elect a temporary Chairman from among themselves who shall in the absence of the Chairman and Deputy Chairman preside at such meeting and if it shall appear to the Council at such meeting that the Chairman and Deputy Chairman are both absent from the Municipality or are for any other reason incapable of acting the Council may by resolution confer on the temporary Chairman elected as aforesaid full authority to do all acts which the Chairman as such may do until either the Chairman or Deputy Chairman is again able to act.

(3) Section *sixteen* of the Municipal Corporations Amendment Ordinance of 1904 shall be and is hereby repealed.

7. Whereas it is expedient that the council of the municipality of Germiston should be enabled to establish and maintain a municipal compound on certain land which is proclaimed under Law No. 15 of 1898 anything in such law notwithstanding and whereas the said council has entered into a notarial agreement with the owners of and the registered holders of certain mining rights on the proclaimed farm Elandsfontein No. 147 Witwatersrand District for

Provision
validating
agreement
entered into
by council
of the
Germiston
municipality
relative to
municipal
compound
on mining
ground.

**Ord.
No. 26
of
1906.**

the purpose of establishing and maintaining thereon such compound it is hereby declared that the said notarial agreement dated the twenty-sixth day of July 1906 between the said council the Simmer and Jack Proprietary Mines Limited (the owners of the said farm) and the Rand Victoria East Limited (the registered holders of prospecting claims on the portion of the farm the subject of such agreement) the terms of which agreement are fully set forth in the First Schedule hereto shall be deemed to have been lawfully entered into and the same is hereby confirmed as binding on the parties thereto and that notwithstanding anything in Law No. 15 of 1898 contained any municipal compound established and maintained by the said council in terms of the said agreement on the said proclaimed farm shall be deemed to be lawfully established and any buildings now or hereafter erected thereon for the purposes of such compound shall be deemed to be lawfully erected.

Provision
validating
agreement
entered into
by council
of Boksburg
municipality
relative to
native
location and
Asiatic
bazaar on
proclaimed
land.

8. Whereas it is expedient that the council of the municipality of Boksburg should be enabled to establish a native location and an Asiatic bazaar upon a portion of the farm "Klippoortje" No. 149 District Heidelberg which is proclaimed under Law No. 15 of 1898 anything in such law notwithstanding it is hereby declared that a notarial agreement dated the thirtieth day of July 1906 between the said Council and the Klippoortje Estates and Tramway Company Limited (the owner of the said farm) and the Hercules Company Limited (the registered holders of the mining rights on the portion of the farm the subject of such agreement) the terms of which agreement are fully set forth in the Second Schedule hereto shall be deemed to have been lawfully entered into between the parties thereto and is hereby confirmed as binding on such parties and that notwithstanding anything in Law No. 15 of 1898 contained such native location and Asiatic bazaar aforesaid shall be deemed to be lawfully established on the said farm "Klip-

poortje" No. 149 District Heidelberg and any buildings now or hereafter erected thereon for purposes of such location or bazaar shall be deemed to be lawfully erected.

**Ord.
No. 26
of
1906.**

9. The Council may charge for any license which the Council is empowered to issue such fees as may be fixed by the Council's Bye-laws for the time being in force. Sub-section (3) of section *seventy-two* of the Municipal Corporations Ordinance 1903 as amended by section *thirty-two* of the Municipal Corporations Amendment Ordinance 1904 shall be and is hereby repealed.

Limit of charges to be made by councils for licensing of certain trades.

10. (1) It shall be lawful for the council to grant leases of plots in any native location or Asiatic bazaar or township established by the council or under its control for any term not exceeding thirty-three years in such form and subject to such conditions as the Lieutenant-Governor may approve.

Issue of long leases by council to occupiers in Asiatic bazaars and native locations.

(2) Such leases shall not require to be executed before a notary public and such leases and cessions thereof shall not require to be registered except in a register to be kept by the council in accordance with such Regulations as the Lieutenant-Governor may prescribe and any such lease and any cession of such lease shall if so registered be valid and binding for all purposes.

Any transfer duty or stamp duty payable on any such lease or cession thereof under any law relating to transfer duty or stamp duty shall be paid in manner prescribed by such Regulations aforesaid. The council shall account to the Colonial Treasurer for any transfer duty or stamp duty payable upon any registration effected under such Regulations aforesaid.

11. No councillor shall act for the council for reward as an advocate attorney law agent medical practitioner veterinary surgeon architect engineer surveyor accountant or in any other professional capacity.

Prohibition of councillor acting for council in professional capacity for reward.

**Ord.
No. 26
of
1906.**

Any councillor contravening this section shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months and the Court before which he is convicted may order that he shall refund to the council the amount of any fees received by him in respect of so acting as aforesaid and that he shall vacate his seat and his seat shall thereupon become vacant

Provisions
as to
councillors
being
interested in
contracts
with the
council.

12. (1) Save as in the preceding section and in section *four* of the Municipalities Elections Ordinance 1903 provided no councillor shall be prohibited by reason of his office from contracting with the council either as vendor purchaser or otherwise nor shall any contract or bargain entered into by or on behalf of the council in which any councillor shall be in any way directly or indirectly interested be on such account avoided or set aside nor shall any councillor so contracting or being so interested be liable save in the case hereinafter mentioned to account to the council for any profit realized by any such contract or bargain by reason of such councillor holding his office or by reason of the fiduciary relation thereby established.

(2) Where any councillor is interested otherwise than as shareholder in a limited liability company in any contract or bargain with the council which involves according to the terms thereof the expenditure or receipt by the council of one hundred pounds or more it shall be the duty of such councillor before or at the meeting of the council at which such contract or bargain is determined on or approved if his interest then exists or if his interest is subsequently acquired then within a reasonable time and in any case not later than one month after the acquisition of such interest to disclose the same to the council and

such disclosure if not made at a meeting of the council may be made by letter addressed to the town clerk which shall be reported by him to the council at the first meeting held after the receipt of such letter and any such disclosure shall be entered on the minutes of the meeting of the council at which the same is made by the councillor or reported by the town clerk; provided however that it shall not be necessary for any such disclosure to be made

- (a) by any councillor in the case of any contract or bargain which the council may expressly authorize to be entered into with such councillor in his own name; or
- (b) by any councillor who shall have notified in writing to the town clerk subsequent to his last election as councillor that he has any interest in any firm or partnership in the case of any contract or bargain which the council may expressly authorize to be entered into with such firm or partnership.

(3) Any councillor who contravenes this section by omitting to disclose his interest in any contract or bargain with the council as hereby required shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months and the Court before which he is convicted may order that he shall account to the council for any profits which may accrue to him in respect of such contract or bargain and that he shall vacate his seat and his seat shall thereupon become vacant; provided however that the Court shall not make such order if it is proved that the omission of any councillor to make such disclosure was due to illness absence from the municipality mistake inadvertence or some other like cause and was not due to any want of good faith.

**Ord.
No. 26
of
1906.**

**Ord.
No. 26
of
1906.**

(4) It shall be the duty of the town treasurer or if there be no town treasurer of the town clerk to prepare every month according to the best information which he is able to obtain a statement shewing all the contracts or bargains entered into or authorized by the council during the preceding month in which any councillor is interested otherwise than as a shareholder in a limited liability company and the names of the councillors so interested and to lay such statement before the council at the first meeting held after the same has been prepared and such statement shall be included in the minutes of such meeting.

(5) It shall be the duty of the auditor of the accounts of the council appointed by the Lieutenant-Governor to examine from time to time the minutes of the council for the purpose of ascertaining whether the provisions of this section have been complied with and to report to the Colonial Secretary any cases in which it shall appear to him that there has been any failure to comply with such provisions.

Councillor
not to speak
or vote where
he has
pecuniary
interest.

13. A councillor shall not in or before the council or any committee thereof vote upon or take part in the discussion of any contract bargain expropriation claim application for license negotiation or legal proceedings in which he or any person by whom he is employed or whose attorney or agent he is has directly or indirectly any pecuniary interest.

Any councillor contravening this section shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months and the Court before which he is convicted may order that he shall vacate his seat and his seat shall thereupon become vacant; provided however that the Court shall not make such order if it is proved that such contravention arose from mistake or inadvertence and did not arise from any want of good faith.

14. Notwithstanding anything in this Ordinance contained ;

Saving as to certain cases.

**Ord.
No. 26
of
1906.**

(a) no councillor shall be prohibited from voting upon or discussing in or before the council or any committee thereof ;

(1) any scheme for the imposition of special rates, or

(2) the tariff charge for or the regulations and conditions generally applicable to the supply by the council of anything or the rendering by the council of any service whether in the whole Municipality or any district thereof ;

(b) no councillor shall be required to disclose to the council his interest in any contract entered into with the council for the supply by the council of anything or the rendering by the council of any service at the ordinary published tariff charge for such supply or service ;

(c) it shall not be necessary to include any such contract as aforesaid in any statement prepared under sub-section

(4) of section *twelve*.

15. A councillor shall not act as agent or representative of any person ;

Councillor not to act as agent before Court or committee appointed by council.

(a) before any Valuation Court appointed by the council under the Local Authorities Rating Ordinance 1903 or any amendment thereof ; or

(b) before any other Court or committee appointed by the council to deal with the rating of property by way of special assessment or otherwise ; or

(c) before any committee of the council appointed to consider or deal with applications for any licenses which the council has power to grant.

**Ord.
No. 26
of
1906.**

Any councillor contravening this section shall upon conviction vacate his seat and be liable to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

Penalty for Councillor required to vacate his seat:

16. Any Councillor who is required to vacate his seat under any of the provisions of sections *eleven* to *fifteen* inclusive of this Ordinance shall not be capable for a period of three years thereafter of being elected a Councillor for any municipality or of holding a commission as Justice of the Peace or of sitting on any Valuation or Licensing Court.

Repeal of certain sections of Ordinance No. 38 of 1903 and Ordinance No. 58 of 1903.

17. Section *five* of the Municipalities Elections Ordinance 1903 and section *twenty-six* of the Municipal Corporations Ordinance 1903 shall be and are hereby repealed.

Certain provisions to apply to Pretoria Municipality

18. The provisions of sections *four five* and *nine* to *sixteen* inclusive shall apply to the Council of the Municipality of Pretoria and be in force in such municipality and the provisions of sections *eleven* to *fourteen* inclusive and of section *sixteen* shall apply *mutatis mutandis* to the Rand Provisional Joint Committee.

Title.

19. This Ordinance may be cited for all purposes as the Municipal Amending Ordinance 1906 and this Ordinance the Municipal Corporations Ordinance 1903 the Municipal Corporations Amendment Ordinance 1904 and the Municipal Amending Ordinance 1905 shall be read as one Ordinance and may be cited together for all purposes as the Municipal Corporations Statutes 1903-1906.

FIRST SCHEDULE.

AGREEMENT MENTIONED IN SECTION *SEVEN*.

BE IT HEREBY MADE KNOWN TO ALL WHOM IT MAY CONCERN:—

That on this the twenty-sixth day of July in the Year of Our Lord One Thousand Nine Hundred and six (1906) before me Frans Herman van der Willigen Notary Public by lawful authority duly sworn and admitted and in the presence of the subscribing witnesses personally came and appeared:—

**Ord.
No. 26
of
1906.**

Robert George Fricker and William Sebastian Smits of Johannesburg in their capacity as two of the Directors and George Gwinnett Bompas also of Johannesburg in his capacity as the Secretary of the Simmer and Jack Proprietary Mines Limited the said representatives being duly authorized thereto by a Resolution passed by the Board of Directors of the said Company dated 25th July 1906 copy of which resolution certified as such by the said Secretary was this day exhibited to me the Notary and remains filed in my protocol of the first part.

Robert George Fricker and Douglas Christopherson of Johannesburg in their capacity as two of the Directors and Frederick Leslie Brown of Johannesburg aforesaid in his capacity as the Secretary of the Rand Victoria East Limited the said representatives being duly authorized thereto by a resolution passed by the Board of Directors of the said Company dated 25th July 1906 copy of which resolution certified as such by the said Secretary was this day exhibited to me the Notary and remains filed in my protocol of the second part and Charles Brammer Mayor herein representing the Town Council of the Municipality of Germiston of the third part

And whereas the first mentioned Company is the freehold owner of certain proclaimed farm Elandsfontein No. 147 in the Witwatersrand District.

And whereas the second mentioned Company is the registered owner of certain gold prospecting claims Nos. 1290/4 and portion of 1323/5 situate on the aforesaid proclaimed farm Elandsfontein No. 147.

And whereas the said Companies are willing to grant and the Town Council of the Germiston Municipality is willing to accept certain rights to a piece of ground situate on the farm Elandsfontein No. 147 in the Witwatersrand District and held under mining title by the second mentioned Company subject to the consent of the Government of the Transvaal Colony being obtained upon certain terms and conditions.

NOW THEREFORE THESE PRESENTS WITNESS:—

The Simmer and Jack Company Limited and the Rand Victoria East Limited hereby grant and the Town Council of the Germiston Municipality accepts the right to use the surface of certain piece of ground in extent 274 125 (Two hundred and seventy four and one hundred and twenty five) square feet as shown by a figure coloured red on the diagram hereunto annexed for the purpose of establishing and maintaining a Municipal Compound site on the following terms and conditions:—

1. The grant is to be for a term of thirty years from the date of signing of these Presents.
2. Each of the aforementioned parties contracts and binds himself in so far only as the extent in area of its interest is concerned and as the nature of its interest allows it to do by law and the Council acknowledges that it has full notice of the nature extent and legal incidents of the titles to the land in question of the various parties and accepts this Agreement on the above basis.
3. In consideration of such grant a sum of One Hundred Pounds (£100 . 0 . 0) Sterling per annum is to be paid yearly in advance from date of signing of agreement, to the said Companies at the Office of the Consolidated Gold Fields of South Africa Limited at Johannesburg. Should the rent be unpaid after 30 days notice in writing having been given this Agreement shall be null and void without any recourse to law.

**Ord.
No. 26
of
1906.**

4. The right of mining under the said piece of ground to be so occupied by the said Town Council as had and possessed by the Rand Victoria East Limited under Law No. 15 1898 or any other law relating to the mining for precious minerals shall and is hereby reserved to that Company their successors and assigns.
5. No action or proceedings shall be brought or maintained in any Court by the Town Council against the Companies in respect of any inconvenience or damage arising by reason of undermining proximity of tailing heaps or otherwise.
6. The Town Council shall at its own cost and expense make provision for proper drainage and sanitary service by septic tanks or otherwise and shall take proper precautions to prevent any pollution of the Victoria Lake (Simmer and Jack Pan) by drainage making its way from the said piece of ground to the said Victoria Lake.
7. The Town Council shall erect on the said piece of ground such buildings and erections as may be required and occupy the same immediately on completion thereof. It shall further remove the buildings and erections from the present Compound site and leave the ground occupied by them in reasonably clean and tidy condition.
8. At the expiration of the period of this grant or at some termination hereof from any cause the Town Council shall remove all buildings and erections from the said piece of ground within three months from the termination of this Agreement and leave the same in reasonably clean and tidy condition.
9. The Companies hereby promise and undertake to give and grant their written consent to and do or perform any other or further act required for the registration of this Contract against their respective Title Deeds of the ground in the Deeds Registry and the office of the Registrar of Mining Rights or wheresoever else required.
10. The Town Council shall immediately on completion of this Contract apply for the consent of the Government thereto and it is distinctly agreed that should such consent not be obtained this Contract shall not be binding on any of the contracting parties.
11. The Council shall not cede or assign its rights under this Agreement or any part thereof without the consent in writing of the Companies thereto first had and obtained.
12. It is hereby expressly stipulated and agreed that the Rand Victoria East Limited notwithstanding anything in Clause 2 hereof set forth shall in no way be bound or obliged to preserve its title to the piece of ground the subject of this Agreement of whatsoever nature or kind such title may be or hereafter may become after termination of the life of its mine.
13. All Municipal rates sanitary fees and Municipal taxes of every description which are at present or which may be hereafter levied and imposed upon the piece of ground the subject of this Agreement or on any buildings which may hereafter be erected upon the same shall be borne and paid by the Council.

14. It is further stipulated that in the event of the title of this Company to the said piece of ground being in any way jeopardised or imperilled by reason of the existence of the Agreement or by any acts which may be done upon or in respect of the same by the Council or in the event of the Government or any properly qualified official thereof requiring the cancellation of these presents or the discontinuance of the use of the surface for the purposes aforesaid the Company shall have the right forthwith to put an end to and cancel this Agreement and to require the Council to quit and depart from the said piece of ground and to remove all its premises buildings and erections therefrom.
15. No Liquor Licenses of any sort whatsoever and no Trading Licenses shall be allowed to be obtained in respect of the area herein referred to and no trading or dealing or selling of liquor or goods will be permitted and the Council undertakes to co-operate in all respects with the Company in order to prevent any infringement of this Clause.
16. If any difference or dispute shall arise between the parties to this Agreement as to the true intent and meaning of any of the terms and conditions herein contained or as to any matter or thing arising out of this Agreement such difference or dispute shall immediately on the happening thereof be referred to two arbitrators one of whom shall be appointed by each of the parties hereto and the said arbitrators shall make their award in writing within one (1) month after entering on the reference and such difference or dispute shall otherwise be determined by arbitration in manner provided for by the Arbitration Ordinance 1904.
17. The costs of this Agreement and all expenses incidental thereto as also the Transfer Duty (if any) shall be borne by the said Town Council.

Thus done and executed at Johannesburg aforesaid on the day month and year first aforewritten in the presence of James David Low and Bernie Malraison who together with the Appearers and me the Notary have duly subscribed to the original hereof now remaining in my Protocol.

Quod Attestor

(Seal.)

F. H. v. d. WILLIGEN,

Notary Public.

SECOND SCHEDULE.

AGREEMENT MENTIONED IN SECTION EIGHT.

BE IT HEREBY MADE KNOWN:

That on this 22nd day of August in the year of our Lord One thousand Nine hundred and Six before me Petrus Jacobus Malherbe of Boksburg in the Colony of The Transvaal Notary Public by lawful authority duly admitted and sworn and in the presence of the subscribing witnesses personally came and appeared—

William Inghbold Haley and Henry James Lamb two of the Directors of the Klippoortje Estates and Tramway Company Limited being duly authorised thereto by Resolution of the Board of Directors of the said Company dated the 22nd day of August 1906 the party of the first part; secondly came and appeared—

**Ord.
No. 26
of
1906.**

**Ord.
No. 26
of
1906.**

William Dalrymple and Carl Distel in their capacity as Directors and Murdoch Wright MacLachlan, in his capacity as Secretary of the Hercules Company, Limited, being duly authorised thereto by Resolution of the Board of Directors of the Hercules Company Limited dated 22nd day of August 1906 the party of the second part; and thirdly came and appeared George Constable of Boksburg in his capacity as Mayor of the Municipality of Boksburg being duly authorised thereto by Resolution of the Municipal Council of the Municipality of Boksburg dated 30th day of July 1906 the party of the third part hereinafter referred to as the Council; the aforesaid three Resolutions having this day been exhibited to me the Notary and now remain filed in my protocol.

AND THESE APPEARERS DECLARED:

That whereas the said Klippoortje Estates and Tramway Company Limited are the registered owners of the farm Klippoortje No. 149 situated in mining district of Boksburg under and by virtue of Deed of Transfer No. 1899/1903 dated 28th February 1903.

And whereas the said Hercules Company Limited are the registered holders of certain Claims Nos. 799 to 806, 819 to 826, 839 to 846, all inclusive situated on the said farm Klippoortje;

And whereas it has been agreed between the said Klippoortje Estates and Tramway Company Limited the said Hercules Company Limited and the Town Council of Boksburg that subject to the consent and approval of the Government of The Transvaal Colony certain portions of the said farm Klippoortje shall be reserved and set aside as and formed into a Location for Natives and a Reserve or Bazaar for Asiatics under terms and conditions as hereinafter set forth;

NOW THEREFORE THESE PRESENTS WITNESS:

That the said Klippoortje Estates and Tramway Company Limited and the said Hercules Company Limited declared to grant and convey to the Town Council of Boksburg the right to form locate and establish a Native Location in extent fourteen acres and an Asiatic Reserve or Bazaar in extent eleven acres on the north-eastern corner of the said farm Klippoortje namely on that portion held by the said Klippoortje Estates and Tramway Company Limited under Deed of Transfer as aforesaid and on which the claims aforesaid or a part thereof belonging to the Hercules Company Limited are situated the said Location and Bazaar being contiguous to one another forming an area not greater than twenty-five (25) acres and subject to particular definition by legal survey and diagrams intended to be hereafter attached thereto which aforesaid rights shall be subject to the following terms and conditions and shall convey and include the following further rights and privileges namely:—

1. The rights aforesaid are granted for a period of twenty-one (21) years reckoned from the 22nd day of August 1906 and are granted without payment of any consideration by any of the parties to this Agreement to any one or other of the parties hereto.

