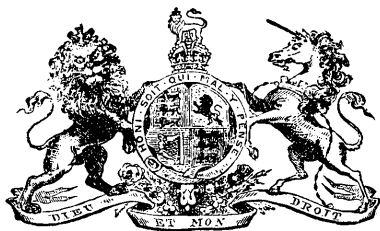


LAWS OF THE TRANSVAAL

UP TO 1899.

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PREFATORY NOTE.



AS all the copies of the Translation of the Statute Law of the Transvaal have been sold out, it has been deemed expedient to re-publish the Translation of all those Laws which have not been repealed.

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L. 11, 1887	L. 21, 1895.
L. 12, 1887	P. 34, 1901.
L. 13, 1887	L. 3, 1890	P. 34, 1901.
L. 14, 1887	P. 34, 1901.
L. 15, 1887	L. 6, 1888	P. 34, 1901.
L. 16, 1887	L. 4, 1894	P. 34, 1901.
L. 17, 1887
L. 18, 1887	L. 6, 1895 . . . .	.....
L. 1, 1888	P. 34, 1901.
L. 2, 1888	L. 28, 1896.
L. 3, 1888
L. 4, 1888	L. 4, 1895	P. 34, 1901.
L. 5, 1888
L. 6, 1888	P. 34, 1901.
L. 7, 1888
L. 8, 1888 . . .	P. 34, 1901 . . . .	.....	.....
L. 9, 1888	L. 8, 1889	L. 15, 1898.
L. 10, 1888	P. 34, 1901.
L. 1, 1889	P. 34, 1901.
L. 2, 1889	L. 15, 1894.
L. 3, 1889	L. 11, 1896	P. 34, 1901.
L. 4, 1889	L. 9, 1893.
L. 5, 1889	P. 34, 1901.
L. 6, 1889 . . .	L. 1, 1892 . . . .	.....	.....
L. 7, 1889 . . .	F.V.R.R., 14/5/1891, Art. 55	.....	.....
L. 8, 1889	L. 10, 1891	L. 15, 1898.

NO. OF LAW.	AMENDED BY	SUPERSEDED BY	REPEALED BY
L. 1, 1890	L. 18, 1898.
L. 2, 1890
L. 3, 1890	L. 4, 1894	P. 34, 1901.
L. 4, 1890	P. 34, 1901.
L. 5, 1890	L. 13, 1891. . . .	P. 34, 1901.
L. 6, 1890	L. 2, 1896	P. 34, 1901.
L. 7, 1890	P. 33, 1901 . . . .	.....	.....
L. 8, 1890	L. 10, 1891. . . .	L. 15, 1898.
L. 1, 1891
L. 2, 1891
L. 3, 1891	F.V.R.R., 23/8/1892, Art. 1257 F.V.R.R., 17/5/1893, Art. 114 F.V.R.R., 29/6/1898, Art. 688	.....	.....
L. 4, 1891
L. 5, 1891	P. 12, 1902.
L. 6, 1891	L. 5, 1894	P. 34, 1901.
L. 7, 1891	L. 10, 1897.
L. 8, 1891	L. 1, 1894.
L. 9, 1891	F.V.R.R., 21/7/1891, Art. 1040 F.V.R.R., 29/8/1892, Art. 1314 F.V.R.R. 14/6/1892, Arts. 439 and 441. F.V.R.R. 18/7/1894, Art. 892 L. 22, 1894 Art. 15 L. 7, 1897	.....	.....
L. 10, 1891	L. 18, 1892	L. 15, 1898.
L. 11, 1891	P. 34, 1901.
L. 12, 1891	L. 13, 1892 . . . .	.....
L. 13, 1891	L. 3, 1899	P. 34, 1901.
L. 14, 1891	Ord. 40, 1903.
L. 1, 1892	Ord. 32, 1902 . . . .	.....	.....