2. The said Native Location and Asiatic Bazaar or either of them shall not be contiguous to Mynpacht No 394.

3. During the continuance of this Agreement and during the continuance of the said Location and Bazaar on the said property the said Hercules Company Limited bind themselves not to conduct any mining operations on nor to interfere with or disturb the surface of the ground reserved as aforesaid in any way nor to exercise such rights as they may but for this Agreement have as claimholders in respect of the surface of such reserved ground but they shall continue to hold enjoy and exercise the mining rights under the said surface.

The said Klippoortje Estates and Tramway Company Limited bind themselves during the continuance of the said Location and Bazaar not in any way to exercise any of the rights which they may but for this Agreement be entitled to on the said reserved ground but they shall continue to hold enjoy and exercise all the rights and privileges conferred on them by the Gold Law in respect of the mining rights under the said surface.

4. The said reserved ground shall be used solely and exclusively for the purpose of a Native Location and Indian Bazaar as aforesaid and no other and the Town Council shall for that purpose exercise all the powers privileges rights authorities and jurisdictions on the said reserved ground which are conferred on and vested in the said Council or which may at any time hereafter be conferred on or vested in the said Council in every respect as though the said ground belonged to the Council or had been previously specially reserved under the Gold Law or under any other Law of this Colony for the purposes of a Native Location and Indian Bazaar and not in consequence or pursuance of this Agreement.

5. The said Council shall have the right to at any time disestablish the said Native Location and Asiatic Bazaar without giving the said Klippoortje Estates and Tramway Company Limited or the Hercules Company Limited any notice thereof.

6. On the termination of this Agreement or in the event of the said portion of the farm on which the said Location and Bazaar have been established or any portion thereof be deproclaimed at any time then the Council will cause the said Location and Bazaar or such portion thereof as is situated on such deproclaimed ground to be removed and to leave the ground in reasonably clean and tidy condition. Provided however that the Council shall not be bound to cause the said Location and Bazaar to be removed unless requested to do so in writing by the said Klippoortje Estates and Tramway Company Limited and in no case shall the Council be obliged to cause such removal until six months after the date of such notice.

7. No action or proceeding shall be brought or maintained in any Court by the Council against either of the said Companies in respect of any inconvenience or damage arising from undermining for *bonâ fide* mining purposes or in connection with such *bonâ fide* mining purposes, or from the proximity of tailing heaps.

8. The said Klippoortje Estates and Tramway Company Limited and Hercules Company Limited contract and bind themselves in so far only as the extent of their respective interest in the area is concerned, and as the nature of their respective interest allows them to do by Law, and the Council acknowledges that it has full notice of the nature extent and legal incidents of the titles to the land in question of the various parties and accepts the agreement on the above basis. It is further agreed that the rights granted in terms of these presents by the said Companies have been so granted in contemplation of certain "Draft Ordinance to further amend the Law relating to Municipal Corporations" becoming Law—in terms of which Ordinance it is provided *inter alia* that these presents shall be deemed to have been lawfully entered into.

9. No Liquor License of any sort whatsoever shall be allowed to be obtained in respect of the area herein referred to and no trading or dealing in or selling of liquor will be permitted, and the Council undertakes to co-operate in all respects with the Companies to prevent any infringement of this clause.

10. If any difference or dispute shall arise between the parties to this Agreement as to the true intent and meaning of any of the terms and conditions herein contained or as to any matter or thing arising out of this Agreement such difference or dispute shall immediately on the happening thereof be referred to arbitration in terms of Arbitration Ordinance of 1904.

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No. 26
of
1906.**

11. The costs of this Agreement and all expenses incidental thereto as also the Transfer Duty (if any) shall be borne by the said Town Council.

12. It is specially agreed between the parties that notwithstanding anything to the contrary elsewhere in these presents contained or implied the Municipality shall so divert or cause to be diverted the main road from Elsburg to Boksburg that no portion of the said road will be within one hundred and fifty yards of any portion of the said Location and Bazaar. The Municipality undertakes to effect such diversion within six months after the establishment of such Location or Bazaar.

13. Where mention is made in this Agreement of the Klippoortje Estates and Tramway Company Limited and the Hercules Company Limited it shall include their successors and assigns.

Thus done and passed at Johannesburg on the date aforesaid in the presence of Edward Davies Alexander Smith Alec. George Brook Ernest Maytham Frans Herman van der Willigen and Alexander Anderson as witnesses who together with the Appearers and me the Notary have subscribed the original hereof now remaining in my protocol.

Quod Attestor.

P. J. MALHERBE,
Notary Public.

No. 27 of 1906.] [Promulgated 28th September, 1906.

**Ord.
No. 27
of
1906.**

AN ORDINANCE

To apply a sum of money for the Service of the year ended the 30th day of June, 1907.

(Assented to 12th September, 1906.)

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

Public
revenue to
be charged
with
£31,150.

1. The public revenue of this Colony is hereby charged towards the service of the year ending the 30th day of June 1907 with a sum of thirty-one thousand one hundred and fifty pounds in addition to the sum mentioned in the Appropriation Ordinance (No. 3) 1906.

How to be
applied.

2. The money granted by this Ordinance shall be applied to the purposes and services as set forth in the Schedule annexed hereto.

3. The moneys granted by this Ordinance shall not be issued or applied to any use intent or purpose other than the particular services to which the said amounts have been granted respectively by this Ordinance.

Not to be applied otherwise than as granted.

**Ord.
No. 27
of
1906.**

4. The Colonial Treasurer being duly authorised thereto by warrant under the hand of the Lieutenant-Governor shall issue and pay from time to time such sums of money as shall be required for the purposes hereinbefore mentioned not exceeding in the whole the sums respectively in that behalf specified and shall in his accounts be allowed credit for all sums paid by him in pursuance of such warrant; and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sum or sums for which the same receipts shall have been respectively given.

The Treasurer to make payments under warrant of the Lieutenant-Governor.

5. This Ordinance may be cited as the Title. Appropriation Ordinance (No. 4) 1906.

SCHEDULE.

No. of Vote.	Title of Vote.	Accounting Officer.	Amount.
ORDINARY EXPENDITURE.			£
XXI.	Grants in-Aid to Local Authorities	Assistant Colonial Secretary. Division II.	16,150
SPECIAL EXPENDITURE.			
XLI.	Bacteriological Laboratory	Secretary for Public Works	15,000
		Total ...	£31,150

No. 28 of 1906.] *|Promulgated 28th September, 1906.

Ord.
No. 28
of
1906.

AN ORDINANCE

To amend certain laws of the Colony relating
to Revenue.

(Assented to 12th September, 1906.)

BE IT ENACTED by the Lieutenant-Governor of
The Transvaal with the advice and consent of
the Legislative Council thereof as follows:—

Repeal of
laws.

1. Law No. 1 of 1885 together with First Volksraad Resolution Article 112 dated the sixteenth day of May 1893 shall be and is hereby repealed; provided always that notwithstanding such repeal and notwithstanding anything in the Revenue Licenses Ordinance 1905 contained the persons mentioned in Articles *three four five six* and *seven* of Law No. 1 of 1885 shall be exempt from taking out licenses as auctioneers under the said Revenue Licenses Ordinance 1905 for conducting such sales by public auction as are in the said articles described.

Repeal
of section
seven of
Proclama-
tion (Trans-
vaal) No. 12
of 1902 and
substitution
of new
provision
therefor.

2. Section *seven* of the Stamp Duties Amendment Proclamation 1902 shall be and is hereby repealed and there shall be substituted therefor the following provision:—

“The stamp duties specified in the Second Schedule to this Proclamation (as amended by the Stamp Duties Amendment Ordinance 1904 and the Stamp Duties Amendment Ordinance 1905) shall be chargeable in respect of the instruments mentioned in such Schedule as so amended whether such instruments be executed in this Colony or relate to the transfer of any property situate therein or to any matter or thing to be performed or done therein and such Schedule amended as aforesaid shall be deemed to be part of this Proclamation.”

* See Section *four* as to date of operation of Ordinance.

3. For the purposes of the Profits Tax (Gold Mines) Proclamation 1902 the expression "amounts actually expended" as used in sections *three* and *four* thereof shall be deemed to mean the net amounts expended after taking into account all refunds rebates discounts and like recouplements.

Amendment of sections *three* and *four* of Proclamation (Transvaal) No. 34 of 1902.

Ord.
No. 28
of
1906.

4. This Ordinance may be cited for all purposes as the General Revenue Amendment Ordinance 1906 and shall come into operation on the first day of October 1906.

Title and date of taking effect.

No. 29 of 1906.] * [Promulgated 28th September, 1906

~~AN ORDINANCE~~

To amend Law No. 3 of 1885.

(Assented to 23rd September, 1906.)

Ord.
No. 29
of
1906.

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

1. Sub-section (*c*) of Article *two* of Law No. 3 of 1885 as amended by Volksraad Resolutions Article 1419 of the twelfth day of August 1886 and Article 128 of the sixteenth day of May 1890 shall be and is hereby repealed. Repeal.

2. In this Ordinance unless inconsistent with the context; Definitions.

"Asiatic" shall mean any such male person as is described in Article *one* of Law No. 3 of 1885, not being a Malay born and resident in any British Colony or possession in South Africa nor a person introduced into the Colony under the Labour Importation Ordinance 1904 and not being an officer in the Chinese Consular Service;

"register of Asiatics" shall mean the register to be kept under this Ordinance as prescribed by Regulation;

* But see Section *twenty-two*, *post*. p. 167, postponing the taking effect of Ordinance until it shall have been notified that His Majesty has been pleased not to disallow the same.

**Ord.
No. 29
of
1906.**

- “Registrar” shall mean the officer appointed by the Lieutenant-Governor to keep the register of Asiatics and any person lawfully acting in such capacity;
- “Resident Magistrate” shall include an Assistant Resident Magistrate;
- “Regulation” shall mean any Regulation made under section *eighteen* of this Ordinance;
- “guardian” shall mean the parent of an Asiatic under the age of sixteen or any other person under whose care or control such Asiatic is living for the time being or failing any such person the employer of such Asiatic;
- “application for registration” shall mean an application to be placed on the register of Asiatics made in such manner and form as may be prescribed by Regulation and accompanied by the supplying of such particulars and the furnishing of such means of identification as may be required by this Ordinance or by Regulation;
- “applicant” shall mean any person who makes application for registration on his own behalf or any person on whose behalf application for registration is made by his guardian;
- “certificate of registration” shall mean a certificate of registration under this Ordinance in the form prescribed by Regulation;
- “lawful holder” as used in relation to any certificate of registration shall mean the person whose registration is thereby certified.

All Asiatics lawfully resident in Colony to be registered.

3. (1) Every Asiatic lawfully resident in this Colony shall subject to the exceptions hereinafter mentioned be registered in the register of Asiatics and shall thereupon be entitled to receive a certificate of registration and no charge shall be made for such registration or certificate save as in section *twelve* of this Ordinance provided.

**Ord.
No. 29
of
1906.**

- (2) The following shall be deemed for the purposes of this Ordinance to be Asiatics lawfully resident in this Colony:—
- (i) Any Asiatic duly authorized to enter and reside in this Colony by a permit issued under the Indemnity and Peace Preservation Ordinance 1902 or any amendment thereof or issued between the first day of September 1900 and the date of the passing of the said Ordinance unless such permit shall have been fraudulently obtained; provided that any permit expressed to authorize any Asiatic to remain in this Colony for a limited time only shall not be deemed to be a permit within the meaning of this subsection.
 - (ii) Any Asiatic resident and actually in this Colony or the Orange River Colony on the thirty-first day of May 1902.
 - (iii) Any Asiatic born in this Colony since the thirty-first day of May 1902 not being the child of any labourer introduced into this Colony under the Labour Importation Ordinance 1904.
4. (1) Every Asiatic resident in this Colony at the date of this Ordinance shall before the first day of January 1907 or such later date as in special cases the Lieutenant-Governor may appoint make application for registration to such person and at such place as the Colonial Secretary may prescribe by notice in the *Gazette* ;
- (2) every Asiatic who enters this Colony after the date of this Ordinance and who has not previously been registered thereunder shall within eight days after entering this Colony unless he shall have entered under a permit granted under section *seventeen* make application for registration to such person and at such place as may be so prescribed; provided that

Asiatics to apply for registration within fixed time.

**Ord.
No. 29
of
1906.**

Registrar to register applicants if approved and in case of refusal to give notice.

- (a) no application shall be required to be made under this section on behalf of any Asiatic child who at the expiration of the time within which such application is required to be made is under the age of eight years;
- (b) in the case of any Asiatic child who at the expiration of such time is eight years of age but under sixteen years of age such application shall be made on such child's behalf by his guardian and if not so made shall be made by such child within one month after attaining the age of sixteen years.
5. (1) The Registrar shall consider every application for registration made under the last preceding section and register every applicant who is lawfully resident in this Colony or whose application is approved by him and shall cause to be issued to such applicant or the guardian who made the application on his behalf a certificate of registration.
- (2) If it shall appear to the Registrar that any applicant is not lawfully resident in this Colony he may refuse to register such applicant and in case of refusal where the applicant is of the age of sixteen years or over shall cause a notice of refusal to be sent by post to the applicant at the address given by him on application and a copy of such notice shall be affixed to the principal door of the Magistrate's Office of the District where such application was made and the Registrar shall by such notice direct such applicant to appear before the Resident Magistrate of the District at a time therein specified being not less than fourteen days from the date of such notice and shew cause why he should not be ordered to leave this Colony and if such applicant shall fail to appear at the time specified in such notice or having appeared shall fail to satisfy the Resident Magistrate that he is lawfully resident in the Colony the

Resident Magistrate if the applicant is of the age of sixteen years or over shall make an order in writing directing him to leave this Colony within a time to be specified in such order; provided always that if such order is made in the absence of the applicant such time shall run from the date of the service of the order upon him and such order shall be deemed to be an order made under section *six* of the Peace Preservation Ordinance 1903 and sections *seven* and *eight* of the said Ordinance shall apply accordingly; provided further that if the Resident Magistrate shall be satisfied that the applicant is lawfully resident within this Colony such Magistrate shall make an order upon the Registrar requiring him to register such applicant and to issue to him a certificate of registration.

**Ord.
No. 29
of
1906.**

6. (1) Any Asiatic who is the guardian of an Asiatic child under the age of eight years shall upon making application for registration on his own behalf supply such particulars and furnish such means of identification in respect of such child as may be prescribed by Regulation and if such guardian is himself registered the particulars aforesaid which he has supplied shall be provisionally noted on the register and such guardian shall within one year after the child aforesaid attains the age of eight years make application for registration on such child's behalf at the office of the Resident Magistrate of the District in which he himself resides;
- (2) the guardian of every Asiatic child born in this Colony after the date of this Ordinance shall within one year after such child attains the age of eight years make application for registration on such child's behalf at the office of the Resident Magistrate of the District in which he himself resides;

Provisions as to particulars to be supplied and applications to be made by guardians.

**Ord.
No. 29
of
1906.**

provided that

- (a) where any guardian fails to make application for registration on behalf of any Asiatic child whose guardian he is within the time hereby prescribed for making the same such guardian shall on being thereto required by the Registrar or any Resident Magistrate make such application at any later date;
- (b) where any application which is required to be made under this section by the guardian of an Asiatic child is not made by such guardian or where such application is refused application for registration shall be made by such Asiatic child at the office of the Resident Magistrate of the District within which he resides within one month after he attains the age of sixteen years.

The Resident Magistrate at whose office any application is made under this section shall cause the record of such application and all documents relating thereto to be forwarded to the Registrar who shall if satisfied that the same is in order register the applicant and cause to be issued to him or his guardian a certificate of registration.

Application for registration by Asiatics on attaining age of sixteen whose guardians have failed to supply particulars.

7. Where particulars as to any Asiatic child under the age of eight years have not been provisionally noted on the register as is in the last preceding section provided by reason of the failure of his guardian to supply such particulars application for registration shall nevertheless be made on behalf of such Asiatic child by his guardian within one year after he attains the age of eight years and if not so made shall be made by such Asiatic child within one month after he attains the age of sixteen years at the office of the Resident Magistrate of the district in which he resides and the record of such application and all documents relating thereto shall be forwarded to the Registrar who may in his discretion register the applicant and issue to him or his guardian a certificate of registration.

8. (1) Any person who shall fail to make application for registration as required by this Ordinance either on his own behalf or as guardian on behalf of an Asiatic child shall be liable on conviction to a fine not exceeding one hundred pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

Penalties for failing to make application.

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(2) Any person who brings into this Colony an Asiatic under the age of sixteen years not lawfully resident therein and any person who shall employ such child in any trade or business shall be guilty of an offence and shall be liable on conviction to the following penalties:

- (a) to the penalties mentioned in sub-section (1) of this section; and
- (b) if such person is the holder of a certificate of registration to cancellation of such certificate by the Registrar:

and thereupon the Colonial Secretary may issue an order directing such person to leave this Colony and such order shall be deemed to be an order issued under section *six* of the Peace Preservation Ordinance 1903 and sections *seven* and *eight* of the said Ordinance shall apply accordingly.

(3) Any Asiatic over the age of sixteen years who after such date as the Lieutenant-Governor may fix by Proclamation in the *Gazette* is found within the Colony and fails upon such demand as is hereinafter mentioned to produce a certificate of registration of which he is the lawful holder may be arrested without warrant and brought before a Resident Magistrate and if he fails to satisfy such Magistrate that he is the lawful holder of a certificate of registration or that the time within which he is required to make application for such certificate has not expired the Magistrate shall save as in the next sub-section provided make an order

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in writing directing such Asiatic to leave this Colony within such time as may be specified in such order and such order shall be deemed to be an order made under section *six* of the Peace Preservation Ordinance 1903 and sections *seven* and *eight* of the said Ordinance shall apply accordingly.

(4) If an Asiatic who has failed to make application for registration within the time prescribed by this Ordinance shall satisfy the Magistrate before whom he is brought that such failure was due to some good and sufficient cause the Magistrate may instead of making such order as aforesaid direct such Asiatic forthwith to make application for registration and if such Asiatic shall comply with such direction his application shall be dealt with in all respects as if it had been made within the time within which it was required to be made by this Ordinance and all the provisions of this Ordinance which would have applied if the application had been so made shall apply accordingly but if he shall fail to comply with such direction the Magistrate shall make such order for removal as aforesaid in respect of such Asiatic.

Registration certificate to be produced on demand.

9. Every Asiatic of the age of sixteen years or over entering or residing in this Colony shall upon demand made upon him by any member of a police force lawfully established in this Colony or any other person authorized thereto by the Colonial Secretary produce the certificate of registration of which he is the lawful holder and shall also on like demand supply such particulars and furnish such means of identification as may be prescribed by Regulation.

Every guardian of an Asiatic child under the age of sixteen years shall produce on such demand as aforesaid any certificate of registration of which such child is the lawful holder and supply any particulars and furnish any means of identification required by this Ordinance or any Regulation in respect of such child.

10. Every certificate of registration shall be accepted as conclusive evidence in all places that the lawful holder thereof notwithstanding anything in the Peace Preservation Ordinance 1903 contained is entitled to enter and reside in this Colony; provided always that this section shall not apply to persons who have under section *ten* of the Peace Preservation Ordinance 1903 been ordered to leave the Colony.

Evidence of registration certificates.

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11. Any person into whose hands shall come any certificate of registration of which he is not the lawful holder shall deliver or transmit the same by post as soon as may be to the Registrar of Asiatics Pretoria.

Duty of persons finding lost certificates.

Any person who fails to comply with the requirements of this section shall be liable on conviction to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour to a period not exceeding one month.

12. If at any time any certificate of registration is lost or destroyed the person who was the lawful holder thereof shall apply to the Registrar to have the same renewed and the Registrar shall upon compliance by such person with the Regulations relating to applications for the renewal of certificates and upon payment of a fee of five shillings renew such certificate. The said fee shall be denoted by means of revenue stamps to be affixed to such application by the applicant for such renewal and shall be defaced by the officer who receives such application.

Provision where registration certificate is lost or destroyed.

13. After such date as the Lieutenant-Governor may fix by Proclamation in the *Gazette* being a date not less than six months after the first day of January 1907 no Asiatic shall obtain any trading license issued under the Revenue Licenses Ordinance 1905 or any amendment thereof or under any bye-law in force in a municipality unless he shall produce to the person appointed to issue such license a certificate of registra-

Trading licenses not to be granted to Asiatics except upon production of certificates.