NO. OF LAW.	AMENDED BY	SUPERSEDED BY	REPEALED BY
L. 2, 1892	L. 4, 1897 . . . .	.....
L. 3, 1892	F.V.R.R. 11/5/1894, Art. 46	.....	.....
L. 4, 1892
L. 5, 1892	P. 16, 1902.
L. 6, 1892	P. 23, 1902.
L. 7, 1892	P. 12, 1902.
L. 8, 1892	Ord. 40, 1903.
L. 9, 1892	P. 33, 1902.
L. 10, 1892	Ord. 57, 1903.
L. 11, 1892	P. 21, 1902.
L. 12, 1892	L. 8, 1898.
L. 13, 1892	L. 18, 1895 . . . .	.....
L. 14, 1892	Ord. 60, 1903.
L. 15, 1892	L. 6, 1899 . . . .	.....
L. 16, 1892	Ord. 60, 1903.
L. 17, 1892	P. 34, 1901.
L. 18, 1892	L. 14, 1894	L. 15, 1898.
L. 19, 1892	L. 17, 1898.
L. 20, 1892	L. 4, 1894	P. 34, 1901.
L. 21, 1892
L. 22, 1892	L. 2, 1893	P. 34, 1901.
L. 23, 1892	L. 1, 1893	P. 34, 1901.
L. 1, 1893	L. 22, 1894, Art. 3. L. 19, 1896.	.....	.....
L. 2, 1893	Ord. 33, 1903.	.....	.....
L. 3, 1893	L. 12, 1896.
L. 4, 1893
L. 5, 1893	L. 13, 1895	P. 34, 1901.
L. 6, 1893	P. 33, 1902.
L. 7, 1893	L. 20, 1894	P. 34, 1901.
L. 8, 1893	Ord. 40, 1903.

NO. OF LAW.	AMENDED BY	SUPERSEDED BY	REPEALED BY
L. 9, 1893 . . .	Art. 4, L. 22, 1894 . .	.....	.....
L. 10, 1893	F.V.R.R., 24/8/1896, Art. 1255.
L. 11, 1893	L. 26, 1896. . . .	P. 34, 1901.
L. 12, 1893	L. 18, 1895. . . .	P. 34, 1901.
L. 13, 1893	L. 5, 1894	P. 34, 1901.
L. 14, 1893	L. 6, 1897	P. 34, 1901.
L. 1, 1894
L. 2, 1894
L. 3, 1894	L. 3, 1899	P. 34, 1901.
L. 4, 1894	Ord. 22, 1902. Ord. 23, 1902. Ord. 49, 1903.
L. 5, 1894	Ord. 29, 1902.
L. 6, 1894
L. 7, 1894	Ord. 15, 1902 . . . .	.....	.....
L. 8, 1894	Ord. 40, 1903.
L. 9, 1894	Ord. 36, 1902.
L. 10, 1894 . . .	F.V.R.R., 3/7/1895, Art. 580	.....	.....
L. 11, 1894
L. 12, 1894 . . .	L. 8, 1896 . . . .	.....	.....
L. 13, 1894 . . .	Ord. 40, 1903 . . . .	.....	.....
L. 14, 1894	L. 19, 1895	L. 15, 1898.
L. 15, 1894	L. 1, 1896	P. 34, 1901.
L. 16, 1894	L. 28, 1896.
L. 17, 1894	F.V.R.R. 29/8/1898, Art. 1042.
L. 18, 1894	F.V.R.R. 24/8/1896, Art. 1255.
L. 19, 1894	L. 14, 1895	P. 34, 1901.
L. 20, 1894	L. 3, 1896	P. 34, 1901.
L. 21, 1894	L. 18, 1895. . . .	P. 34, 1901.

NO. OF LAW	AMENDED BY	SUPERSEDED BY	REPEALED BY
L. 22, 1894 . . .	L. 2, 1896 . . . L. 11, 1896. L. 6, 1895. L. 10, 1898. L. 15, 1898. L. 2, 1899. L. 3, 1899. P. 10, 1902. Ord. 40, 1903.	.....	.....
L. 1, 1895	Ord. 1, 1903.
L. 2, 1895	L. 29, 1896.
L. 3, 1895	Ord. 40, 1903.
L. 4, 1895	Ord. 40, 1903.
L. 5, 1895	L. 14, 1899.
L. 6, 1895	Ord. 40, 1903.
L. 7, 1895 . . .	Ord. 14, 1903 . . .	.....	.....
L. 8, 1895	P. 10, 1902.
L. 9, 1895
L. 10, 1895
L. 11, 1895	P. 15, 1901.
L. 12, 1895
L. 13, 1895
L. 14, 1895	L. 12, 1899 (partially).	.....
L. 15, 1895	Ord. 57, 1903.
L. 16, 1895 . . .	Ord. 8, 1902:	.....	.....
L. 17, 1895	L. 14, 1897.
L. 18, 1895	L. 19, 1898.
L. 19, 1895	L. 21, 1896 . . .	L. 15, 1898.
L. 20, 1895	P. 8, 1902.
L. 21, 1895
L. 22, 1895	P. 37, 1901.
L. 23, 1895	L. 31, 1896.
L. 24, 1895	Ord. 20, 1902.
L. 1 1896	P. 34, 1901.
L. 2, 1896	P. 34, 1901.

NO. OF LAW.	AMENDED BY	SUPERSEDED BY	REPEALED BY
L. 3, 1896	L. 11, 1898.
L. 4, 1896	L. 8, 1898.
L. 5, 1896	P. 28, 1902.
L. 6, 1896.
L. 7, 1896	Ord. 1, 1903.
L. 8, 1896
L. 9, 1896	L. 14, 1899.
L. 10, 1896	P. 34, 1901.
L. 11, 1896
L. 12, 1896	L. 12, 1898.
L. 13, 1896	L. 17, 1898.
L. 14, 1896	Ord. 40, 1903.
L. 15, 1896	Ord. 40, 1903.
L. 16, 1896	Ord. 40, 1903.
L. 17, 1896	L. 19, 1898.
L. 18, 1896
L. 19, 1896
L. 20, 1896
L. 21, 1896	L. 15, 1898.
L. 22, 1896
L. 23, 1896
L. 24, 1896	P. 34, 1901.
L. 25, 1896	L. 5, 1898.
L. 26, 1896 . . .	L. 14, 1898 . . .	.....	Ord. 49, 1902.
L. 27, 1896 . . .	Ord. 4, 1903 . . .	.....	.....
L. 28, 1896 . . .	Ord. 54, 1903 . . .	.....	.....
L. 29, 1896
L. 30, 1896 . . .	L. 6, 1898 . . .	.....	P. 34, 1901.
L. 31, 1896	L. 23, 1899.
L. 1, 1897	P. 34, 1901.
L. 2, 1897	L. 11, 1899.

NO. OF LAW.	AMENDED BY	SUPERSEDED BY	REPEALED BY
L. 3, 1897	P. 25 1902 . . . .	.....	.....
L. 4, 1897
L. 5, 1897	P. 34, 1901.
L. 6, 1897	P. 34, 1901.
L. 7, 1897
L. 8, 1897
L. 9, 1897	L. 9, 1899.
L. 10, 1897
L. 11, 1897	L. 12, 1898.
L. 12, 1897	L. 10, 1898.
L. 13, 1897	L. 19, 1898.
L. 14, 1897	F.V.R.R., 8/12/1898, Art. 1975 Ord. 42, 1903	.....	.....
L. 15, 1897
L. 16, 1897	P. 34, 1901.
L. 1, 1898	Ord. 40, 1903.
L. 2, 1898	P. 34, 1901.
L. 3, 1898
L. 4, 1898	P. 34, 1901.
L. 5, 1898	L. 19, 1899.
L. 6, 1898
L. 7, 1898	Ord. 40, 1903.
L. 8, 1898
L. 9, 1898	P. 34, 1901.
L. 10, 1898	P. 22, 1902.
L. 11, 1898	Ord. 54, 1903.
L. 12, 1898	Ord. 54, 1903.
L. 13, 1898	P. 12, 1902.
L. 14, 1898	Ord. 49, 1902.
L. 15, 1898	F.V.R.R., 29/9/1899, Art. 1425 P. 35, 1902	.....	.....
L. 16, 1898	P. 34, 1901.