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Evidence as to age of Asiatic.

Exemption from stamp duty of affidavit or sworn declaration required by Regulation.

Offences relating to applications for registration and to registration certificates.

tion of which he is the lawful holder and supply such particulars and furnish such means of identification as may be prescribed by Regulation.

14. Whenever in any prosecution or other proceeding under this Ordinance the age of any Asiatic is in question such Asiatic shall unless and until the contrary be proved be taken to be of the age which the Registrar shall in any certificate issued under his hand certify to be in his opinion the apparent age of such Asiatic.

15. Any affidavit or sworn declaration which is required by Regulation to be made by any person who makes an application for registration either on his own behalf or on behalf of some other person shall be exempt from stamp duty.

16. Any person who;

- (i) for the purpose of or in connection with an application for registration or for the purpose of obtaining a certificate of registration commits any fraudulent act or makes any false statement or false pretence or incites any person to or aids or abets any person in such act statement or pretence;
- (ii) forges any certificate of registration;
- (iii) uses or attempts to use as his certificate any certificate of registration of which he is not the lawful holder or any forged certificate of registration;
- (iv) incites any person to use or aids and abets any person in using as such person's certificate any certificate of registration of which such person is not the lawful holder or any forged certificate of registration;

shall be liable to a fine not exceeding five hundred pounds or in default of payment to imprisonment with or without hard labour for a term not exceeding two years or to both such fine and such imprisonment.

17. (1) Notwithstanding anything in the Peace Preservation Ordinance 1903 contained a permit to enter this Colony may be issued in the form prescribed by Regulation authorizing an Asiatic to enter and remain in this Colony for any period named in such permit and after the expiry of such period the person authorized by such permit to enter this Colony shall be deemed to be a person not duly authorized to be in this Colony and if found may be arrested without warrant and the provisions of sections *seven* and *eight* of the said Ordinance shall apply to such person as if he were a person who at the date of such expiry had been ordered to leave this Colony under section *six* of the said Ordinance and had failed to comply with such order.

Power to issue permits to Asiatics to remain in Colony for limited period.

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(2) The provisions of section *nine* of the said Ordinance shall in all cases apply to permits issued under this section.

(3) Any permit issued before the date of this Ordinance to an Asiatic under the Indemnity and Peace Preservation Ordinance 1902 or any amendment thereof and expressed to authorize such Asiatic to remain in this Colony for a limited time only shall be deemed to be a permit issued under this section.

(4) The Lieutenant-Governor may in his discretion order that the person authorized by any permit issued under this section to enter and remain in this Colony shall not during the currency of such permit be deemed to be a coloured person for the purpose of the provisions of the Liquor Licensing Ordinance 1902 or any amendment thereof and such order shall be endorsed on such permit and shall be of full force and effect for such purposes.

(5) The Lieutenant-Governor may issue any such order as in the last preceding section mentioned in respect of any

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Power to
make
Regulations.

person who is a member of an Asiatic race and is not subject to the provisions of this Ordinance.

18. The Lieutenant-Governor may from time to time make alter and repeal regulations for any of the following purposes;

(1) prescribing the form of the register to be kept under this Ordinance;

(2) prescribing the manner and form in which application shall be made for registration the particulars to be supplied and the means of identification to be furnished by any applicant or the guardian of any applicant for the purpose of or in connection with such application;

(3) prescribing the form of certificates of registration;

(4) prescribing the particulars to be supplied and the means of identification to be furnished;

(a) by the guardian of any Asiatic child under the age of eight years under section *six* of this Ordinance;

(b) by any Asiatic upon such demand as is in section *nine* of this Ordinance mentioned;

(c) by any Asiatic applying for the renewal of any certificate of registration which has been lost or destroyed;

(d) by any Asiatic applying for a trading license;

(5) prescribing the form of permit to be issued under section *seventeen* of this Ordinance.

General
penalties.

19. Any Asiatic or the guardian of any Asiatic failing to comply with any requirement of this Ordinance shall except where otherwise specified be liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

20. Notwithstanding anything contained in the Labour Importation Ordinance 1904 no Asiatic who is the lawful holder of a certificate of registration and no Asiatic who was lawfully resident in this Colony or allowed to enter it under a proper permit before the date of the said Ordinance shall be prohibited from entering or residing in or being introduced into this Colony by reason of the fact that he is under a contract of service and has not entered into the contract referred to in section *eight* of the said Ordinance.

Provisions as to certain Asiatics under contracts of service.

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21. Notwithstanding anything contained in sub-section (*b*) of Article *two* of Law No. 3 of 1885 as amended by Volksraad Resolution Article 1419 of the twelfth day of August 1886; any fixed property in this Colony acquired by an Asiatic before the taking effect of such Law and registered in the name of such Asiatic whether before or after the taking effect of such Law may be transmitted by such Asiatic to another Asiatic by testamentary or other inheritance.

Provision as to holding fixed property.

22. This Ordinance may be cited for all purposes as the Asiatic Law Amendment Ordinance 1906 and shall not take effect unless and until the Governor shall proclaim in the *Gazette* that it is His Majesty's pleasure not to disallow the same and thereafter it shall come into operation upon such date as the Governor shall notify by Proclamation.

Title.

No. 30 of 1906.] *[Promulgated 28th September, 1906.

AN ORDINANCE

To regulate the retiring pensions of those officers of the public service of this Colony who have been transferred thereto from other services with pensionable rights.

(Assented to 23rd September, 1906.)

BE IT ENACTED by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

* See section *nineteen*, page 178, postponing the taking effect of the Ordinance until it is put into force by Proclamation of the Lieutenant-Governor in the *Gazette*.

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of
1906.**

Inter-
pretation of
terms.

PRELIMINARY.

I. In this Ordinance unless inconsistent with the context;

“British possession” shall include all His Majesty’s dominions (other than the United Kingdom and this Colony) and any territory under the protection of the British Crown;

“minister” shall mean in relation to any officer or person claiming a pension the person representing on the Executive Council of this Colony the department in which such officer or person holds or has held a pensionable office;

“pension” includes an annuity and gratuity or either and shall mean a pension payable under the provisions of this Ordinance;

“superannuation pension” shall mean a pension payable to an officer retiring from the public service at the prescribed age applicable to such officer;

“invalid pension” shall mean a pension payable to an officer on retirement under the prescribed age applicable to such officer owing to mental or bodily infirmity;

“compensation pension” shall mean the pension payable in the circumstances described in section *five*;

“extraordinary pension” shall mean a pension payable to an officer who has become unfitted for the public service by reason of an injury received in the discharge of duty involving special risk and as a result of such risk;

“pensionable officer” shall mean any officer in the public service who has prior to the coming into operation of this Ordinance been transferred to the public service from the civil or consular service of the United Kingdom or of a British possession with pensionable rights;

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“service” shall mean for purposes of calculating a pension the aggregate time spent by a pensionable officer in the public service and in the civil or consular service from which he was transferred (including the time spent in transit from one such service to the other);—

- (i) on actual duty;
- (ii) on authorized leave of absence otherwise than without pay;
- (iii) under suspension followed by reinstatement in the same or another office;
- (iv) in temporary retirement on half-pay for a period not exceeding two years;
- (v) in transit from one appointment in the public service to another such appointment when such officer has been transferred under competent authority;

“prescribed age” shall mean any age prescribed under section *three* for retirement from the public service;

“public service” shall mean service in a department of the Government of this Colony;

“Regulations” shall mean Regulations made under section *eighteen*;

“retirement” shall mean the retirement of a pensionable officer from the public service;

“revenue” shall mean the general revenue of this Colony;

“salary” shall mean;

- (i) an officer’s annual pay and any special (but not local) allowance attached to particular offices;
- (ii) any personal allowance granted him in consideration of his pay being reduced otherwise than as a penalty;
- (iii) any extra allowance he may draw while acting in an office whether temporarily or permanently vacant;
- (iv) ration allowances or the value of free rations;

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- (v) the estimated value of free quarters; but shall not include;
- (a) any local allowance for the cost of living or a marriage allowance;
- (b) any transport or subsistence allowance;
- (c) fees honoraria or bonuses of any kind;
- (d) overtime payments;
- (e) any other allowance not herein specified;

“average salary” shall mean the average of the salary of an officer during the three years immediately preceding his retirement (or immediately preceding his death in the case mentioned in section *seven*).

GENERAL PROVISIONS.

Pensions which may be paid to pensionable officers under this Ordinance.

2. To every pensionable officer there shall be paid on retirement under the circumstances severally described in section *one* and respectively applicable;

- (1) a superannuation pension; or
- (2) an invalid pension; or
- (3) an extraordinary pension;

on the same scale as would have been paid to him in such several circumstances if such officer had remained in the civil or consular service from which he was transferred but had been drawing on retirement therefrom a salary equal in amount to the salary actually drawn by him on retirement from the public service of this Colony; provided always that;

- (i) no service rendered by such officer in such civil or consular service aforesaid while under the age of seventeen years shall be calculable for a pension;

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- (ii) the pension payable to such officer shall be calculated upon his actual service and there shall not be counted any special local additions which would have been calculable for pension in the civil or consular service from which he was transferred; except any local addition to which any such officer may have actually acquired a right prior to his transfer to the public service.
- (iii) every pensionable officer who according to any law or regulation applicable to the civil or consular service from which he was transferred was required to contribute towards his pension therein shall contribute at the same rate as he was so required as from the date of his transfer to the public service and all such contributions outstanding at the coming into operation of this Ordinance in respect of the period between the date of such transfer and the date of the coming into operation of this Ordinance shall be paid to the Colonial Treasurer on such terms as the Lieutenant-Governor may allow;
- (iv) all such contributions towards pension subject to any such terms aforesaid shall be made by monthly deductions from the salaries of officers liable under this section to contribute towards their pensions.
3. (1) The prescribed age for retirement shall be fifty-five and any pensionable officer may subject to his compliance with any Regulations as to notice of retirement retire at such age save that in the case of officers described in subsection (3) of this section and fulfilling the conditions thereof the prescribed age for retirement shall be fifty.
- (2) The minister may require the retirement of a pensionable officer at the prescribed age applicable to such officer and shall require such retire-

Prescribed
age of
retirement.

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ment at the age of sixty unless it is desirable in the public interest to retain such officer in the public service over such last-mentioned age in which case the Lieutenant-Governor may from time to time retain him for any further period not exceeding one year up to the age of sixty-five after which age no pensionable officer shall remain in the public service; provided always that a return of officers so retained after the age of sixty shall be laid before the Legislature annually within fourteen days of the opening of its ordinary session.

(3) When a pensionable officer has been in service in a lunatic or leper asylum as medical officer nurse or attendant or in the Prisons Department as a subordinate officer for a period of ten years and a superannuation pension is granted to him on retirement there may be added to his service a period not exceeding five years; provided that the pension awarded to him shall in no case exceed the maximum pension to which he may be entitled under this Ordinance.

Conditions of grant of invalid and extraordinary pension.

4. No invalid or extraordinary pension shall be paid unless the applicant therefor is reported by the medical board in accordance with Regulations to be unfit for further service by reason of mental or bodily infirmity which is likely to be permanent and is due to no excess or misconduct on the part of the applicant; provided always that if it be doubtful whether such infirmity is likely to be permanent an invalid pension for a period not exceeding two years may be paid to him provisionally and subject to a condition that on the expiry of such period he shall again be medically examined in accordance with Regulations.

Compensation pension Scale of and conditions under which granted.

5. (1) Whenever a pensionable officer being under the prescribed age applicable to such officer is discharged from the public service owing to the abolition of his own or another

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office or owing to a reduction of the number of pensionable officers or a reorganization in his department there shall be paid to him a compensation pension that is to say ;

- (a) a pension on the same scale as is payable to a pensionable officer in the case of superannuation ;
- (b) together with a gratuity of one month's average salary for each year of service but not exceeding one year's average salary.

(2) No compensation pension shall be paid unless the Colonial Treasurer is satisfied that it is impossible to transfer the applicant therefor without degrading him in the public service to another office by removing therefrom a probationary or temporary officer or in some other manner ; and the applicant for a compensation pension shall not be deemed to be degraded if being in a graded service he is retained in the same grade without reduction of salary ; or if not being in a graded service he can be appointed to an office carrying not less than four-fifths of the salary drawn in his former office and the difference is made good to him by a personal allowance.

6. Whenever a pensionable officer who is under the prescribed age applicable to such officer and is not qualified for an invalid pension becomes in the opinion of the minister or of the Lieutenant-Governor unfitted to efficiently discharge the duties of his office the minister may direct that an enquiry shall be held upon definite charges formulated against such officer and at such enquiry an opportunity shall be given to him to meet any such charges.

Compulsory
retirement
on
incapacity.

In the event of its being found on such enquiry that he is unfitted to efficiently perform the duties of his office the Lieutenant-Governor may discharge him from the public service ; provided always that where such unfitness is not attributable to misconduct or gross

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negligence of the officer nor to any other cause for which the officer has been himself responsible the Lieutenant-Governor may on consideration of all the circumstances grant to him an invalid pension.

Gratuities to widow of pensionable officers dying while in the service.

7. If a pensionable officer die whilst in the public service or within one year of the date of the grant of a superannuation pension the Lieutenant-Governor may in his discretion pay to or for the benefit of the widow or minor children of such officer or failing a widow and minor children to any children or relatives dependent on such officer for maintenance a gratuity not exceeding one year's average salary; and if there be several claimants to the benefit of such gratuity the distribution thereof among such claimants shall be made as the Lieutenant-Governor may determine.

Persons to whom pensions may not be granted.

8. No pension shall be paid;

- (a) to any person dismissed from the public service for misconduct; or
- (b) to any person who voluntarily retires from the public service before the prescribed age applicable to such officer.

Pensions to be paid out of revenue and contributions (if any) to be paid into revenue.

9. All pensions shall be paid out of revenue and the contributions (if any) towards pensions and any arrears of contributions shall be paid into revenue.

Colonial Treasurer to recover contributions to pensions by other Governments and pay them into revenue.

10. It shall be the duty of the Colonial Treasurer to take all steps (in accordance with Regulations) necessary for the recovery from the Imperial Government or from the Government of a British possession of any sums to be contributed by any such Government towards pensions and to pay such sums when recovered into revenue.

MISCELLANEOUS.

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11. If any person becoming entitled to or actually in receipt of a pension be found after enquiry to have been guilty of an act or omission which would if such act or omission had been discovered prior to his so becoming entitled have rendered him liable to dismissal or if any person be found to have wilfully made a false statement for the purpose of obtaining a pension knowing the same to be false or if a person in receipt of a pension fails to comply with any reasonable request made by the minister to afford all assistance and information in his power relating to any office formerly held by him then the Lieutenant-Governor may order that the right to any pension to which such person has become entitled or of which he is in receipt shall be suspended or forfeited.

Suspension or forfeiture of pension in certain cases on order of Lieutenant-Governor.

12. Whenever the Lieutenant-Governor is satisfied after enquiry that a pensionable officer has not rendered satisfactory service he may order that a pension less than is ordinarily payable in accordance with this Ordinance be paid to such officer; provided always that such officer shall not receive owing to the exercise of the powers of this section in the case of an annuity less than the actuarial value of any sum contributed by him or in the case of a gratuity less than any actual sum contributed by him in accordance with the provisions of this Ordinance.

Power to reduce pensions where officer has not rendered satisfactory service.

13. Whenever an officer has retired from the public service on an invalid or extraordinary pension the Lieutenant-Governor may within two years of his retirement if such officer be certified in accordance with Regulations to be physically fit for the public service and be under the prescribed age applicable to such officer require him to again take up office; provided always

Power to recall pensioned officer to service within two years of retirement in certain events.

(a) that the salary offered to such officer be not less than the salary drawn by him immediately prior to his retirement;

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- (b) that the office which he is required to take up be not in a lower grade than that from which he previously retired on pension;
- (c) that any annuity which he was drawing at the time of his so taking up office again shall determine;
- (d) that on his final retirement such officer shall be entitled for the purposes of pension to add together the service rendered by him prior to and subsequent to his first retirement.

Commuta-
tion of small
pensions.

14. If an annuity not exceeding twenty-five pounds is granted under this Ordinance the Lieutenant-Governor may at the request of the recipient and before the first payment thereof has been made commute such annuity by a single cash payment calculated according to the period for which the recipient may be expected to draw the annuity but so that such cash payment does not exceed five times the amount of the annuity.

Pensions not
to be
assigned or
executable.

15. No pension shall be assignable or transferable or be capable of being hypothecated nor shall it be liable to be attached or subjected to any other form of execution under a judgment or order of any Court of law.

Pensions
to cease on
conviction.

16. If any person in receipt of a pension is convicted before any Court in His Majesty's Dominions of any crime or offence and is sentenced therefor to death or to any term of imprisonment with hard labour exceeding twelve months and shall not within two months thereafter receive His Majesty's free pardon such pension shall forthwith determine; provided always that the Lieutenant-Governor may if he think fit order that such pension shall revive if such person shall at any time after such conviction or sentence aforesaid receive His Majesty's free pardon; provided further that the Lieutenant-Governor may if he think fit authorize the payment to or for the benefit of such person's wife or minor children or failing a wife and minor children to any children or relatives dependent on

him of such portion of the pension as may be considered necessary for her or their maintenance.

17. (1) If any person in receipt of a pension becomes an insolvent such pension shall forthwith determine; provided always that in any such case the Lieutenant-Governor may order that all or any part of the annuity payable to such insolvent under this Ordinance be paid to or for the benefit of all or any of the following persons: namely to or for the benefit of such insolvent his wife or any minor children or failing a wife and minor children to any children or relatives dependent on him for maintenance.

Pensions to cease on insolvency but may be restored on rehabilitation.

(2) Whenever a pension has determined under this section the Lieutenant-Governor may order that such pension shall revive on rehabilitation of the insolvent and that he shall receive an annuity at the same rate and under the same conditions as before insolvency.

18. The Lieutenant-Governor may make alter and rescind Regulations for all or any of the following purposes;

Power to Lieutenant-Governor to make Regulations.

- (a) prescribing the methods of calculating the proportions of pensions to be recovered from the Government of the United Kingdom or of a British possession;
- (b) prescribing the forms and periods of notice to be given by pensionable officers before their retirement at the prescribed age applicable to such officers;
- (c) for the establishment of a medical board to examine and report upon applications for invalid or extraordinary pensions or upon any other matter that may be referred to it by the Lieutenant-Governor and for prescribing the conditions and form of any medical certificates to be tendered with such applications and the procedure to be followed in the furnishing of such certificates.

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Title and
date of
taking
effect.

19. This Ordinance may be cited for all purposes as the Pensions Ordinance 1906 and shall come into operation on a date to be hereafter fixed by Proclamation of the Lieutenant-Governor in the *Gazette*.*

No. 31 of 1906.] †[Promulgated 28th September, 1906.

Imp. by Act 27 of 1907 S. 1.

**Ord.
No. 31
of
1906.**

AN ORDINANCE

To transfer certain Stands in the Township of Vrededorp to the Council of the Municipality of Johannesburg on certain conditions.

(Assented to 23rd September, 1906.)

WHEREAS the Government of the late South African Republic by certain Executive Council Resolutions No. 709 of 13th December 1893 No. 137 of the 20th March 1894 No. 180 of 3rd March 1896 and the First Volksraad by resolution Article 940/96 and 1181/96 authorized the issue of stand licenses on the open stands in the township of Vrededorp to indigent persons for the purposes of occupation by such persons and on certain conditions in the said Executive Council Resolutions set forth;

And whereas it is expedient that the freehold title of the Government of this Colony to the said stands should be transferred to the Municipal Council of Johannesburg but subject to certain conditions;

Be it enacted by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

Definitions.

I. In this Ordinance unless the context otherwise requires:—

“council” means the Municipal Council of Johannesburg;

“stand” means any stand within the area defined in the First Schedule to this Ordinance;

* See Proclamation No. 2 (Administration) of 1907, *Gazette*, 4th January, 1907, p. 22, declaring Ordinance to be in force from the 5th January, 1907.

† See section *nine*, page 182, *post*, postponing the taking effect of the Ordinance until it shall be notified that His Majesty has been pleased not to disallow the same.

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“the said resolutions” means the resolutions referred to in the preamble to this Ordinance;

“registered holder” means the person or persons for the time being registered as holding any stand subject to the terms of a grant made under any of the said resolutions;

“appointed day” means the First day of January 1907 or such later day as the Lieutenant-Governor may appoint by Proclamation in the *Gazette*.