NO. OF LAW.	AMENDED BY	SUPERSEDED BY	REPEALED BY
L. 17, 1898	Ord. 58, 1903, (partially)	.....
L. 18, 1898
L. 19, 1898	Ord. 32, 1902.
L. 20, 1898	P. 34, 1901.
L. 21, 1898	L. 17, 1899.
L. 22, 1898	Ord. 66, 1903.
L. 23, 1898	L. 11, 1899 .
L. 1, 1899	Ord. 40, 1903.
L. 2, 1899	P. 34, 1901.
L. 3, 1899	P. 34, 1901.
L. 4, 1899
L. 5, 1899	P. 34, 1901.
L. 6, 1899	Ord. 60, 1903.
L. 7, 1899
L. 8, 1899
L. 9, 1899
L. 10, 1899
L. 11, 1899	Ord. 46, 1903.
L. 12, 1899 . . .	Ord. 9, 1902 . . .	.....	.....
L. 13, 1899
L. 14, 1899	Ord. 50, 1903.
L. 15, 1899
L. 16, 1899	P. 34, 1901.
L. 17, 1899 . . .	Ord. 50, 1902 . . .	.....	.....
L. 18, 1899
L. 19, 1899	P. 34, 1901.
L. 20, 1899	P. 34, 1901.
L. 21, 1899	P. 34, 1901.
L. 22, 1899	P. 34, 1901.
L. 23, 1899	P. 37, 1901.
L. 1, 1900	P. 34, 1901.

LAWS OF THE TRANSVAAL UP TO 1899.

VOLKSRAAD RESOLUTION, 21st November, 1853.

123. With reference to the 9th proposal to determine the age of majority, resolved to determine it for both sexes at 21. This is therefore a general law.^[1]

Majority fixed at 21 years of age.

VOLKSRAAD RESOLUTION, September 22nd, 1866.

175. The Raad resolves that the law on this point shall remain as provided by Art. 123 of the Resolutions of the Volksraad of November, 1853, whereby it is enacted that youths and girls shall attain their majority at the age of 21 years.

21, age of majority.

VOLKSRAAD RESOLUTION, October 23rd, 1866.

514. The Raad resolves that no land belonging to public outspans shall be sold.

No sale of outspan ground.

VOLKSRAAD RESOLUTION, October 25th, 1866.

561. The Raad resolves that quitrent on every farm or erf shall be paid from the date that transfer of such land was obtainable.

Quitrent from when payable.

1867 and 1868.

VOLKSRAAD RESOLUTION, Art. 140, dated 13th October, 1868.

Resolved not to acknowledge or permit the sale of any portion of town commonage, unless effected by virtue of a Resolution of the Volksraad. Henceforth no land, being portion of the commonage of any town, may be alienated or sold.

Town commonage.

VOLKSRAAD RESOLUTION, Art. 318, dated 26th November, 1868.

On the order Commission Report recommending an increase of farm taxes in following terms:—

The Commission recommends the Volksraad to fix:

(a.) The tax on freehold (eigendoms) farms registered in the different Landdrost offices according to Volksraad Resolution of 1858 at 10s. per annum.

Tax on freehold farms.

(b.) [Relates to loan farms (recommendation not accepted by the Volksraad)].

¹ Confirmed by V.R.R. 22nd September, 1866, Art. 175.