2. (1) On the date of the taking effect of this Ordinance the freehold title in so much of the area of land defined in the First Schedule hereto (known as the township of Vrededorp) as is vested in the Crown except such portions thereof as are now occupied by the Crown for public purposes shall be transferred to and vested in the Council without reservation to the Crown of the right to minerals mineral products or precious stones on or under such area of land and shall be registered by the Registrar of Deeds in the name of the Council in the Deeds Office of this Colony without payment of transfer duty stamp duty or registration charges; provided always that the area of land hereby transferred shall be held by the Council subject to the provisions of this Ordinance.

Transfer of freehold title in Vrededorp township from the Government to the Municipal Council of Johannesburg.

(2) All rights and obligations of the Lieutenant-Governor under and by virtue of the said resolutions and any grants made thereunder shall be vested in the Council on the date of the taking effect of this Ordinance but such rights and obligations and the rights acquired by the registered holders of stands under the said resolutions shall only continue in force subject to the provisions of this Ordinance.

3. On the appointed day and at any time within a period of four years thereafter every registered holder of a stand shall be entitled on making application in

Right of registered holder to obtain lease from the Council.

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1906.**

writing to the Town Clerk to obtain from the Council at the price and subject to the conditions hereinafter mentioned in substitution for his existing interest in such stand a lease thereof for a term of eighty years reckoned from the appointed day or for the portion of such term remaining unexpired which lease shall be in the form set forth in the Second Schedule to this Ordinance.

The price to be paid to the Council for such lease shall be in the case of any stand which is situate at the corner of two streets fifty pounds (£50) and in the case of any stand which is not so situate forty pounds (£40) and such price shall be deemed to become payable on the appointed day but the Council may accept payment thereof in such instalments as it shall think fit at any time within the said period of four years and the amount for the time being unpaid shall bear interest as from the appointed day at the rate of six per cent. per annum.

Payments to be made to Council before lease is granted.

4. Before such a lease as aforesaid is granted by the Council in respect of any stand the applicant therefor shall be required to pay to the Council—

- (a) The price of such lease as hereinbefore mentioned together with any interest due thereon;
- (b) All arrear stand license monies in respect of such stand together with an additional sum of 5s. (five shillings) per month for every month or part of a month which has elapsed since the appointed day;
- (c) All charges due to the Council for sanitary service and for the supply of water gas or electricity and for any other municipal service in respect of such stand and all rates imposed thereon;

but upon such payments being duly completed in respect of any stand at any time prior to the expiration of the period of four years hereinbefore referred to the Council shall forthwith grant to the registered holder of such stand a lease thereof in the form aforesaid.

5. At the expiration of the said period of four years any registered holder of a stand who has failed to make application for a lease thereof in the form aforesaid or to complete the payments necessary for the purpose of obtaining such lease shall *ipso facto* forfeit to the Council all his right to and interest in such stand and shall forthwith quit the stand and remove therefrom all movable property belonging to him. No compensation shall be payable by the Council to any such holder for improvements effected upon such stand and he shall not be entitled to recover any sums paid on account of the price of such lease or the interest thereon.

Registered holder who fails to apply for lease or to complete payments within period specified to forfeit all rights.

**Ord.
No. 31
of
1906.**

6. (1) Notwithstanding anything contained in the Transfer Duty Proclamation 1902 the Stamp Duties Amendment Proclamation 1902 the Deeds Proclamation 1902 the Registration of Mining Rights Proclamation 1902 or any amendment of such laws it shall not be necessary that a lease granted by the council under this Ordinance be notarially executed nor shall the same be subject to transfer duty stamp duty or registration charges except in the case of a cession of such lease in which case such cession shall be executed in the form and subject to the duty and charges prescribed by law.

Registration of leases in Mining Rights Office which may be underhand and free of transfer duty or registration charges.

(2) The Registrar of Mining Rights shall open and keep special registers wherein all leases granted under this Ordinance and any transfers thereof shall be registered; provided always that no registration of any transfer of such lease shall take place unless there be produced to the registering officer a receipt or certificate signed by the Town Clerk or other person authorised by the Council shewing that all rent and all charges for sanitary service and for the supply of water gas and electric energy and for any other municipal service due to the Council in respect of the stand leased together with all rates imposed thereon have

**Ord.
No. 31
of
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been paid as well as the consent in writing of the Council to such transfer signed by the Mayor.

Council not entitled to deprive registered holder of stand prior to expiration of said period unless license monies are three months in arrear.

7. The Council shall not be entitled by virtue of anything contained in the said resolutions or any grants made thereunder to deprive any registered holder of his right to and interest in any stand prior to the expiration of the said period of four years except in the event of the license monies in respect of such stand being three months or more in arrear in which event such stand together with any building thereon may be declared forfeited to the Council.

Power of Registrar of Mining Rights to pass transfer of Stands in Vrededorp not restricted.

8. Notwithstanding anything contained in the said resolutions or any grants made thereunder it shall be lawful for the Registrar of Mining Rights to pass transfer of any stand or portion thereof whether or not the persons to whom transfer is to be passed fall within the provisions of such resolutions or grants and any such transfers passed before the taking effect of this Ordinance to persons not falling within such provisions shall be deemed to have been lawfully passed.

Title and date of taking effect.

9. This Ordinance may be cited for all purposes as the Vrededorp Stands Ordinance 1906 and shall not take effect unless and until the Governor shall proclaim in the *Gazette* that it is His Majesty's pleasure not to disallow the same and thereafter it shall come into operation upon such date as the Governor shall notify by Proclamation.

FIRST SCHEDULE.

DESCRIPTION OF AREA OF LAND TRANSFERRED TO MUNICIPAL COUNCIL OF JOHANNESBURG UNDER SECTION *two* OF THIS ORDINANCE.

The Area contained within a line starting from the intersection of the Eastern boundary of Location Street and the Northern boundary of First Street thence in an easterly direction along the northern boundary of First Street and First Street produced to its intersection with the south-western boundary of the township of Cottersloe thence in a south-easterly direction along the south-western boundary of the said township to its intersection with the western boundary of Milner Park thence in a southerly direction along the western boundary of

the said Park to its south-west corner thence in a south-westerly direction to the north-western corner of the Braamfontein Cemetery thence in a southerly direction along the eastern boundary of Tol Street to the north-east corner of Tol and Smit Streets thence in a south-westerly direction to the north-western corner of Stand No. 5159 thence in a southerly direction along the western boundary of the said stand to its south-western corner being a point abutting on the northern boundary of the ground held by the Central South African Railways Administration thence in a westerly direction along the northern boundary of the said railway property to its north-western corner thence in a north-westerly direction to the south-western corner of Stand No. 1270 thence in a northerly direction along the eastern boundary of Kafir Street to the north-east corner of Kafir and Eleventh Streets thence in a westerly direction along the northern boundary of Eleventh Street to the north-east corner of Eleventh Street and Location Street. Thence in a northerly direction along the eastern boundary of Location Street to its intersection with the northern boundary of First Street being the point of beginning as more fully shewn on the plan signed by Adam Jameson Commissioner of Lands and John William Quinn Mayor of Johannesburg dated the sixth and twelfth days of September 1906 and deposited at the office of the Surveyor-General.

**Ord.
No. 31
of
1906.**

SECOND SCHEDULE.

FORM OF LEASE TO BE GRANTED BY THE COUNCIL.

AGREEMENT OF LEASE made the _____ day of _____ 190____ between the Municipal Council of Johannesburg represented herein by A. _____ B. _____ (hereinafter referred to as the "Council") of the one part, and C. _____ D. _____ (hereinafter together with his heirs executors administrators and assigns referred to as the "Lessee") of the other part.

WHEREBY the Council agrees to let and the Lessee to hire the Stand numbered _____ on the general plan of the township of Vrededorp filed with the Registrar of Mining Rights for a term of _____ years commencing at the date of this lease and ending on (here insert a date being eighty years after the appointed day) subject to the following conditions:

1. Any interest held by the Lessee in the said stand by virtue of any grant prior to the date of this lease is hereby abandoned by the Lessee.
2. All rights to minerals mineral substances and precious stones on or under the said stands are reserved to the Council.
3. The rent to be paid by the Lessee in respect of the said stand under this lease shall be seven shillings and sixpence (7s. 6d.) per month payable monthly in advance on the first day of each and every month at the office of the Town Treasurer of the Municipality of Johannesburg and the first monthly payment of rent under this lease shall become due on the first day of* _____ next.
4. Should the Lessee at any time be six months or more in arrear with the payment of the aforesaid rent the Council shall be entitled by notice posted to the Lessee at his last known address and also delivered at or affixed to any building or erection on the said stand to demand payment of all rent due up to the date of such demand and failing payment of such arrears within three months after the date of such demand this lease shall *ipso facto* cease and determine without any further notice to the Lessee and the said stand and all the buildings thereon shall be forfeited to the Council.

* Here name the month succeeding that in which the lease is granted unless the lease is granted on the first day of any month when the name of such month should be inserted.

**Ord.
No. 31
of
1906.**

5. This lease shall not be transferable to any coloured person and if registered in the name of any such person this lease shall *ipso facto* cease and determine.

6. The Lessee shall not transfer this lease to any person except with the consent of the Council.

7. No intoxicating liquor shall be sold on the said stand except with the written consent of the Council signed by the Town Clerk and subject to the terms of such consent. Upon any breach of this condition the Council may forthwith by notice in writing given in the manner provided in Clause Four terminate this lease.

8. Neither the said stand nor any part thereof nor any building thereon shall be sub-let to any coloured person or Asiatic. Upon any breach of this condition the Council may forthwith by notice in writing given in the manner provided in Clause Four terminate this lease.

9. The Lessee shall not permit any coloured person or Asiatic other than the *bona fide* servant of some white person for the time being residing on the said stand to reside thereon or to occupy the same or any part thereof. If any coloured person or Asiatic other than such servant as aforesaid is at any time found residing on the said stand or occupying the same or any part thereof the Council may give notice to the Lessee in the manner provided in Clause Four requiring him to cause such person to cease to reside thereon or to occupy the same or any part thereof within a period of three weeks from the date of such notice and if at any time after the expiration of such period such person shall be found residing thereon or occupying the same or any part thereof the Council may forthwith by notice to the Lessee given in the manner aforesaid terminate this lease.

10. Upon the expiration or earlier termination of this lease all buildings on the said stand shall become the property of the Council and the Lessee shall not be entitled to receive any compensation therefor.

11. All Bye-Laws and Regulations for the time being in force in the Municipality of Johannesburg shall apply to the said Stand in the same manner as to any other stand within the Municipality.

Thus done at Johannesburg on the day month and year first above-written in the presence of the subscribing witnesses.

WITNESSES: On behalf of A. B

1. the Council.

2.

WITNESSES: Lessee C. D.

1.

2.

No. I (Private) of 1906.] [Promulgated 17th August, 1906.

Amend. by Act 12/1910.

AN ORDINANCE

**Ord.
No. I.
(Private)
of
1906.**

To confer further powers on the Council of the Municipality of Pretoria.

(Assented to 9th August, 1906.)

WHEREAS it is desirable to amend the Pretoria Municipality Extended Powers Ordinance 1904 and to make further provision with regard to the borrowing powers of the Council of the Municipality of Pretoria;

And whereas it is desirable to authorise the said Council to raise by the issue of stock a sum of money not exceeding one million pounds sterling for the purposes of the Municipality as hereinafter set forth;

And whereas it is desirable to amend the Pretoria Municipal Proclamation 1902 in certain respects;

Be it enacted by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Title. Pretoria Municipal Ordinance 1906 and shall be read as one with the Pretoria Municipal Proclamation 1902 the Pretoria Municipal Proclamation Amendment Ordinance 1902 and the Pretoria Municipality Extended Powers Ordinance 1904 and this Ordinance and the said Proclamation and Ordinances may be cited together as the Pretoria Municipal Statutes 1902 to 1906.

2. In this Ordinance unless the context Definitions. otherwise requires—

“the Municipality” means the Municipality of Pretoria as constituted for the time being;

“the Council” means the Council for the Municipality as by law established.

3. Notwithstanding anything contained in Amendment of section one of Pretoria Municipality Extended Powers Ordinance 1904. section *one* of the Pretoria Municipality Extended Powers Ordinance 1904 section *sixty-five* of the Municipal Corporations

**Ord.
No. 1.
(Private)
of
1906.**

Ordinance 1903 shall from the date of the passing of this Ordinance cease to apply to the Council; provided however that nothing in this Ordinance contained shall affect anything duly done or any liability duly incurred by the Council under the provisions of the said section *sixty-five* and any agreement duly entered into and any stock certificate duly issued by the Council under the said provisions shall remain of full force and effect.

Power to raise moneys subject to the provisions *mutatis mutandis* of the Johannesburg Municipality Borrowing Powers Ordinance 1903.

4. The Council is hereby empowered to raise moneys by the issue of stock and otherwise for the purposes of the Municipality subject to the provisions *mutatis mutandis* of the Johannesburg Municipality Borrowing Powers Ordinance 1903 (in this Ordinance referred to as "the said Ordinance") and all the provisions of the said Ordinance not including the provisions of any Ordinance by which the said Ordinance has been amended shall apply to the Council as if they were herein re-enacted in such terms and with such modifications as are necessary to make them applicable to the Council; provided that for the purposes of this Ordinance:

- (a) sub-section (13) of section *fifty-one* of the said Ordinance shall be deemed to be amended by the substitution for the words "one hundred thousand pounds" of the words "~~two~~ ^{three} hundred thousand pounds."
- (b) sub-section (1) of section *fifty-two* of the said Ordinance shall be deemed to be amended by the Substitution for the words "ten thousand pounds" of the words "fifty thousand pounds" and by the deletion therefrom of the words "or extend" to the end of the said sub-section and the substitution for such words of the words "or except with the sanction of the Lieutenant-Governor extend for a period of more than six months."

three Act 3.

Authority to raise one million pounds for purposes specified in Schedule.

5. The Council is hereby authorised to raise by the issue of stock subject to the provisions of the preceding section the amount of one million pounds sterling for the purposes set forth in the Schedule to this

Ordinance and the stock issued in pursuance of this authority shall be redeemable within a period of thirty years from the issue thereof. The authority hereby conferred shall be deemed to be an authority conferred by the Lieutenant-Governor in accordance with the provisions of section *three* of the said Ordinance and no further authority for the raising of the said amount shall be required under the said section.

**Ord.
No. 1
(Private)
of
1906.**

6. The Council shall apply the amount raised in pursuance of the authority conferred by section *five* of this Ordinance in accordance with the said Schedule for the purposes therein described in such order and at such times as the Council may determine; provided that the Council may out of the proceeds of any stock issued in pursuance of such authority pay the brokerage commission allowance or other costs and expenses of and incident to the issue of such stock and may subject to the approval of the Lieutenant-Governor vary the distribution of the amounts specified in the Second Part of the said Schedule between the different purposes therein described and may further subject to the like approval apply any portion of the amounts specified in the Second Part of the said Schedule not exceeding a total amount of thirty thousand pounds for purposes other than the purposes therein described.

Application of amount raised in pursuance of preceding section.

7. In respect of such proportion of the stock issued in pursuance of the authority conferred by section *five* of this Ordinance as is issued for raising money for the purposes specified in section (A) of the Second Part of the said Schedule or such substituted purposes as the Lieutenant-Governor may approve the Council shall not be required to make any payments to the Redemption Fund under the provisions of sub-section (2) of section *thirty-six* of the said Ordinance until after the expiration of two years from the date of issue of such stock and the equal annual payments referred to in the said sub-section shall in respect of such stock be reckoned as commencing from the date of the expiration of the said two years in the same manner as if such date were

Special provision as to payments for redemption of certain proportion of stock issued.

**Ord.
No. 1.
(Private)
of
1906.**

Regulation
as to
provision for
depreciation.

the date of issue and the period fixed for the redemption of such stock were a period of twenty-eight years commencing from such date.

8. It shall be the duty of the Council to frame regulations providing for the annual amounts to meet the depreciation of all works and plant on which any sums raised under the authority conferred by section *five* of this Ordinance are expended (including any works and plant in respect of the purchase or construction of which the liabilities specified in Part I. of the Schedule to this Ordinance have been incurred) and to submit such regulations for the approval of the Lieutenant-Governor who may approve the same with or without modification and such regulations when approved shall be published in the *Gazette*; provided however that if the Council shall fail to frame such regulations and to submit the same for the approval of the Lieutenant-Governor within a period of twelve months from the date of the passing of this Ordinance such regulations may be made by the Lieutenant-Governor.

The Council shall set aside annually out of its revenue such amounts for depreciation as are required under regulations made under this section.

Duty of
auditors
appointed
under section
seventeen of
the Pretoria
Municipal
Proclama-
tion 1902.

9. It shall be the duty of the auditor or auditors appointed under section *seventeen* of the Pretoria Municipal Proclamation 1902 in addition to the ordinary duties of auditors to certify not less than once in each year whether or not;

- (a) the accounts of the Municipality are in order;
- (b) separate accounts of all trading undertakings have been kept;
- (c) the accounts issued present a true and correct view of the financial position of the Municipality and of its transactions and of the results of trading (if any);

**Ord.
No. I.
(Private)
of
1906.**

- (d) due provision has been made for the redemption and repayment of any moneys borrowed by the Council whether in the form of municipal stock or bills or otherwise;
- (e) the value of the assets of the Municipality has been fairly stated;
- (f) the amounts set aside for depreciation and obsolescence of plant are adequate;
- (g) all his or their requirements and recommendations as auditors have been complied with and carried out.

10. The Council's financial year shall be the twelve months ending the 30th day of June and the accounts of the Revenue and Expenditure of the Council shall be made up for that year provided however that this section shall not take effect until the First day of July, 1908.

Financial year.

11. Section *nineteen* of the Pretoria Municipal Proclamation 1902 shall be and is hereby amended by adding at the end thereof the following sub-section; (that is to say)

Amendment of section *nineteen* of Pretoria Municipal Proclamation 1902.

“(36) for maintaining and regulating any service of motor omnibuses or other vehicles drawn or propelled by animal mechanical or electrical power which may be established by the Council.”

12. Section *twenty-seven* of the Pretoria Municipal Proclamation 1902 as amended by section *two* of the Pretoria Municipal Proclamation Amendment Ordinance 1902 shall be and is hereby further amended by adding at the end thereof the following sub-section (that is to say)

Amendment of section *twenty-seven* of Pretoria Municipal Proclamation 1902.

“(7) to establish maintain and carry on within the Municipality a service of motor omnibuses or other vehicles drawn or propelled by animal mechanical or electrical power for the carriage of passengers and parcels and to make charges for such service provided that this sub-section shall not apply to tramways.”

**Ord.
No. 1.
(Private)
of
1906.**

Power vested
in Council
to close or
divert any
street road or
thoroughfare

13. The Council shall have the power notwithstanding anything to the contrary contained in the Pretoria Municipal Proclamation 1902 to close or divert any street road or thoroughfare vested in the Council under the said Proclamation provided that the Council shall in the exercise of its power to close or divert any street road or thoroughfare be subject to the same conditions and restraints as the Council of a Municipality which has come under the operation of the Municipal Corporations Ordinance 1903 is subject to under section *thirty-five* of the last-mentioned Ordinance in the exercise of the power conferred by the said section.

Rights of
the Crown.

14. Nothing in this Ordinance contained shall in any way affect the rights of His Majesty the King His Heirs and Successors or of any person except such as are mentioned in this Ordinance and those claiming by from and under them.

Costs of
Ordinance.

15. It shall be lawful for the Council to defray out of its revenues any costs incurred in the promotion and passing of this Ordinance.

Schedule.

PART I.

DISCHARGE OF EXISTING LIABILITIES AND REPLACEMENT OF CAPITAL

EXPENDITURE INCURRED OUT OF REVENUE.

	£	s.	d.	£	s.	d.
Liabilities to Government	196,666	6	8			
5 per cent. Pretoria Municipal Stock issued for the purchase of Electric Lighting Company	115,000	0	0			
Loan contracted for extension of Electric Lighting System	20,000	0	0			
Further extension	15,000	0	0			
Costs of Municipal Buildings	30,000	0	0			
				376,666	6	8

PART II.

EXPENDITURE ON MUNICIPAL WORKS AND PLANT.

**Ord.
No. I.
(Private)
of
1906.**

		£	s.	d.
<i>Section A.</i>				
Extension of Water Supply		125,000	0	0
Sewerage Scheme		175,000	0	0
Extension and Improvement of Tram- way System or the provision by the Council of Motor Omnibuses or other Vehicles for Public Use ...		75,000	0	0
<i>Section B.</i>				
Surface Drainage Scheme		175,000	0	0
Erection of refuse destructor, con- struction of bridges, improvement of roads and purchase of plant for the purpose of Municipal works ...		73,333	13	4
		623,333	13	4
		£1,000,000 0 0		

No. II (Private) of 1906.] [Promulgated 28th Sept., 1906.

Amend. by Act 12/1910.

AN ORDINANCE

**To Consolidate and Amend certain Laws relating to
the Municipality of Johannesburg.**

**Ord.
No. II.
(Private)
of
1906.**

(Assented to 12th September, 1906.)

WHEREAS it is expedient to consolidate add to and amend certain laws relating to the Council for the Municipality of Johannesburg and to confer further powers on the said Council:

Be it enacted by the Lieutenant-Governor of The Transvaal with the advice and consent of the Legislative Council thereof as follow:—

CHAPTER I.

PRELIMINARY.

I. The laws mentioned in the First Schedule to this Ordinance shall be and are hereby repealed to the extent set forth in the second column of such Schedule. Repeal of laws.

**Ord.
No. II.
(Private)
of
1906.**

Area of
Municipality

- 2.** (1) The Municipality of Johannesburg shall include the area contained within the boundaries set forth in the Schedule to Proclamation No. 46 (Administration) of 1903 and in addition thereto the portion of the farm Klipspruit No. 58 which is shown on a diagram signed by John William Quinn, Mayor of Johannesburg, dated the Thirty-first of July 1906 and deposited at the office of the Surveyor-General being the portion of the said farm which is vested in the Council of the said Municipality in freehold; provided however that the said portion of the said farm shall be exempted from the provisions of the Local Authorities Rating Ordinance 1903. (2) It shall be lawful for the Lieutenant-Governor from time to time to alter the boundaries of the Municipality of Johannesburg.

Corporate
name of
Council of
Municipality.

- 3.** The Council of the Municipality of Johannesburg as constituted and elected at the date of the passing of this Ordinance and as hereafter constituted and elected for the time being under the Municipalities Elections Ordinance 1903 and the laws amending the same shall under the name of "The Municipal Council of Johannesburg" be a body corporate with perpetual succession and a common seal with power to alter and change the same from time to time and shall by the said name be capable in law of suing and being sued of purchasing holding and alienating land and generally of doing and performing such acts and things as bodies corporate may by law do and perform subject to the provisions of this Ordinance and any other law present or future affecting the said Municipality; provided always that the Council of the said Municipality shall under the said name

- (a) remain subject and liable to every contract engagement debt and demand to which it is subject or liable at the date of the passing of this Ordinance;

- (b) continue to be vested with and entitled to all rates fixed property assets and claims with which it or the Municipality of Johannesburg was vested or to which it or the said Municipality was entitled at the said date; and
- (c) retain all privileges powers jurisdiction and duties conferred or imposed on it by any law or bye-law in force on the said date and not repealed by this Ordinance.

**Ord.
No. II.
(Private)
of
1906.**

4. In this Ordinance unless the context otherwise requires:—

Definitions.

“the Municipality” means the Municipality of Johannesburg as constituted for the time being;

“the Council” means the Municipal Council of Johannesburg;

“owner” includes any person receiving the rent or profits of any land or premises from any tenant or occupier thereof or who would receive such rents or profits if such land or premises were let whether on his own account or as agent for any person entitled thereto or interested therein;

“occupier” includes any person in actual occupation of land or premises without regard to the title under which he occupies and in case of premises sub-divided and let to lodgers or various tenants the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein;

“native” includes any person belonging to any of the aboriginal races or tribes of Africa south of the Equator and any person one of whose parents belongs to any such race or tribe as aforesaid;

“Town Clerk” “Town Treasurer” and “Medical Officer of Health” mean the persons for the time being acting in the capacities of Town Clerk Town Treasurer and Medical Officer of Health for the Municipality respectively.

**Ord.
No. II.
(Private)
of
1906.**

CHAPTER II.

MEETINGS AND PROCEEDINGS OF THE COUNCIL.

Ordinary
Meetings.

5. There shall be not less than twelve ordinary meetings of the Council in each year and such meetings shall take place at such times as the Council may determine.

Special
Meetings.

6. The Mayor or any three Councillors may at any time call a special meeting of the Council by causing a notice thereof to be served in accordance with the terms of the next succeeding section; provided that the notice of any special meeting shall specify the object of such meeting.

Notices of
Meetings.

7. Notice of the time and place of every meeting of the Council shall be served on every member of the Council either personally or by leaving the same at his usual place of abode or business address twenty-four hours at least before such meeting. Such notice shall be signed by the Mayor or by the Town Clerk; provided that in the case of a special meeting called by three Councillors under the provisions of the preceding section such notice may be signed by the three Councillors at whose instance the meeting is called. The accidental omission to serve on any Councillor such notice as is referred to in this section shall not affect the validity of any meeting.

Meetings open
to the public.

8. Every meeting of the Council shall be open to the public and the press; provided that this section shall not apply to any Committee of the Council or to a Committee of the whole Council.

Quorum.

9. Save where it is otherwise specially provided all acts matters or things authorised or required to be done by the Council and all questions that may come before it shall be done and decided by the majority of the Councillors who shall be present at any meeting at which not less than one half or such larger proportion as the Council may from time to time fix of the members of the Council shall attend.

10. In case of equality of votes the Chairman of the meeting shall have a second or casting vote.

Casting Vote
of Chairman.

**Ord.
No. II.
(Private)
of
1906.**

11. The Councillors present at any meeting may from time to time adjourn such meeting and if at any meeting of the Council a sufficient number of members be not present to exercise the powers vested in the Council the member or members present shall adjourn the meeting and if there be no member present then the Town Clerk shall adjourn the meeting.

Adjournment
of Meetings.

12. (1) It shall be lawful for the Council to

Committees.

appoint out of their own body such and so many Committees either of a general or special nature and consisting of such number of members as to the Council may seem fit for any purpose which in the judgment of the Council would be better managed by means of a Committee and to delegate with or without restrictions or conditions as they may think fit any of their powers or duties except any power of raising money by rate or loan to any such Committee and to fix the quorum of any such Committee.

(2) Every Committee shall report their proceedings to the Council but to the extent to which the Council so direct the acts and proceedings of the Committee shall not require the approval of the Council.

(3) Every Committee shall elect their own chairman and the Mayor shall be *ex officio* a member of all Committees.

13. The Council shall from time to time appoint a Finance Committee for regulating and controlling the finance of the Council: and an order for the payment of a sum out of the funds of the Council shall not be made by the Town Treasurer except in pursuance of a resolution of the Council passed on the recommendation of the Finance Committee and any cost debt or liability exceeding fifty pounds shall not be incurred except upon a resolution of the Council passed on an estimate submitted by the Finance Committee.

Finance
Committee.

**Ord.
No. II.
(Private)
of
1906.**

Meetings of
Committees.

14. Every Committee appointed by the Council may meet from time to time and may adjourn from place to place as they may think proper and no business shall be transacted at any meeting of the Committee unless the quorum of members (if any) fixed by the Council and if no quorum be fixed two members be present and at all meetings of the Committee if the Chairman be not present one of the members present shall be appointed Chairman and all questions shall be determined by a majority of the votes of the members present and in case of an equal division of votes the Chairman shall have a casting vote in addition to his vote as a member of the Committee.

Minutes.

15. The minutes of the proceedings of every meeting of the Council and of every Committee thereof shall be regularly entered in books kept for that purpose and shall be confirmed at the same or some subsequent meeting. Every such minute so entered when signed by a member of the Council describing himself as or appearing to be Chairman of the meeting at which the minute is confirmed shall in the absence of proof of error therein be considered a correct record.

Meetings to
be deemed
duly held.

16. Until the contrary is proved every meeting in respect of the proceedings whereof a minute has been so entered and signed shall be deemed to have been duly convened and held and all the members at the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a Committee the Committee shall be deemed to have been duly constituted and to have had power to deal with the matter referred to in the minutes.

Inspection
and copies
of minutes
and
accounts.

17. (1) The minutes of proceedings of the Council shall at all reasonable times be open to the inspection of any inhabitant of Johannesburg who may make a copy thereof or take an extract therefrom on payment of such fee as may be prescribed by regulation.

(2) The Treasurer's accounts shall be open to the inspection of any member of the Council who may make a copy thereof or take an extract therefrom.

(3) The abstract of the Treasurer's accounts shall be open to the inspection of all inhabitants of Johannesburg and copies thereof shall be delivered to any inhabitant on payment of such fee as may be prescribed by regulation.

**Ord.
No. II.
(Private)
of
1906.**

CHAPTER III.

POWERS AND DUTIES OF THE COUNCIL.

- 18.** (1) The Council shall from time to time appoint a Town Clerk Town Treasurer Medical Officer of Health and Town Engineer for the Municipality and such other officials as it may consider necessary and pay such salaries and allowances to such officials as it may determine; and unless it be stipulated otherwise in the contract with or in the appointment of an employee the Council may at any time remove such employee upon notice of not less than one month or in case of misconduct immediately without notice.
- (2) Notwithstanding anything in this section contained the person who is Medical Officer of Health at the date of the passing of this Ordinance shall not be removed from office by the Council nor shall the terms of his appointment be varied to his prejudice without the consent of the Lieutenant-Governor which consent shall not be given so long as the said officer shall act and conduct himself with reasonable efficiency and discretion.
- 19.** The Council may enter into contracts for the purposes of this Ordinance and all such contracts lawfully made shall be effectual and binding on the Council and all the other parties thereto their successors heirs executors or administrators as the case

Appointment
of Town clerk
and other
officials.

Power to enter
into contracts.

**Ord.
No. II.
(Private)
of
1906.**

may be. Every contract shall be deemed to be duly executed by or on behalf of the Council if signed by the Mayor or if signed by any one or more Councillors thereto authorised by resolution of the Council; provided that the Council may authorise any of its officers to sign contracts on behalf of the Council involving a liability of not more than five hundred pounds sterling.

Contracts worth £50 or upwards to be put up to open tender.

20. Except in cases of emergency before any contract for the execution of any work or the furnishing of any goods to the amount of fifty pounds or upwards is entered into by the Council fourteen days' clear notice at the least shall be given in some newspaper circulating in the Municipality expressing the purpose of such contract and inviting any person willing to undertake the same to make proposals for that purpose to the Council. The Council shall accept the proposal which on a view of all the circumstances appears to the Council to be most advantageous; and may take security for the due and faithful performance of every such contract or the Council may decline to accept any such proposal.

Streets roads squares and open spaces to vest in Council

21. All streets roads thoroughfares foot-pavements footpaths sidewalks squares and open spaces which have been or shall be at any time set apart and appropriated by proper authority for the use of the public or to which the inhabitants of the municipality shall at any time have or acquire a common right shall be vested in and be under the management and control of the Council.

Power to close streets or roads.

22. The Council shall have the power anything to the contrary in this Ordinance notwithstanding at all times and upon such notice as it shall deem fit to close any street road or thoroughfare for any particular class of traffic or for all traffic either temporarily or permanently and to divert any street road or thoroughfare either temporarily or permanently; provided however that the Council shall in the exercise of its powers to close permanently for all traffic any street road or thoroughfare or to divert

permanently any street road or thoroughfare be subject save in the cases hereinafter mentioned to the following conditions and restraints that is to say:—

- (1) Before the Council shall sanction any such closing or diversion not less than fourteen days' notice shall be given at a Council Meeting of the intention to move therefor.
- (2) Before any such closing or diversion is carried out the Council shall prepare a plan shewing the nature thereof and shall give notice of the proposed work not less than one month before its commencement in the *Gazette* and in one or more newspapers circulating in the Municipality as well as by a sufficient number of conspicuous placards posted on or near the street road or thoroughfare which it is proposed to close or divert setting forth a place where the said plan shall be open for inspection at all reasonable hours and shall also serve a copy of such notice on the owners or reputed owners lessees or reputed lessees and occupiers of all property abutting upon the said street road or thoroughfare whose addresses can after reasonable enquiry be ascertained.
- (3) Where notice in writing of any claim for compensation is served on the Council within the period of one month above-mentioned by any such owner lessee or occupier or any other person aggrieved by such closing or diversion the Council shall make compensation to such person for any damage occasioned to him thereby and such compensation shall in default of agreement be fixed by arbitration; provided that in assessing the amount of compensation payable to any person hereunder the benefit or advantage derived or to be derived by such person by reason of such closing or diversion shall be taken into account.

**Ord.
No. II.
(Private)
of
1906.**

**Ord.
No. H.
(Private)
of
1906.**

- (4) If any person interested as owner lessee or occupier in any property abutting on the street road or thoroughfare which it is proposed to close or divert shall at any time within the period of one month above-mentioned serve written notice on the Council of any objection to such closing or diversion then unless such objection shall be withdrawn such closing or diversion shall not be carried out without the sanction of the Lieutenant-Governor.
- (5) After the serving of any such objection the Lieutenant-Governor may on the application of the Council appoint an officer to make an enquiry into the proposed closing or diversion and the objection thereto and to report thereon; and on receiving the report of such officer the Lieutenant-Governor may make an order disallowing the proposed closing or diversion or allowing it with such modification (if any) as he may deem necessary.

Such conditions and restraints shall not apply:

- (a) in the case of any closing or diversion of a street road or thoroughfare which is effected for the purpose of or in connection with the substitution of a subway under a railway for a level crossing over a railway;
- (b) in the case of any closing or diversion of a street road or thoroughfare which is authorised under the provisions of the Local Authorities Roads Ordinance 1904.

Power to erect public buildings on squares.

23. The Council shall have power with the consent of the Lieutenant-Governor to erect and maintain on any square or other open public place buildings for public purposes or to set apart any such open public place or portion thereof for any such buildings.

24. The Council shall have power and authority to do any of the following things :—

Powers of the
Council

**Ord.
No. II.
(Private)
of
1906.**

- (1) To make construct alter keep clean and in repair the roads streets dams furrows sewers drains culverts and bridges within the Municipality.
- (2) To excavate construct and lay down within the limits of the Municipality water-courses water-pipes conduits sluices dams reservoirs aqueducts wells and other works for supplying the inhabitants of the Municipality with water and to keep the same in repair or to grant leave to any person or company of persons to lay down pipes or to execute any other like works.
- (3) To acquire by lease purchase or otherwise any land or buildings and to erect maintain and keep in repair any buildings for any municipal requirement or purpose.
- (4) To establish and maintain cemeteries and mortuaries and to make such charges in connection therewith as may be fixed by bye-laws.
- (5) To establish erect maintain and carry on markets and market buildings and public weighing machines and to make charges in connection therewith.
- (6) To establish maintain and carry on pounds and to make charges in connection therewith.
- (7) To establish erect maintain and carry on municipal slaughter-houses and to make charges in connection therewith.
- (8) To establish acquire erect construct equip and carry on cold storage works and to make charges in connection therewith.
- (9) To establish and maintain one or more fire brigades and to make such charges for the service of such brigades and for the water used at fires as may be fixed by bye-laws.

**Ord.
No. 11.
(Private)
of
1906.**

- (10) To establish maintain and carry out such sanitary services for the removal and destruction of or otherwise dealing with nightsoil slops rubbish and refuse of all kinds and to make such charges for the same as the Council may from time to time think fit.
- (11) To erect construct equip and carry out sewerage or drainage works within the Municipality or beyond its limits.
- (12) To establish acquire erect construct equip and carry on lighting heating or power supply works within the Municipality or beyond its limits.
- (13) To establish acquire construct lay down equip maintain and work tramways and to make charges in connection therewith.
- (14) To establish and maintain in connection with any tramways worked by the Council a service for the carriage and delivery of parcels within the municipal area and to make charges for such service under such regulations and conditions as may be approved by the Lieutenant-Governor.
- (15) To establish erect construct equip and maintain either within or without the limits of the Municipality for the use of the inhabitants of the Municipality hospitals whether permanent or temporary for the reception of patients suffering from infectious diseases and to make charges for treatment in such hospitals and to provide treatment for poor patients free of charge.
- (16) To establish maintain carry on and add to an art gallery.
- (17) To establish maintain and carry on
 - (a) public libraries and museums ;
 - (b) botanical and zoological gardens parks and open spaces ;

**Ord.
No. II.
(Private)
of
1906.**

- (c) public baths and washhouses ;
(d) public closets, urinals and lavatories ; and to make charges in connection therewith.
- (18) To plant trim or remove trees in roads streets and open spaces and to light roads streets and open spaces and to erect and maintain lamps for that purpose.
- (19) To establish maintain and carry on bands for musical performances in public places and generally to provide musical entertainments in such places and make charges in connection therewith.
- (20) To make grants of money towards the establishment or maintenance of the institutions herein mentioned not being of a private character ; (that is to say) hospitals libraries art galleries museums asylums for the aged destitute or infirm homes for destitute orphans and scientific institutions.
- (21) To take a census of the inhabitants of the Municipality and to contribute to the cost of any such census undertaken by any other authority.
- (22) To enter into any contract or contracts with any Municipality Board of Health or other corporation or company person or persons to secure or further the carrying out beyond the limits of the Municipality of any work or undertaking which may be within the powers of the Council.
- (23) To sell all by-products resulting from the carrying on of any works or undertakings which may be within the powers of the Council and also to let sell or otherwise dispose of any movable or immovable property ; provided that except in the case of immovable property acquired under the Johannesburg Insanitary Area Expropriation

**Ord.
No. II.
(Private)
of
1906.**

Ordinance 1903 or other immovable property as to which special provision has been made no sale of immovable property shall take place and no lease such as is required by law to be executed before a notary public shall be granted without the sanction of the Lieutenant-Governor.

- (24) To incur all expenditure necessary for the carrying out of any purpose of this Ordinance or any amendment thereof or of any municipal purpose which shall include a reasonable amount for public entertainment and for travelling and personal expenses of members and officers on business of the Council.
- (25) To contribute to any provident or benevolent fund intended for the benefit of the officers and servants of the Council and to grant pensions or gratuities to officers or servants of the Council on their retirement from the Council's service or otherwise.
- (26) To pay the medical or funeral expenses of any employee of the Council who suffers injury or dies as the result of an accident occurring in the course of his employment or of illness contracted in consequence of such employment.
- (27) To grant gratuities to the wives or relations of deceased officers and servants of the Council.
- (28) To promote and oppose legislation in the interest of the Municipality.
- (29) To do all things necessary for carrying out all the purposes for or in regard to which the Council is authorised from time to time to make alter or revoke bye-laws or regulations and for carrying into effect all such bye-laws or regulations.

Burial of
destitute
persons.

25. It shall be the duty of the Council to provide for the burial of destitute persons dying within the limits of the Municipality.

26. It shall be lawful for the Council subject to the approval of the Lieutenant-Governor to establish and maintain cemeteries beyond the limits of the Municipality and to establish maintain and work tramways to serve such cemeteries and the Council shall have the same power of making bye-laws for any such cemetery and tramway and of making charges in connection therewith as the Council would have if the same were within the Municipality and any bye-laws relating to cemeteries or tramways for the time being in force within the Municipality may by resolution of the Council be applied to any cemetery or tramway established under this section and on being so applied shall immediately have full force and effect in relation thereto.

Power to establish cemeteries beyond the limits of the Municipality and tramways in connection therewith.

**Ord.
No. 11.
(Private)
of
1906.**

27. (1) The Council may from time to time cause the houses buildings or erections fronting upon all or any of the streets roads thoroughfares footpaths sidewalks squares and open spaces to be marked with numbers as it thinks fit and may cause the name by which any street road thoroughfare footpath sidewalk square or open space is to be known to be put up or painted on a conspicuous part of any house building fence wall or place fronting thereon and may further at its discretion change or vary any such number or name as aforesaid whether such number or name existed before the date of this Ordinance or not.

Numbering of houses and naming of streets.

(2) Any person destroying pulling down or defacing any such number or name or putting up any number or name different from the number or name put up by the Council without its permission shall be liable on conviction to a penalty not exceeding ten pounds for every such offence.

28. The Council shall have power by themselves or their officers to inspect all wells tanks and cisterns within the Municipality the water wherein or wherefrom is used or likely to be used by man for drinking or domestic purposes or for the manufacture of drinks for the use of man or as

Power to inspect wells tanks and cisterns and to close the same.