The Volksraad adopts that portion of the recommendation relating to freehold farms granted to burghers in terms of Art. 195 of the Grondwet and Art. 28 of the Volksraad Resolutions of 23rd September, 1858, and Art. 75 of the Volksraad Resolutions of 22nd September, 1859, which Laws shall be applied only to burghers who were resident in this Republic on the 22nd September, 1859.

Resolved further that the State President be instructed to publish the three said laws in the *Staatscourant* as a notification to the burghers that:—

- (a.) The burghers, who according to the said Laws are entitled to a freehold farm, are to furnish their names to the Landdrost of the district, and to furnish proof of their claims as may be deemed necessary.
- (b.) That in terms of this Law they shall be entitled to a freehold farm, and,
- (c.) That they are immediately to register the farm which they desire to have as a freehold farm; for each such registration 5s. shall be paid.

Should any person not yet have secured a farm, which he is able and wishes to have registered for him, it shall be lawful for such person to register his name merely.

All persons who shall not within twelve months from the time of such notice in the *Staatscourant* have registered their names, shall after that time no longer be entitled so to do.

And all farms which are not already registered, or about to be registered, in the district in which they are situate as aforesaid, shall without distinction be deemed to be loan-farms (leenings plaatsen).

VOLKSRAAD RESOLUTION, 27th November, 1868.

Tax on loan-farms.

319. On the order recommendation for the increase of taxes on farms:

The Raad, after mature consideration, recognizing the impracticability of an assessment, and having regard to the costs which the Government would incur in reference thereto, agrees without distinction to fix the tax on each loan-farm at £1. 10s. 0d. per annum.

VOLKSRAAD RESOLUTION, June 5th, 1869.

154. Resolved to amend the form of deed of grant for loan-farms as follows:—

Deeds of grant for loan-farms.

The word "erfpacht" (lease) is changed to "eigendom" (property), the word "vergunning" (grant) is changed to "afstand" (grant), and the word "geschonken" (granted) is changed to "afgestaan" (granted).

VOLKSRAAD RESOLUTION, June 5th, 1869.

155. Resolved that the form of deed of grant of freehold farms shall be as follows:—

FORM OF TITLE DEED FOR FREEHOLD FARM.

By his Honour the State President of the South African Republic in South Africa, in the name and on behalf of the Government of the said State.

A certain farm or piece of land called _____ situated _____ in the district of _____ in the Field-Cornetcy of _____ Form of deed of grant for freehold farm.
 _____ in extent approximately _____ and further defined and bounded as shall appear from the annexed copy of the inspection report, dated the _____ and signed by _____ and sketch attached thereto, is hereby granted in full and free property to _____ This property is granted on condition that all roads over the land made by lawful authority shall remain free and unobstructed; that this property shall be subject to an outspan for travellers to be pointed out by the owner; that the said property shall further be subject to such provisions as may be enacted in regard thereto in accordance with the Grondwet of this State; and, finally, that the owner shall be bound to pay a maximum yearly contribution of ten shillings.

Given under my hand and the public seal of the South African Republic at _____ on the _____ day of _____ in the year of our Lord _____

State President of the South African Republic.

Registered at the office of the Registrar of Deeds at Pretoria, on the _____ day of _____

Registrar of Deeds.

LAW No. 2, 1870.

GRASS BURNING.

Approved and enacted by Volksraad Resolution, d.d. 11th May, 1870, Art. 57-61.

1. It shall be lawful for any person to set fire to the grass on his farm or farms within this State, provided that he takes care that the veld of his neighbour is not thereby set on fire, or damage occasioned thereby to the latter's farm or property, in which latter case the person who is the cause of such damage _____ Grass burning.

shall be fined an amount not less than £5 and not exceeding £20 sterling, or be imprisoned, with or without hard labour, for a period not exceeding three months.

Penalty if
other than
owner of
farm fires
the grass.

2. Should grass be set on fire by the act, upon order, or by reason of the carelessness of any person, not being an owner of, or person entitled to the land on which the fire was lighted, such act shall be punishable by a fine of £20 to £500 sterling, and by imprisonment, with or without hard labour, for a period of from three months to three years, according to the nature of the carelessness or intent.

Civil
liability.

3. Should the owner or occupier of any farm suffer any damage in consequence of the burning of grass, the person who has occasioned the same, or by reason of whose negligence or carelessness the same occurred, shall be obliged to make good such damage although he may also have been punished under the provisions of this Law.

Operation.

4. This Law shall come into operation according to the provisions of Art. 69 of the Grondwet.

M. W. PRETORIUS,
State President.

By order,

B. C. E. PROES.
Govt. Secretary.

Government Offices,
Pretoria,
8th June, 1870.

LAW No. 2, 1871.

ORDINANCE.

Containing regulations and provisions regarding licences, stamp dues, office fees and charges to which the several persons appointed or admitted by Government shall be entitled.

Enacted by Volksraad Resolution, Art. 305, dated 8th November, and Art. 426a, dated 2nd December, 1871.

WHEREAS it is deemed necessary to determine the mode of collecting licence monies, office fees and charges in this Republic and to make provision for any contravention thereof:

NOW THEREFORE the Volksraad in its session held at Pretoria in September, 1871, and subsequent days has enacted and resolved :—

Operation.

1. This Ordinance shall come into operation immediately after publication, and the hereinafter-mentioned monies for licences,

stamp dues, office fees and charges, shall thereupon be levied by the official authorised to do so.

2. Superseded by Law No. 17, 1899, Art. 2.
3. Superseded by Law No. 17, 1899, Art. 3.
4. Superseded by Law No. 17, 1899, Art. 11.
5. Superseded by Law No. 2, 1881, Arts. 1 and 2, with the exception of marriage licence, £7. 10s.
6. Superseded by Law No. 2, 1881, Art. 4.
7. Repealed by Proclamation 12, 1902.
8. Copy of Diagram, £1. 1s. 0d.
9. Repealed by Proclamation 28, 1902.
10. Superseded by Law No. 8, 1883.
11. Superseded by Law No. 13, 1880.
12. Superseded by Law No. 8, 1883.
13. Superseded by Law No. 8, 1883.
14. Superseded by Law No. 8, 1883.
15. Superseded by Law No. 8, 1883.
16. Notaries Public.

	£	s.	d.	Notaries public.
Drawing up and making fair copy of bond				
without security - - - - -	0	10	6	
Ditto with security - - - - -	0	15	0	
Drawing up and passing a will for one person	0	7	0	
Ditto for an ordinary mutual will - - - - -	0	10	6	
Ditto for an extraordinary mutual will (one- third more if done at night) - - - - -	1	1	0	
Copy of a sealed will - - - - -	0	5	0	
Deed of gift <i>mortis causa</i> - - - - -	0	15	0	
General power of attorney - - - - -	1	1	0	
Special power of attorney from 2s. 6d. to - - - - -	0	10	6	
General power of attorney for persons abroad from £1. 1s. to - - - - -	2	2	0	
Special power of attorney from 10s. 6d. to - - - - -	1	1	0	
Bills of exchange - - - - -	0	7	6	
Deed of surrogation and substitution from 10s. 6d. to - - - - -	2	2	0	
Deed of sealing - - - - -	0	5	3	
Inventory of estates, first page - - - - -	0	10	0	
Every following 30 lines of 30 letters to the line - - - - -	0	1	6	
Contracts of purchase, lease or otherwise, from £1. 1s. to - - - - -	2	2	0	
Accounts of estates, protests, assignation, revocations, deed of grant, written decla- rations and certificates from £1. 1s. to - - - - -	5	5	0	
Signature or authorisation of any document, with or without witness, from 1s. to - - - - -	0	5	0	

	£	s.	d.
All other deeds not above mentioned according to the length thereof from 10s. 6d. to -	3	3	0
(This includes the necessary copies, but does not include the stamps or the costs of attendance or travelling expenses when the deeds are not passed at the office of the notary).			
For a journey within the town or village-	0	5	0
Ditto outside the town or village per hour, there and back - - - -	0	5	0
Ditto ditto at night double.			
Horse hire, per day of 6 hours - - -	0	15	0
The accounts of the notaries shall, if so desired, be taxed by the Landdrost of the district where they reside.			