**Ord.
No. II.
(Private)
of
1906.**

an ingredient in the manufacture of any article intended for food for the use of man; and if on any inspection as aforesaid or on the representation of any person it shall at any time appear that any such water is so polluted as to be injurious to health or that any bye-laws in respect thereof have not been complied with the Council shall call upon the owner or occupier of the premises to which the well tank or cistern belongs forthwith to close or remedy the same and failing compliance with such notice the Council may take proceedings before any competent Court whether by way of summons or application; and on any proceedings against such person for such non-compliance or for breach of any bye-law framed in pursuance hereof the Court may in the event of conviction make an order directing the well tank or cistern to be permanently or temporarily closed by such person or such other order as may appear requisite or necessary to prevent injury to the health of persons using the water therefrom and may in addition sentence the person convicted to a fine not exceeding five pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding one month; and the Court may further if it appear necessary cause the water to be analysed at the cost of the Council and the Court in making any such order may further authorise the Council if the person on whom an order is made by virtue hereof fails to comply with the same within such period as the Court shall deem reasonable to do whatever may be necessary in the execution of such order and all expenses incurred by them may be summarily recovered from the person on whom the order was made; provided that in the case of any well tank or cistern as aforesaid being situated upon any unoccupied ground the owner whereof (or some person duly authorised to represent him) cannot after reasonable enquiry be found within the Municipality any such notice summons or other process as aforesaid shall be deemed to be sufficiently served if the same be affixed to such tank or cistern or to any

building erection post or board upon or in the immediate vicinity of such well tank or cistern.

**Ord.
No. II.
(Private)
of
1906.**

29. The Council shall have power by themselves or their servants at any time of the day or night and without notice to enter upon or inspect or take samples from or require information in respect of the condition and working of all gathering grounds springs reservoirs filter-beds water purification or pumping works or other sources of water supply storage or distribution whether situated within or without the Municipality the water wherein or wherefrom is used or is likely to be used by man within the Municipality for drinking or domestic purposes.

Power to inspect water supply.

30. (1) Whenever it appears to the Council on the certificate of the Medical Officer of Health that any premises are in consequence of defective or unsuitable construction or arrangement bad condition want of light air or ventilation or other sanitary defect liable to retain engender or spread the infection of any disease and that by reason of such liability the occupation of such premises constitutes or would constitute if the same were occupied a grave danger to the public health or to the health of the inhabitants of such premises or of any neighbouring premises the Council may after giving not less than seven days notice in writing of its intention to the owner of such premises and to the occupying tenants (if any) apply to the Court of the Resident Magistrate for an order closing such premises and the Court may upon such application make an order closing such premises and prohibiting the use and occupation thereof until such time as it shall be satisfied that such alterations have been made whether by removal or reconstruction of any building or otherwise as to prevent any such danger as aforesaid resulting from the occupation of such premises and the Court may

Power of Council to close premises.

**Ord.
No. II.
(Private)
of
1906**

thereafter on being so satisfied on the application of the owner of such premises withdraw such order as to the whole or any part of such premises; provided that before making such application the owner of such premises shall give not less than forty-eight hours notice in writing to the Council of his intention to make the same.

(2) (a) Where a closing order has been made in respect of any premises the Council shall forthwith cause a copy of such order to be affixed in a conspicuous position on the premises;

(b) any person who shall use or occupy any premises the use and occupation of which have been prohibited by any closing order during the time that such order remains in force shall be liable to a penalty not exceeding ten pounds and to a further penalty not exceeding two pounds for every day during which such use or occupation continues and in default of payment of any such penalty to imprisonment with or without hard labour for a period not exceeding three months; provided however that after the affixing of a copy of such order in the manner aforesaid forty-eight hours grace or such longer time as the Council may determine shall be allowed to any person occupying the premises at the date when the copy of such order was so affixed before such order is enforced against such person.

(3) The Court of the Resident Magistrate of the District may upon application by the Council order the cleansing and disinfecting of any premises in respect of which a closing order has been or may be made under this section and shall by such order specify a time within which such cleansing or disinfecting shall be

carried out; and in default of full compliance with any such order the Council may enter upon any such premises and do all things necessary for completely executing the same and may recover the costs and expenses of and incidental to such execution from the person against whom such order has been made by action in a competent Court. Any such order may be made upon the owner or on the occupier of the premises aforesaid.

**Ord.
No. 11.
(Private)
of
1906.**

(4) (a) Any notice required under this section to be given to any person may be served by delivering the same to or at the residence or place of business of the person to whom it is addressed or may be served by post on such person;

(b) when the owner of any premises to whom notice is required to be given under this section does not reside or carry on business within the Municipality or cannot after reasonable enquiry be found therein such notice shall be deemed to be sufficiently given to such owner if affixed to the premises to which the same relates.

(5) The term "premises" as used in this section means and includes any building room tenement hut shed or van or any yard or other land in connection therewith.

31. The sole and exclusive right is hereby given to the Council to establish maintain and work electric or mechanically worked tramways for public use within the Municipality.

Exclusive right as to electric or mechanically worked tramways.

32. The Council shall have the power to supply on such terms and conditions as may be fixed by the Council electricity gas and water for all purposes for which the same can be used to any land buildings or premises.

To supply electricity gas and water

**Ord.
No. II.
(Private)
of
1906.**

To lay pipes
and wires in
streets.

33. The Council shall have full power and authority to do all things necessary for the laying of main and branch wires and lines of pipes to convey electric current gas or water underneath and over the streets roads and thoroughfares of the Municipality and to connect the said wires lines or pipes with any premises at the request of the owners or occupiers thereof.

General
power with
regard to
mains pipes
wires and
cables.

34. The Council shall have the same powers and be subject to the same restrictions for laying carrying constructing altering or removing mains pipes wires and cables within or without the Municipality for the purpose of supplying water gas or electricity as they have and are subject to for laying carrying constructing altering or removing sewers within or without the Municipality respectively by the Law for the time being in force and all mains pipes wires or cables constructed by the Council shall be vested in the Council and the Council or any other person duly authorised by them shall at all times have a right of access to private property for purposes of inspection maintenance alteration or repair of such mains pipes wires or cables.

Power to cut
off supply.

35. If any person neglect to pay any charge for electricity gas or water or any other sum due to the Council in respect of the supply thereof the Council may cut off such supply and for that purpose may cut or disconnect any pipe electric wire line or other work through which the electricity gas or water may be supplied and may until such charge or other sum together with any expenses incurred by the Council in cutting off such supply of electricity gas or water are fully paid but no longer discontinue the supply thereof to such person.

Penalty for
injuring pipes
or wires.

36. Any person who unlawfully and maliciously cuts or injures any wire line pipe or other work used for the conveyance of electricity gas or water as aforesaid shall be guilty of an offence against this Ordinance and shall be liable upon conviction to a fine not exceeding one hundred pounds or to be imprisoned with or without hard labour for any period not exceeding two years.

37. Any officer appointed for that purpose by the Council may at all reasonable times enter any premises to which electricity gas or water is or has been supplied by the Council in order to inspect the pipes electric wires lines meters accumulators fittings works and apparatus for the supply of electricity gas or water belonging to the Council and for the purpose of ascertaining the quantity of electricity gas or water consumed or supplied or where a supply of electricity gas or water is no longer required or where the Council is authorised to take away and cut off the supply of electricity gas or water from any premises for the purpose of removing any pipes electric wires lines accumulators fittings works or apparatus belonging to the Council repairing all damage caused by such entry or removal.

Power of entry into premises supplied and of cutting off supply.

**Ord.
No. II.
(Private)
of
1906.**

38. It shall be lawful for the Council :—

- (a) to establish maintain and control within or without the limits of the Municipality locations for natives and coloured persons and to erect and maintain buildings in such locations for the housing of such persons;
- (b) to establish maintain and control within or without the limits of the Municipality bazaars or townships for the exclusive occupation of Asiatics and to erect and maintain buildings in such bazaars or townships for the accommodation of Asiatics;

Establishment of native locations and Asiatic bazaars.

provided that no such location bazaar or township shall be established within the area of any other Municipality save with the consent of the Council thereof.

39. (1) It shall be lawful for the Council to grant leases of plots in any native location or Asiatic bazaar or township established by the Council or under its control for any term not exceeding thirty-three years in such form and subject to such conditions as the Lieutenant-Governor may approve.

Provisions with regard to the tenure of plots in native locations and Asiatic bazaars.

**Ord.
No. II.
(Private)
of
1906.**

(2) Such leases shall not require to be executed before a notary public and such leases and cessions thereof shall not require to be registered except in a register to be kept by the council in accordance with such Regulations as the Lieutenant-Governor may prescribe and any such lease and any cession of such lease shall if so registered be valid and binding for all purposes.

Any transfer duty or stamp duty payable on any such lease or cession thereof under any law relating to transfer duty or stamp duty shall be paid in manner prescribed by such Regulations aforesaid. The Council shall account to the Colonial Treasurer for any transfer duty or stamp duty payable upon any registration effected under such Regulations aforesaid.

CHAPTER IV.

BYE-LAWS.

Existing bye-laws and regulations.

40. The existing bye-laws and regulations of the Municipality in so far as the same are not repugnant to or inconsistent with this Ordinance shall until amended or repealed continue to be of full force and effect.

Council may make alter and revoke bye-laws and regulations.

41. The Council may from time to time make alter and revoke bye-laws or regulations for all or any of the following purposes:—

- (1) For regulating any of the things which the Council is empowered under section *twenty-four* of this Ordinance to do establish maintain or carry on and the charges to be made in respect thereof.
- (2) For regulating the proceedings of the Council and the duties of their officers and servants and preserving order at Council meetings.
- (3) For preventing and extinguishing fires and compensating the owners of buildings removed to prevent the spread of fires and for regulating

**Ord.
No. 11.
(Private)
of
1906.**

fire brigades and the charges which may be made for the services of such brigades and for the water used at fires.

- (4) For preserving public decency.
- (5) For suppressing nuisances houses of ill fame and gaming houses.
- (6) For establishing and licensing public places of recreation.
- (7) For regulating and licensing swimming baths and bathing establishments and for regulating bathing in any open piece of water.
- (8) For licensing and regulating boating establishments and for licensing boats whether kept for hire or otherwise and for regulating the use of and fixing the number of persons to be carried in such boats.
- (9) For licensing controlling and regulating theatres music halls public halls concert rooms public billiard rooms and public bagatelle rooms and other places of public entertainment.
- (10) For prohibiting regulating or licensing noisome and offensive trades and compelling residents to keep their premises free from offensive or unwholesome matters.
- (11) For imposing a tax upon the keeping of dogs and for providing for the seizure sale or destruction of ownerless dogs and of dogs in respect of which the tax has not been paid and also for dealing with vicious or dangerous dogs and such as create disturbance by barking or otherwise.
- (12) For preventing or regulating and controlling the keeping of bees and of wild or dangerous animals.
- (13) For preserving and protecting wild birds and animals.

**Ord.
No. II.
(Private)
of
1906.**

- (14) For securing the eradication of the weed *Xanthium Spinosum* or other noxious weeds from land within the Municipality and for compelling owners or occupiers of such land to cause any such weed to be eradicated on their land.
- (15) For planting and preserving trees and shrubs and for prohibiting or regulating and controlling the planting of trees in roads streets or squares and for maintaining cutting or removing any such trees and preventing the removal or injury thereof.
- (16) For granting licenses or permits for the making of bricks or for digging or removing clay or gravel or for quarrying stone or for cutting firewood brushwood or grass upon municipal lands and for prescribing the fees (if any) to be paid for the same.
- (17) For regulating and licensing wood-sawyers.
- (18) For regulating and licensing pawn-brokers.
- (19) For regulating and licensing pedlars and hawkers; provided that no farmer or gardener who sells only fresh farm produce grown on land occupied by him shall be required to take out a pedlars or hawkers license.
- (20) For preventing the spread of contagious or infectious diseases and for preserving the public health.
- (21) For regulating sewerage or drainage and for compelling the connection at the owners expense of private drains with public drains sewers or pipes and for regulating the construction by the Council at the owners expense of all house drains in so far as they connect with and extend from the main sewer to the boundary of the property concerned.

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- (22) For fixing the charges which may be made for the use of the Councils sewers and sewerage works in respect of any premises which are connected therewith.
- (23) For preventing the use and securing the closing of cesspools and for compelling and regulating the provision construction use and repair of and for preventing damage to earth closets water closets privies ashpits urinals sinks fixed baths and fixed basins waste pipes drains and slop tanks in connection with buildings.
- (24) For granting licenses but without charging any fee therefor to plumbers and drainlayers authorising them to carry out plumbing or drainlaying work for the installation alteration or repair of any system of water supply or drainage connected or intended to be connected with any municipal water main or sewer and for regulating such plumbers and drainlayers and for prohibiting the carrying out of any such work by any unlicensed person.
- (25) For establishing and maintaining and compelling the use of any sanitary or other service which the Council is authorised to carry out or regulate or which may be established by virtue of any powers vested in the Council.
- (26) For regulating the removal of night-soil stable litter filth and refuse from private premises; and from all streets roads and public places and for fixing the charges for such removal.
- (27) For the prevention and abatement of nuisances including such as though arising beyond the Municipality cause annoyance or danger or injury to health within the Municipality and for the prevention of the keeping of animals on any premises so as to be a nuisance or to be injurious to health.
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**Ord.
No. II.
(Private)
of
1906.**

**Ord.
No. II.
of
(Private)
1906.**

- (28) For ascertaining the existence and cause of any nuisance arising from any drain closet cesspool or water supply sink trap syphon pipe or other work or apparatus connected therewith and for remedying the same and recovering the expenses incurred by the Council in respect thereof.
- (29) For regulating and licensing the killing of cattle and other animals and sale of butchers meat and the establishment and locality of slaughter houses and meat shops and their maintenance in a cleanly and proper state.
- (30) For regulating the use and management of municipal slaughter-houses and the making of charges in connection therewith and for prohibiting the slaughtering of animals intended for the food of man elsewhere in the Municipality than in municipal slaughter-houses except in the case of animals which the occupier of any premises may slaughter thereon for his own or his family's consumption.
- (31) For licensing and regulating tea rooms cafés restaurants hotels eating boarding and lodging houses and all dairies milkshops cowsheds bakehouses butchers shops and all factories and places where articles of food or drink are manufactured or prepared for sale or use or sold.
- (32) For licensing and regulating kaffir eating houses.
- (33) For licensing and regulating Asiatic tea rooms or eating houses.
- (34) For preventing the possession sale or offering for sale or the conveyance or handling otherwise than for purposes of destruction and for ensuring the destruction when necessary in the opinion of the Medical Officer of Health of diseased animals and of diseased meat fish or other articles of food or drink

**Ord.
No. II.
(Private)
of
1906.**

unfit for the use of man and for preventing the adulteration misdescription or reduction below a proper standard of quality and for securing the sale in a pure state of milk or any other article of food or drink or any drug and for authorising the entry on and inspection of premises vehicles or packages for securing any of the objects of this sub-section.

- (35) For regulating the manufacture of chemicals.
- (36) For regulating and controlling the conveyance of meat or dead animals through or along any public streets or public throughfares.
- (37) For the regulation or prevention of washing of clothes on public or private premises and the licensing of persons for washing and laundry work.
- (38) For regulating barbers and hair-dressers and barbers and hair-dressers shops.
- (39) For securing the regularity of lines and level of buildings and of the architecture of buildings and the removal alteration and prevention of projections or obstructions in front of buildings.
- (40) For enabling the Council to prevent the alteration erection or use of buildings the class or character of which are either in themselves or from the circumstances or nature of the locality in which they are placed a disfigurement to the town or an annoyance to the inhabitants thereof.
- (41) For compelling the pulling down removing or rendering safe of all buildings walls bridges earthworks and stoeps of an unsafe or dangerous character or which have been allowed to fall into a dilapidated and ruinous condition and for doing such work at the cost of the owner.

**Ord.
No. 11.
(Private)
of
1906.**

(42) For regulating the inspection of buildings and structures by the Council and its officers and for regulating the erection and use of scaffolding and boarding during the construction demolition repair or alteration of any building and the charging of fees in connection with any such hoarding.

(43) For determining and regulating :—

(a) the structure of walls foundations roofs chimneys windows guttering and down-piping and all other parts of buildings whether new or already existing in order to secure stability sufficient height light and ventilation and the proper carrying off of rain-water as well as for the prevention of fires and for purposes of health;

(b) the sufficiency of the space about buildings in order to secure a free circulation of air and the proper ventilation of buildings;

(c) the closing of buildings or parts of buildings unfit for human habitation and the prohibition of their use for habitation or occupation.

(44) For the giving of notice and the deposit of plans and sections by persons wishing to construct or alter buildings for the approval or otherwise of all plans and sections of any such buildings or alterations by the Council and the charging of fees in connection therewith and for the removal alteration or pulling down at the expense of the owner of any work begun or done in contravention of any bye-law or regulation and for preventing the occupation of any new or altered buildings until a

certificate of the fitness thereof for habitation shall have been issued signed by the Medical Officer of Health.

**Ord
No. 11.
(Private)
of
1906.**

- (45) For preventing the discharge of any guttering or down pipes on to any pavement or sidewalk and securing regulating and controlling the laying down of pipes to carry any outflow therefrom to such gutter or drain as may be authorised or approved by the Council for the purpose.
- (46) For regulating and controlling the use and erection of any temporary or movable structures whether standing on wheels or otherwise.
- (47) For the giving of notice and the deposit of plans by persons wishing to lay out any building lots or new townships: for the approval or otherwise of all such plans by the Council for securing uniformity and continuity of streets roads and thoroughfares to or from any private property and convenient access to any building lots on which buildings have been erected for requiring streets roads and thoroughfares to be laid out with due regard to the drainage thereof for requiring such provision to be made by and at the expense of the person laying out any new building lots or new township either by the registration of servitude or otherwise as will secure to the Council the right to use and control for the purpose of the drainage of surface water any existing water courses within the area shown on the plan and for preventing the laying out of new building lots or townships or the sub-division of existing building lots without the approval of the Council and for the charging of fees for the examination of such plans.

**Ord.
No. II.
(Private)
of
1906.**

- (48) For preventing the withdrawal cancellation or alteration except with the consent of the Council of any township plan which has been approved by the Council or the closing up of any streets roads or open spaces shown on such plan except with the like consent.
- (49) For regulating the size of pieces of ground on which buildings may be erected.
- (50) For regulating the width curbing paving guttering gravelling and cleansing of roads and streets.
- (51) For establishing and regulating public markets and market dues and regulating public sales and the charging of fees in connection with public sales held on any public square or open space.
- (52) For regulating and controlling the sale and use and the inspection verification and stamping of weights measures and weighing instruments and the charging of fees in connection therewith.
- (53) For regulating and controlling the sale of goods wares merchandise or other things by weight or measure.
- (54) For regulating and controlling the use of gas water and electric meters and the testing and stamping of such meters and the charging of fees in connection therewith.
- (55) For preventing or regulating and controlling the manufacture use storage sale and removal and licensing the manufacture and storage of dynamite petroleum and other explosives or combustibles.
- (56) For regulating the construction and maintenance of all installations for the supply of light heat or power by means of electricity gas or otherwise.
- (57) For regulating lighting with gas electricity or otherwise.

- (58) For regulating and controlling the generation of acetylene gas or other inflammable or explosive gas and the construction and use of all apparatus connected therewith and for preventing or regulating the storage of liquid acetylene or carbide of calcium.
- (59) For regulating and controlling traffic processions and gatherings in public places.
- (60) For preventing and removing obstructions in streets roads squares and public thoroughfares foot-pavements and sidewalks for dealing with diseased animals and the burial of dead animals and the driving of live stock through streets or thoroughfares and with live stock found straying in any streets or thoroughfares.
- (61) For preventing any person or vehicle from carrying or conveying any article burden or load so as to obstruct or incommode passengers or vehicles in any street sidewalk or foot-pavement and for preventing the wheeling of wheelbarrows cycles or other vehicles on any sidewalk or foot-pavement except for the purpose of crossing the same to or from any house or building.
- (62) For preventing persons from congregating with others and thus causing an obstruction in any sidewalk thoroughfare or open space except such as may be set apart for the purpose.
- (63) For regulating supervising and licensing porters public carriers carters cabs jinrickshas and vehicles standing or plying for hire and the drivers thereof and for fixing the amount of license fees to be paid the charges and fare to be made and the number of passengers to be carried.

**Ord.
No. 11.
(Private)
of
1906.**

**Ord.
No. II.
(Private)
of
1906.**

- (64) For regulating restricting and licensing the use of bicycles tri-cycles motor cars and velocipedes within the Municipality.
- (65) For licensing and regulating locomotives tramcars omnibuses and all private vehicles.
- (66) For prohibiting or regulating and licensing the erection of wires of any kind in along under or over any street or thoroughfare; provided that such wires as may be erected for public purposes by the Postmaster-General or Railway Administration shall not be prohibited or regulated and no license shall be required in respect thereof.
- (67) For determining regulating and licensing the places where and the manner in which placards bills advertising boards or advertisements or notices of any kind shall be displayed in or near or in view of any street or thoroughfare and for prohibiting indecent advertisements or pictures from being so displayed.
- (68) For prohibiting or regulating and licensing the use and passage of advertising vans sandwich boards lanterns flags screens or other movable advertising devices in or along any street or thoroughfare.
- (69) For preventing the disfiguring of the front of buildings or fences and for prohibiting or licensing the use or regulating the size description and fixing of signboards screens private lamps sun blinds or other devices attached to or connected with any buildings or fences by means whereof any advertisements or notices of any kind may be displayed.
- (70) For regulating and controlling street decorations and for prohibiting regulating and controlling the erection and removal of tem-

**Ord.
No. II.
(Private)
of
1906.**

- porary platforms seats and other structures for the use of the public at any meeting or entertainment or for the accommodation of spectators at any procession ceremony or spectacular display of any kind.
- (71) For regulating the supply and distribution of any water under the control or management of the Council and preventing waste and misuse thereof.
- (72) For preventing the pollution of any water which the inhabitants have a right to use.
- (73) For preventing the pollution of gathering grounds spring wells reservoirs filter beds water purification or pumping works tanks cisterns or other sources of water supply or storage whether situate within or without the Municipality the water wherein or wherefrom is used or is likely to be used by man within the Municipality for drinking or domestic purposes.
- (74) For compelling the provision of a proper and sufficient water supply for every dwelling-house school store factory or workshop.
- (75) For maintaining and regulating locations for natives and other coloured persons established or controlled by the Council.
- (76) For enabling the Council to control and supervise the housing of natives by employers and to prevent annoyance to persons in the neighbourhood arising therefrom to compel all natives not residing on the premises of their European employers or not holding letters of exemption whilst lawfully within the Municipality to reside at any location for natives which may have been established by the Council and for enabling the Council to regulate the use of

**Ord.
No. II,
(Private)
of
1906.**

public streets by natives and for prohibiting the carrying by natives of knobkerries assegais or other sticks or weapons and further for enabling the Council to license native wash-boys and native labourers other than boys or labourers employed in industrial concerns or domestic service.

- (77) For maintaining and regulating bazaars or townships for Asiatics established or controlled by the Council.
- (78) For regulating the taking by the Council of any census of the inhabitants of the Municipality defining the duties of census officers appointed by the Council compelling the giving of information required for the purpose of such census and prohibiting the divulging of such information.
- (79) For protecting from damage or interference any municipal works or property situated or being in under or over any street road or public place or in or upon such portion of the farm Klipspruit No. 58 as is included within the area of the Municipality.
- (80) Generally for maintaining the good rule and government of the Municipality:

but no such bye-law or regulation shall be contrary to the provisions of this Ordinance.

Bye-laws to be published before made or amended.

42. No bye-law or regulation shall be made or amended by the Council until a copy of such proposed bye-law or amendment be deposited at the office of the Council for inspection by any person at all reasonable times and a notice be published in some newspaper generally circulating in the Municipality seven days prior to the meeting of the Council held for the purpose of making such bye-law regulation or amendment setting forth the general purport of the proposed bye-law or regulation or amendment of the same and stating that a copy thereof is open to inspection as aforesaid.

43. Where any proposed bye-law directly affects any mining company in respect of the management of its mining operations or the control of the property on which such operations are carried on the following procedure shall be followed:—

Procedure to be followed in case of bye-laws affecting any mining company.

**Ord.
No. II.
(Private)
of
1906.**

- (a) the proposed bye-law as passed shall be forwarded by the Council to the Chamber of Mines or to any association representing for the time being the companies engaged in mining operations within the municipal area ;
- (b) if the Chamber of Mines or such association as aforesaid desires to object to such bye-law on the ground that the interests of any mining company would be unduly prejudiced thereby it shall transmit to the Council a statement of such objections to the proposed bye-law within a period of fourteen days from the date on which such bye-law was received by it from the Council ;
- (c) on receipt of such statement within the time specified the Council shall in submitting such bye-law for the approval of the Lieutenant-Governor forward a copy of such statement together with a statement of any observations which they may desire to make thereon for the consideration of the Lieutenant-Governor ;
- (d) the Lieutenant-Governor shall refer the proposed bye-law together with the statements hereinbefore mentioned to the Commissioner of Mines for report before approving or rejecting such bye-law ;
- (e) the foregoing procedure shall be followed in any case where in the course of the discussion upon any bye-law by the Council a motion shall be proposed and seconded that it be so dealt with.

**Ord.
No. II.
(Private)
of
1906.**

Approval of
bye-laws by
Lieutenant-
Governor and
publication in
Gazette.

44. After any bye-law or regulation has been passed by the Council it shall be submitted for the approval of the Lieutenant-Governor and if approved shall be published in the *Gazette* and thereupon such bye-law shall have the force of law in the Municipality.

Power of
Lieutenant-
Governor to
repeal.

45. Every bye-law or regulation in force in the Municipality may be repealed by the Lieutenant-Governor.

Power to
impose
penalties.

46. Any bye-law or regulation made under this Ordinance may impose a penalty for any breach thereof and may also impose different penalties in case of successive breaches but no penalty shall exceed fifty pounds. And any such bye-law or regulation may provide that in addition to any such penalty any expense incurred by the Council in consequence of any breach of such bye-law or regulation or in the execution of any work directed by any such bye-law or regulation to be executed by any person and not executed by him shall be paid by the person committing such breach or failing to execute such work.

Copy of
Gazette to be
evidence of
bye-law.

47. A copy of the *Gazette* containing any bye-law or regulation of the Council shall be evidence of the due making of such bye-law or regulation and the contents thereof.

Power of
arrest.

48. Any officer of the Council in uniform or bearing a visible badge of office authorised thereto in writing by the Council shall have power to arrest without warrant any person who shall in his presence commit any offence against this Ordinance or any bye-law in force thereunder and detain such person until he can be delivered into the custody of a constable or police officer to be dealt with according to law; provided that no person shall be arrested or detained without warrant unless there shall exist reasonable ground for believing that except by the arrest of the person offending he could not be found or made answerable to justice without delay trouble or expense.

49. All offences against any bye-law or regulation in force in the Municipality shall be deemed to be offences against this Ordinance and in any prosecution for contravening the provisions of any such bye-law or regulation it shall be sufficient to allege that the accused is guilty of contravening a bye-law or regulation in force in the Municipality and to allege the act constituting such contravention describing the bye-law or regulation by number.

Directions for drafting of prosecutions.

**Ord.
No. II.
(Private)
of
1906.**

50. The Council may prosecute summarily in the Court of the Resident Magistrate for all breaches of its bye-laws or regulations; and the provisions of any law relating to prosecutions by private persons shall apply to all such prosecutions.

Prosecutions

51. The Council may order proceedings to be taken for the recovery of any penalties under and for punishment of any person offending against this Ordinance and may order the expenses of such proceedings to be paid out of the revenue of the Council.

Proceedings for recovery of penalties.

52. Every person guilty of an offence against this Ordinance or any bye-law in force in the Municipality shall for every such offence be liable to the penalty expressly imposed by this Ordinance or by the bye-law and if no penalty be imposed then to a penalty not exceeding ten pounds.

Penalties where not otherwise provided.

53. All penalties or other moneys payable in respect of any offence against this Ordinance or any bye-law in force in the Municipality may be recovered before the Court of the Resident Magistrate of Johannesburg.

Penalties recoverable before Resident Magistrate Johannesburg

54. Whenever any penalty shall have been imposed under the provisions of this Ordinance or of any bye-law or regulation in force in the Municipality and the person convicted shall not forthwith pay the same the Court may direct that such person be imprisoned with or without hard labour for a period not exceeding one month if the penalty imposed do not exceed five pounds or not exceeding three months if the penalty be above five pounds and such person shall be imprisoned as aforesaid unless he shall sooner pay the penalty.

Fines enforceable by imprisonment

**Ord.
No. II.
(Private)
of
1906.**

Penalties
payable to
municipal
fund.

55. All penalties recovered for offences against the bye-laws of the Municipality or for offences against this Ordinance committed in the Municipality or in any way in respect of the Municipality or any bail forfeited for the failure of any person charged with any such offence to appear to answer such charge shall be paid into the revenue of the Council.

CHAPTER V.

FINANCIAL PROVISIONS LICENSES AND SPECIAL RATES.

Revenue of
the Council

56. The revenue of the Council shall consist of:—

- (a) all rates levied by the Council;
- (b) all fines imposed by a competent court and forfeited bail bonds for the contravention of bye-laws and regulations of the Municipality and of the provisions of this Ordinance;
- (c) all license moneys on licenses issued by the Council and all market dues tolls rents pound fees and taxes on dogs;
- (d) all charges made by the Council for the supply of electricity gas water and sanitary services and also all charges or profits arising from any service or undertaking carried on by the Council by virtue of any powers vested in it.

All moneys due for sanitary services shall be recoverable from the owner of the premises in respect of which the services were rendered together with interest thereon at the rate of one per cent. per month for every month or portion of a month for which the same remain unpaid after the expiration of thirty days from the end of the period in respect of which they are made payable under the Council's bye-laws for the time being in force; provided that the owner shall in the absence of any agreement to the contrary be entitled to recover from the occupier of the said premises for the time being any such charges

paid by him in respect of the occupation of the said occupier. No transfer or cession of any such premises shall be passed before any registration officer until a receipt or certificate signed by the Town Clerk or other person authorised by the Council shall be produced to such officer showing that all moneys due in respect of such services have been paid.

**Ord.
No II.
(Private)
of
1906.**

57. The Council may charge for any license which the Council is empowered to issue such fees as may be fixed by the Council's bye-laws for the time being in force.

Fees for licenses.

58. The Council shall have power to refuse to grant any license to carry on any trade or business which it has power to grant in accordance with bye-laws in force in the Municipality on any of the following grounds:

Power of Council to refuse license.

- (a) that the applicant has been convicted three times within the three years preceding his application of contravening the Law or the bye-laws of any Municipality with regard to the conduct of the trade for which the license is applied for in such a manner as to cause danger to the public health;
- (b) that the premises on which the applicant intends to conduct his trade do not conform to the requirements of the Council's bye-laws;

provided however that any applicant for a license whose application has been refused may appeal against the Council's decision to the Court of the Resident Magistrate and on such appeal in the event of the Council failing to satisfy such Court that the license was refused on good and sufficient grounds such Court may make an order requiring the Council to grant such license and such license shall be granted accordingly; and provided further that it shall be within the discretion of the Council to refuse to grant licenses to the hauler of any jinricksha or to the driver of any road locomotive tramcar omnibus motor car cab trolley or other vehicle plying for hire anything to the contrary in this Ordinance notwithstanding.

**Ord.
No. II.
(Private)
of
1906.**

Power of Council to refuse to license certain premises.

59. The Council shall have power to refuse to license any premises as a theatre music hall public hall concert room or other place of amusement or as an Asiatic tea-room or eating house or as a kaffir eating house on any of the grounds mentioned in the preceding section and also on any one or more of the following grounds :

- (a) that the applicant has failed to produce satisfactory evidence of good character ;
- (b) that the premises in respect of which a license is sought or any adjacent premises owned or occupied by the applicant are frequented by persons of bad character ;
- (c) that the granting of such a license in respect of the premises for which the same is sought is calculated to cause nuisance or annoyance to persons residing in the neighbourhood ;
- (d) that the granting of such a license would be contrary to the public interest ;

provided however that the refusal of the Council to grant any license on any of the grounds herein stated shall be subject to the same appeal as is provided in the preceding section.

Penalty on conviction for contravention of Law or Council's bye-laws.

60. On the conviction of any person holding a trade license granted by the Council for any contravention of the Law or the Council's bye-laws with regard to the conduct of such trade it shall be lawful on the application of the Council for the Resident Magistrate before whom such person is convicted to cancel or suspend his license and order that no new license to carry on such trade within the Municipality shall be granted to such person for a period not exceeding two years from the date of such cancellation and thereupon such person shall become disqualified to hold a license during such period of cancellation or suspension.

61. (1) The Council shall have power to refuse to grant a license to carry out any such plumbing or drain-laying work as is mentioned in sub-section (24) of section *forty-one* of this Ordinance to any person on the following ground in addition to the grounds mentioned in section *fifty-eight* of this Ordinance namely that the applicant is not competent to carry out plumbing or drain-laying work in a proper and workman-like manner; provided however that the refusal of the Council to grant a license on the ground herein stated shall be subject to the same appeal as is provided in the said section.

Power to refuse licenses to plumbers and drain-layers and to cancel licenses.

**Ord.
No. II.
(Private)
of
1906.**

(2) The Council shall also have power to cancel any such license as aforesaid granted to any plumber or drainlayer if the Council shall be satisfied that such person has done any such plumbing or drainlaying work as aforesaid in a negligent or unworkmanlike manner to the injury of any person or property or contrary to any of the Council's bye-laws; provided that prior to such cancellation the person whose license it is proposed to cancel shall be given an opportunity of appearing before a committee of the Council and being heard in his own defence.

62. The capital cost of construction as hereinafter defined and any loss that may be incurred in working any line of tramway outside the area defined by a thin black line on the plan annexed to the Johannesburg Municipality Further Powers Ordinance 1903 shall be deemed to be abnormal or extraordinary expenditure within the meaning of section *sixteen* of the Local Authorities Rating Ordinance 1903 incurred in respect of any particular area served by any such tramway and lying outside such thin black line and it shall be lawful for the Council with respect to such capital cost and loss in working (if any) to exercise all the powers conferred by the said Ordinance. The capital cost of constructing aforesaid shall mean and include the cost of tracks and tramways

Expense of outside tramways to be within Ordinance No. 43 of 1903.

**Ord.
No. II.
(Private)
of
1906.**

Prescribe
certain con-
ditions pre-
cedent before
Council can
construct
tramways

electrical bonding overhead or other power construction along such tracks and any necessary sites for termini and car stations.

63. The following provisions shall apply to the construction of any tramway in respect of which a special rate is proposed to be levied under the last preceding section of this Ordinance :

(1) The Council before entering upon the construction of any such tramway shall :

(a) pass a resolution by a majority of Councillors at the time in office at a meeting of the Council held not less than fourteen days after notice shall have been given to the Council at a meeting thereof of an intention to move for the construction of such tramway ;

(b) publish daily in twelve issues of each of two or more newspapers circulating in the Municipality an advertisement describing shortly the line of tramway which it is proposed to construct stating the area of land which is proposed to be specially rated by the Council under the powers of the last preceding section and the proportions if any according to which it is proposed that such special rates should be imposed and naming a place where a plan of the proposed tramway and such area as aforesaid may be seen at all reasonable hours.

(2) If any person interested as owner lessee or occupier of any land proposed to be specially rated by the Council objects to the construction of any such tramway or to the imposition of any such special rate or to the proportion according to which it is proposed to impose the same or to the exclusion of any other pro-

**Ord.
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of
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perty from the area of the land proposed to be specially rated and serves notice in writing of such objection on the Council at any time within one week of the last publication of the advertisement as provided in the preceding subsection the Council shall not be entitled to proceed with the construction of any such tramway without the sanction of the Lieutenant-Governor unless such objection be withdrawn.

- (3) The Lieutenant-Governor may on the application of the Council and on due proof of the proper advertisement having been published appoint some person or persons to make an enquiry on the spot into the propriety of the proposed undertaking and the objection thereto and to report to the Lieutenant-Governor on the matters with respect to which such enquiry was directed and on receiving such report the Lieutenant-Governor may make an order empowering the Council to proceed with the construction of such tramway in the manner proposed by the Council or subject to such conditions and modifications as he may think fit.

64. Notwithstanding anything contained in the Local Authorities Rating Ordinance 1903 the Council shall for the purpose of any special rate which it may decide to impose with respect to the capital cost of constructing and any loss that may be incurred in working any line of tramway deduct from the value of the rateable property on which such rate is to be imposed as appearing in the valuation roll such part thereof as represents the value of buildings and impose such rate on the value of such property subject to such deduction as aforesaid instead of on the full value thereof.

Special tramway rates shall be imposed on value of rateable property less deduction for value of buildings.

**Ord.
No. II.
(Private)
of
1906.**

If owners of two-thirds in value of property liable to be specially rated in respect of proposed tramway petition for abandonment of Council's proposals Council may not proceed.

65. If at any time within the period allowed under section *sixty-three* of this Ordinance for serving notice of objection on the Council with reference to the construction of any tramway and to the special rate proposed in respect thereof the owners of two-thirds of the rateable property on which it is proposed to impose such special rate (such two-thirds being reckoned by value according to the values in the valuation roll for the time being in force but subject to the deduction in the preceding section mentioned) shall sign and cause to be forwarded to the Town Clerk a petition to the Council praying that the Council's proposals for the construction of such tramway and the imposition of special rates as set forth in the advertisement with reference thereto may be entirely abandoned it shall not be lawful for the Council to proceed further therewith but the same shall forthwith be abandoned and the Council shall not again initiate proceedings under the said section with regard to the construction of such tramway until after the expiration of a period of six months from the date when such petition for abandonment is received by the Town Clerk.

Excess of special rates over capital cost of constructing tramway may be refunded or remitted.

66. If it shall appear to the Council that the amount received or to be received by way of special rates imposed with respect to the capital cost of constructing any line of tramway is in excess of such capital cost the Council may refund to persons who have paid such rates or remit in favour of persons liable to pay the same a proportionate part thereof so that the total amount received or to be received by the Council by way of such special rates may be approximately equal to the capital cost of constructing such line of tramway.

Special water rates.

67. The capital cost of providing or laying any new water mains required for the purpose of supplying water to any land or premises within the Municipality which are not connected to any existing mains shall be deemed to be abnormal or extraordinary expenditure within the meaning of section *sixteen* of the Local Author-

ities Rating Ordinance 1903 incurred in respect of any particular area served or intended to be served by any such new water mains whether the same are laid within or without such area and it shall be lawful for the Council with respect to such capital cost to exercise all the powers conferred by the said Ordinance.

Any special rate imposed by virtue of this section shall be called a special water rate and all the provisions contained in this Ordinance with regard to the construction by the Council of any tramway in respect of which a special rate is proposed to be levied and to the imposition remission or refunding of such rate shall apply *mutatis mutandis* to the providing and laying of any new water mains in respect of which a special water rate is proposed to be levied and to the imposition remission or refunding of any special water rate.

68. The Council shall have power to make such charges as may be fixed by by-laws for the use of the Council's sewers and sewerage works in respect of any premises which are connected therewith and such charges shall for all purposes be deemed to be charges for sanitary services and shall be recoverable from the owner of any premises which are so connected together with interest thereon in accordance with the provisions of section *fifty-six* of this Ordinance.

Charges for
use of sewers.

69. The books and registers of the Council and any extracts therefrom certified by the Town Treasurer shall in any proceedings for the recovery of any sanitary fees or any charges for the supply of gas water or electricity or for any other municipal service be *prima facie* evidence of the amounts due for the same.

Books of
Council to be
prima facie
evidence of
sums due.

70. (1) It shall be lawful for the Council if it shall see fit at the request of the owner of any premises

(a) to carry out either by its own servants or through contractors any work in connection with the instal-

Power to
execute
drainage
works on
private
premises or
to make
advances
therefor.

**Ord.
No. II.
(Private)
of
1906.**

**Ord.
No. II.
(Private)
of
1906.**

lation or improvement of a drainage system on such premises and the connection of such premises with the Council's sewers and to recover from the owner of the premises the expenses incurred in such work which shall include a reasonable charge for supervision and if the work is undertaken by the Council without the interposition of a contractor for the use of tools and plant; or

(b) to advance to the owner of any premises the amount of any expenses incurred or to be incurred by him in the execution of any such drainage work on such premises.

(2) The Council may agree to accept payment of such expenses and repayment of such advances in such instalments at such times and on such conditions as may to the Council appear reasonable together with interest thereon at the rate of six per cent. per annum which shall be charged from the date when the works are completed or the advances are made on such amount as remains for the time being outstanding.

(3) Such expenses and advances shall be a charge upon the premises in respect of which the same are incurred or made and shall be paid to the Council by the owner thereof and his successors in title and the instalments thereof as they fall due shall be recoverable from the present or any future owner of the premises in any competent Court.

(4) The Council shall keep at the Municipal Offices a register of all expenses incurred and advances made under this section in which shall be shown the total amounts thereof the instalments in which the same are payable the premises in respect of which the same have been incurred or made and the balances for the time being outstanding and such register shall be open at all reasonable times

to the inspection of any person free of charge. Such register and any extract therefrom certified by the Town Treasurer shall in any proceedings for the recovery of such expenses and advances and interest thereon and any instalments thereof be *prima facie* evidence of the matters contained therein.

(5) No transfer or cession of any premises within the area of the Municipality shall be passed before any registration officer until a receipt or certificate signed by the Town Clerk or other person authorised by the Council shall be produced to such officer showing that all sums if any due on account of any expenses incurred or advances made by the Council under this section in respect of such premises and interest thereon have been paid.

(6) Nothing in this section shall limit or affect the power of the Council to execute any work which the Council is by law or under any bye-law in force in the Municipality empowered to execute and to recover the cost of executing such work from any person who is liable therefor.

CHAPTER VI.

ACCOUNTS AND AUDIT.

71. The Council shall cause proper books to be provided and true and regular accounts to be entered therein of all sums of money received and paid on account of and for the Municipality and of the several purposes for which such sums of money have been received and paid.

Accounts to be kept.

72. The Lieutenant-Governor may appoint one or more persons to examine from time to time the accounts of the Municipality and the Council shall by the Town Treasurer produce and lay before the person so appointed all books and accounts of the Municipality with all vouchers in support of the same and all books papers and writings in their power relating thereto.

Lieutenant-Governor to appoint auditors.

**Ord.
No. II.
(Private)
of
1906.**

**Ord.
No. II.
(Private)
of
1906.**

Powers of
auditors.

73. For the purpose of any audit under the provisions of the last preceding section it shall be lawful for the auditor to hear receive and examine evidence upon oath (which oath such auditor is hereby empowered to administer) and by summons under his hand to require such persons as he may think fit to appear personally before him at a time and place to be stated in such summons and to produce all such books and papers as may be necessary for such audit. And any person so required who shall without lawful excuse refuse to attend in obedience to such summons or who having appeared shall refuse to be examined on oath or affirmation or to take such oath or affirmation or having taken such oath or affirmation to answer such questions as shall be put to him shall be liable to a penalty not exceeding twenty pounds for every such act or offence and in default of payment to be imprisoned with or without hard labour for any period not exceeding three months unless such fine be sooner paid; provided that no conviction under this section shall be taken to exempt the person convicted from liability to do or perform the act matter or thing required to be done or performed by him or from being successively convicted and punished for every distinct commission of the same act or offence.

Auditors
power to
surcharge.

74. (1) The auditor or auditors appointed by the Lieutenant-Governor shall disallow every payment made without due authority according to law and surcharge the same on the person or persons making or authorizing the illegal payment and shall charge against any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been brought into account by that person and shall in every case certify the amount due from such person. Every sum so certified by the auditor shall be paid by such person to the Town

Clerk or other official appointed by the Council within fourteen days after the same has been so certified and if not so paid may be recovered from such person as a debt by the auditor who shall be paid by the Council his reasonable costs and expenses incurred in such proceedings. Any sum so recovered shall be paid to the Town Clerk or other official appointed by the Council; provided always that it shall be lawful for the Colonial Secretary to remit the whole or any part of any sums surcharged against any person under this section.

(2) For the purposes of this section the persons against whom any illegal payment may be surcharged shall include all members of the Council or any Committee thereof who were present at the meeting of the Council or Committee thereof at which such payment was authorized and who did not cause their votes against the resolution authorizing such payment to be recorded in the minutes.

75. In addition to the auditor or auditors appointed by the Lieutenant-Governor the Council may appoint an auditor or auditors in the manner following that is to say: any member of the Council may prior to a date to be fixed by the Council nominate one or more duly qualified persons to act as auditor or auditors of the accounts of the Municipality; all such nominations shall be referred to a Committee consisting of not less than five members of the Council who shall report thereon to the Council and the Council shall not less than fourteen days after the date fixed as aforesaid proceed to elect by ballot one or more persons out of the names nominated or in the event of there being no such nominations one or more duly qualified auditors; such election shall be for a period of three years and the Council shall fix the remuneration to be paid to such auditor or auditors at the time of their election. The auditor or auditors elected as aforesaid shall have all

Additional auditors may be appointed by Council.

**Ord.
No. II.
(Private)
of
1906.**

**Ord.
No. II.
(Private)
of
1906.**

Duty of auditors appointed under the preceding section.

the powers conferred by this Ordinance upon the auditor or auditors appointed by the Lieutenant-Governor.

76. It shall be the duty of the auditor or auditors appointed as provided in the last preceding section in addition to the ordinary duties of auditors to certify not less than once in each year whether or not;

- (a) the accounts of the Municipality are in order;
- (b) separate accounts of all trading undertakings have been kept;
- (c) the accounts issued present a true and correct view of the financial position of the Municipality and of its transactions and of the results of trading (if any);
- (d) due provision has been made for the redemption and repayment of any moneys borrowed by the Council whether in the form of municipal stock or bills or otherwise;
- (e) the value of the assets of the Municipality has been fairly stated;
- (f) the amounts set aside for depreciation and obsolescence of plant are adequate;
- (g) all his or their requirements and recommendations as auditors have been complied with and carried out.

CHAPTER VII.

CONDUCT OF MEMBERS AND SERVANTS OF THE COUNCIL.

Prohibition of councillor acting for council in professional capacity for reward.

77. No councillor shall act for the council for reward as an advocate attorney law agent medical practitioner veterinary surgeon architect engineer surveyor accountant or in any other professional capacity.

Any councillor contravening this section shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months and the Court before which he is

convicted may order that he shall refund to the Council the amount of any fees received by him in respect of so acting as aforesaid and that he shall vacate his seat and his seat shall thereupon become vacant.

**Ord.
No. II.
(Private)
of
1906.**

78. (1) Save as in the preceding section and in section *four* of the Municipalities Elections Ordinance 1903 provided no councillor shall be prohibited by reason of his office from contracting with the Council either as vendor purchaser or otherwise nor shall any contract or bargain entered into by or on behalf of the Council in which any councillor shall be in any way directly or indirectly interested be on such account avoided or set aside nor shall any councillor so contracting or being so interested be liable save in the case hereinafter mentioned to account to the Council for any profit realised by any such contract or bargain by reason of such councillor holding his office or by reason of the fiduciary relation thereby established.

Provisions as to councillors being interested in contracts with the council.

(2) Where any councillor is interested otherwise than as shareholder in a limited liability company in any contract or bargain with the Council which involves according to the terms thereof the expenditure or receipt by the Council of one hundred pounds or more it shall be the duty of such councillor before or at the meeting of the Council at which such contract or bargain is determined on or approved if his interest then exists or if his interest is subsequently acquired then within a reasonable time and in any case not later than one month after the acquisition of such interest to disclose the same to the Council and such disclosure if not made at a meeting of the Council may be made by letter addressed to the town clerk which shall be reported by him to the Council at the first meeting held after the receipt of such letter and any such disclosure

**Ord.
No. II.
(Private)
of
1906.**

shall be entered on the minutes of the meeting of the Council at which the same is made by the councillor or reported by the town clerk; provided however that it shall not be necessary for any such disclosure to be made

- (a) by any councillor in the case of any contract or bargain which the Council may expressly authorize to be entered into with such councillor in his own name; or
- (b) by any councillor who shall have notified in writing to the town clerk subsequent to his last election as councillor that he has any interest in any firm or partnership in the case of any contract or bargain which the Council may expressly authorize to be entered into with such firm or partnership.

(3) Any councillor who contravenes this section by omitting to disclose his interest in any contract or bargain with the Council as hereby required shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months and the Court before which he is convicted may order that he shall account to the Council for any profits which may accrue to him in respect of such contract or bargain and that he shall vacate his seat and his seat shall thereupon become vacant; provided however that the Court shall not make such order if it is proved that the omission of any councillor to make such disclosure was due to illness absence from the municipality mistake inadvertence or some other like cause and was not due to any want of good faith.

(4) It shall be the duty of the town treasurer or if there be no town treasurer of the town clerk to prepare every month according to the best

information which he is able to obtain a statement shewing all the contracts or bargains entered into or authorised by the Council during the preceding month in which any councillor is interested otherwise than as a shareholder in a limited liability company and the names of the councillors so interested and to lay such statement before the Council at the first meeting held after the same has been prepared and such statement shall be included in the minutes of such meeting.

**Ord.
No. II.
(Private)
of
1906.**

(5) It shall be the duty of the auditor of the accounts of the Council appointed by the Lieutenant-Governor to examine from time to time the minutes of the Council for the purpose of ascertaining whether the provisions of this section have been complied with and to report to the Colonial Secretary any cases in which it shall appear to him that there has been any failure to comply with such provisions.

79. A councillor shall not in or before the Council or any committee thereof vote upon or take part in the discussion of any contract bargain expropriation claim application for license negotiation or legal proceedings in which he or any person by whom he is employed or whose attorney or agent he is has directly or indirectly any pecuniary interest.

Councillor
not to speak
or vote where
he has
pecuniary
interest.

Any councillor contravening this section shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months and the Court before which he is convicted may order that he shall vacate his seat and his seat shall thereupon become vacant; provided however that the Court shall not make such order if it is proved that such contravention arose from mistake or inadvertence and did not arise from any want of good faith.

**Ord.
No. II.
(Private)
of
1906.**

Saving as
certain case

80. Notwithstanding anything in this Ordinance contained;

- (a) No councillor shall be prohibited from voting upon or discussing in or before the Council or any committee thereof;
 - (i) any scheme for the imposition of special rates; or
 - (ii) the tariff charge for or the regulations and conditions generally applicable to the supply by the Council of anything or the rendering by the Council of any service whether in the whole Municipality or any district thereof;
- (b) no councillor shall be required to disclose to the Council his interest in any contract entered into with the Council for the supply by the Council of anything or the rendering by the Council of any service at the ordinary published tariff charge for such supply or service;
- (c) it shall not be necessary to include such contract as aforesaid in any statement prepared under subsection (4) of section *seventy-eight*.

Councillor
not to act
as agent
before Court
or committee
appointed by
council.

81. A councillor shall not act as agent or representative of any person;

- (a) before any Valuation Court appointed by the Council under the Local Authorities Rating Ordinance 1903 or any amendment thereof; or
- (b) before any other Court or committee appointed by the Council to deal with the rating of property by way of special assessment or otherwise; or
- (c) before any committee of the Council appointed to consider or deal with applications for any licenses which the Council has power to grant.

Any councillor contravening this section shall upon conviction vacate his seat and be liable to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

82. Any Councillor who is required to vacate his seat under any of the foregoing provisions of this Ordinance shall not be capable for a period of three years thereafter of being elected a Councillor for any Municipality or of holding a commission as Justice of the Peace or of sitting on any Valuation or Licensing Court.

Disqualifi-
cation where
seat is
vacated.

**Ord.
No. 11.
(Private)
of
1906.**

83. (1) Any member officer or servant of the Council or any person carrying out on behalf of the Council any statutory power or duty who whether for himself or for any other person corruptly solicits or receives or agrees to receive from any person any fee advantage or reward whether pecuniary or otherwise as an inducement to or in consideration of or otherwise on account of his doing or forbearing to do anything in respect of any matter or transaction actual or proposed in which the Council is concerned shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding five years and in addition in the case of any such officer or servant to dismissal from office and to forfeiture of any claim to compensation or pension to which he might otherwise have been entitled and every such member aforesaid shall *ipso facto* be disqualified from continuing a member or being elected or appointed to any public office for a period of seven years from the date of such conviction.

Penalty on
members and
officials for
receiving
bribes and
on persons
bribing or
attempting
to bribe
members
and officials.

(2) Any person who directly or indirectly gives offers or promises to a member officer or servant of the Council or to any person carrying out on behalf of the Council any statutory power or duty any fee advantage or reward whether for the benefit of such member officer or servant or of another person as an inducement to or in consideration of or otherwise on account of such member officer or servant doing or forbearing to do anything in respect of any matter or transaction actual or proposed in which

**Ord.
No. II.
(Private)
of
1906.**

the Council is concerned shall be liable on conviction to imprisonment with or without hard labour for a period not exceeding seven years and to a fine not exceeding six hundred pounds and in default of payment of the same to a further term of imprisonment with or without hard labour for a period not exceeding two years.

No officer or servant of Council to be interested in any bargain or contract of the Council.

84. Officers or servants of the Council shall not in any wise be concerned or interested in any bargain or arrangement whatsoever made by or with the Council. If any officer or servant is so concerned or interested or under cover of his office or employment exacts or accepts any promise fee or reward whatsoever other than his proper salary wages or allowances he shall be incapable of afterwards holding or continuing in any office or employment under the Council and shall be liable on conviction to a penalty not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months. Any profit fee or reward which may have accrued to such officer or servant or which may accrue to him by reason of such bargain contract or arrangement may be recovered by the Council.

Exemption of servants and members of the Council from personal liability.

85. No matter or thing done or omitted to be done and no contract entered into by the Council and no matter or thing done or omitted to be done by any member or officer or servant or other person acting under the direction of the Council shall if the matter or thing were done or omitted to be done or the contract was entered into *bonâ fide* for the purpose of executing this Ordinance or any bye-law in force in the Municipality subject any such person personally to any action liability claim or demand whatsoever; and any expense incurred by the Council or any such person as aforesaid shall be paid by the Council out of the funds applicable to the general purposes of the Council; provided that

nothing in this section shall exempt any such person from liability to be surcharged with the amount of any payment which may be disallowed by the Auditor in the accounts of the Council and which such member authorised or joined in authorising.

**Ord.
No. II.
(Private)
of
1906.**

CHAPTER VIII.

MISCELLANEOUS.

86. The Council shall have power by themselves or their officers or servants to enter into and upon any building or land within the Municipality for the purpose of exercising any power of inspection or execution of works which is given to the Council under this Ordinance or under any bye-law in force within the Municipality.

Power of entry.

87. Every order notice or other document requiring authentication by the Council shall be sufficiently authenticated without the common seal of the Council if signed by two Councillors or by the Town Clerk or by any officer of the Council duly authorised thereto by any resolution bye-law or regulation of the Council.

Authentica-
tion of
documents.

88. The following persons shall be liable to a penalty not exceeding ten pounds or to imprisonment with or without hard labour for a period not exceeding three months:—

Penalty for obstructing Council and persons employed by Council.

- (1) Any person who wilfully obstructs any member of the Council or any person duly employed by the Council in the execution of his duty as such.
- (2) Any occupier of premises who prevents the owner of such premises from complying with any of the requirements of the Council.
- (3) Any occupier of premises who on demand refuses or wilfully omits to disclose or wilfully misstates the name of the owner of such premises.

**Ord.
No. II.
(Private)
of
1906.**

Disobedience to orders issued under Ordinance tantamount to offence against Ordinance.

89. Where any matter or thing is by this Ordinance or by any order or notice made and published under the authority hereof directed or forbidden to be done or where any authority is given by this Ordinance to any person to direct any matter or thing to be done or to forbid any matter or thing to be done and such act so directed to be done remains undone or such act so forbidden to be done is done in every such case every person offending against such direction or prohibition shall be deemed guilty of an offence under this Ordinance.

Contravention of Ordinance bye-laws or regulations by company firm or partnership.

90. In case any contravention of the provisions of this Ordinance or of any bye-law or regulation in force in the Municipality is committed by a company firm or partnership the managing director or person having the management or control of the business or property in the case of a company or firm and each partner in the case of a partnership shall be responsible therefor and shall be liable to the penalty provided for such contravention; provided however that in case of the cancellation or suspension under section *sixty* of a trade license granted by the Council to any company firm or partnership or to any person on behalf of a company firm or partnership any disqualification to hold a license imposed under the said section may be attached either to such company firm or partnership or to the person who is under this section responsible for the offence in respect of which the order of cancellation or suspension is made or both to the company firm or partnership and such person as to the Magistrate making the order shall seem fit.

Regulations as to hours of retail trade.

91. The Lieutenant-Governor may from time to time make alter and repeal regulations for the Municipality prescribing the hours during which the sale of merchandise by retail may be conducted and the hours during which persons may be employed in any such sale within the Municipality.

92. All actions against the Council shall be brought within six months of the time when the causes of such actions arose and all such costs charges and expenses as the Council shall be put to or become chargeable with by reason of the prosecution or defence of any suit or action or under any judgment of the Court shall be paid out of the revenue of the Council.

Limitation of actions.

**Ord.
No. II,
(Private)
of
1906.**

93. (1) The Arbitration Ordinance 1904 or any amendment thereof shall apply to any arbitration in which the Council is concerned; provided that where the reference to such arbitration takes place by the operation of any Law the said Ordinance shall only apply in so far as the same is not inconsistent with the provisions of such Law.

Provisions as to arbitration.

(2) Section *nineteen* of the Johannesburg Municipality Amendment Proclamation 1902 shall be and is hereby amended by the deletion therefrom of the words "or in case of reference either by agreement or by operation of any Law under which other provision is not made of any dispute in which the Council shall at any time be concerned to arbitration."

94. The Mayor may from time to time if he shall see fit upon receipt of a requisition signed by not less than one hundred enrolled voters for the Municipality requesting him to summon a public meeting of citizens for the discussion of any matter of public interest summon such meeting at such time and place as he may determine and any costs incurred by the Mayor in connection with the summoning and holding of any such meeting may if the Council shall so resolve be defrayed out of the revenue of the Municipality; provided however that nothing in this section shall apply to the costs incurred in connection with any meeting which is held for the purpose of promoting opposing or discuss-

Provision with regard to the summoning of public meetings by the Mayor.

**Ord.
No. II.
(Private)
of
1906.**

Exclusion of application of certain Laws.

ing the election of any person as a Councillor or as a member of any municipal or parliamentary body.

95. (1) The provisions of Law No. 2 of 1882 and Law No. 8 of 1899 shall not apply to any pound established by the Council.

(2) The provisions of Law No. 3 of 1891 shall not apply to any dogs within the Municipality.

(3) The provisions of Law No. 13 of 1894 shall not apply to pawnbrokers carrying on business within the Municipality as soon as bye-laws or regulations have been made by the Council relating to pawnbrokers.

(4) Notwithstanding anything contained in the Municipal Corporations Ordinance 1903 the Municipal Corporations Amendment Ordinance 1904 and the Municipal Amending Ordinance 1905 none of the provisions of the said Ordinances shall apply to the Municipality; provided however that section *fifty-eight* of the Municipal Corporations Ordinance 1903 as amended by section *twenty-eight* of the Municipal Corporations Amendment Ordinance 1904 and any regulations made thereunder shall apply to the Municipality save in so far as the application of the same is excluded by section *eighteen* of the Rand Provisional Joint Committee Ordinance 1906.

Johannesburg Market.

96. (1) It shall be lawful for the Lieutenant-Governor upon the application of the Council to cancel subject to such conditions as may be agreed upon with the Council the following concessions which are now held by the Council as cessionary namely:—

(a) the concession relating to the Johannesburg Market granted on the 19th October 1889 by the Government of the late South African Republic to the Johannesburg Market Buildings Company Limited; and

(b) the concession granted by the said Government on the 23rd May 1893 to one Robert Chambers Birkett to erect a weigh-bridge on the Market Square Johannesburg.

**Ord.
No. II.
(Private)
of
1906.**

(2) Law No. 8 of 1883 (The Market Law) shall not apply to the Municipality or to any market therein established as soon as bye-laws or regulations have been made by the Council relating to markets and it shall be lawful for the Council upon establishing a new market on such site as the Lieutenant-Governor may approve to close the existing market on the square in Johannesburg known as Market Square.

(3) The Council may with the consent of the Lieutenant-Governor erect and maintain on the said square buildings for public purposes or set apart any portion of the said square for any public purpose.

97. Where any acts have been done notices given or proceedings taken before the passing of this Ordinance in accordance with the provisions of any law repealed by this Ordinance and such acts notices or proceedings would if done given or taken after the passing of this Ordinance have been properly done given or taken under this Ordinance such acts notices and proceedings shall be deemed to have been done given or taken under this Ordinance.

Provision as to acts done before passing of Ordinance.

98. Nothing in this Ordinance contained shall in any way affect the rights of His Majesty the King His Heirs and Successors or of any person except such as are mentioned in this Ordinance and those claiming by from and under them.

Saving as to Rights of Crown and private persons.

99. This Ordinance may be cited for all purposes as the Johannesburg Municipal Ordinance 1906.

Title.

**Ord.
No. II.
(Private)
of
1906.**

SCHEDULE.

Laws Repealed.	Extent of Repeal.
The Johannesburg Municipal Proclamation 1901 (No. 16 of 1901)	The whole.
Proclamation Transvaal No. 29 of 1901	The whole.
The Johannesburg Municipality Amendment Proclamation 1902 (Transvaal No. 39 of 1902)	Sections 2, 3, 4, 5, 6, 7, 8, 12, 13, 14, and 22.
Ordinance No. 41 of 1902... ..	The whole.
The Johannesburg Municipality Further Powers Ordinance 1903 (No. 62 of 1903)	Sections 2, 3, 4, and 5.
The Johannesburg Municipal Ordinance 1904 (No. IV Private of 1904)	The whole except Section 8.
The Johannesburg Municipal Ordinance 1905 (No. II Private of 1905)	Part I. with the exception of Section 6 and Part II.

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