SWORN TRANSLATORS.

	£	s.	d.
Sworn translators. 17. Translating ordinary acknowledgment of debts - - - - -	0	2	6
Translating a letter or other document, of one page of 100 words or less - - -	0	4	6
Every following page - - - - -	0	1	0
Acting as interpreter in any matter, per [hour	0	4	6
Not to exceed per day - - - - -	1	1	0
No translation shall be delivered by a sworn translator without a stamp of- - -	0	0	9
18. Superseded by Law No. 8, 1881.			
19. [1] Allowance for various persons :			
Hire of a wagon with eight horses, per day of 6 hours, from £1. to - - - -	1	2	6
Hire of a wagon with oxen and leader and driver, per day of 8 hours, from 12s. to -	0	15	0
Hire of a riding horse per hour - - -	0	2	0
Hire of a man on horseback per hour - - -	0	2	0
Conduct of arrested criminals on foot, for each man per hour, from 1s. 6d. to - -	0	3	0
Ditto ditto on horseback per day - - -	0	12	0

D. J. ERASMUS,

Acting State President.

By order,

N. J. R. SWART,

Government Secretary.

Government Office,

Pretoria,

15th December, 1871.

¹ As to witness expenses in civil cases superseded by Law No. 8, 1883; as to witness expenses in criminal cases superseded by Law No. 7, 1888.

LAW No. 3, 1871.

MARRIAGE ORDINANCE.

Approved and enacted by Volksraad Resolution of November 9th and 10th, 1871, Artt. 308–334.

1. No marriage shall be solemnized except after publication of banns, either in public in the ordinary manner on three successive Sundays during religious service in any church or other recognised building used for public worship, or by posting them up, during the same time, on the door of the office of the Landdrost in whose circuit or jurisdiction either of the parties, or both of them, reside, unless a special licence has been granted. Before the solemnization of the marriage, the bride and bridegroom shall appear before the Landdrost of the district, who, as marriage commissioner, shall inquire whether the provisions of the civil law have been complied with, and shall, if necessary, grant a certificate. .

Publication of banns.

Appearance before the Landdrost.

2. The Landdrosts of the various districts shall solemnize marriages at the request of the parties. All ministers of the gospel to whom the Government has given the right to do so shall also be competent to solemnize and celebrate marriages on production of a certificate from the Landdrost that the provisions of this Law with regard to the civil law have been complied with, provided this be done after publication of the banns as provided by Art. 1 or by special licence, and, further, on compliance with the further provisions in regard thereto laid down in this Ordinance, and provided that the officiating minister of such place, and the church council shall be responsible for any neglect or negligence in regard to the provisions of this Ordinance on the part of such minister.

Landdrosts and specially authorised ministers of religion may solemnize marriages.

3. It shall be lawful to join persons together in matrimony without previous publication of banns as provided by Artt. 1 and 2 on production and exhibition by the parties of a special licence obtained for the purpose, signed by the State President and the Government Secretary.

Marriage by special licence.

4. Persons desiring to be married by licence in accordance with the foregoing article shall appear before the Landdrost, give in their names, and answer such questions as the said official shall see fit to put to them for the purpose of satisfying himself:—

Provisions regarding marriage by special licence.

- (1.) That in case of minority the consent of the parents or guardians has been obtained.
- (2.) That, if one of the intending spouses was previously married and there are children born of such marriage, a certificate of re-marriage, signed by the Orphan Master, shall be produced to the effect that the portions in the inheritance belonging to such children have been secured or paid out; and
- (3.) That the intending spouses do not stand in regard to one another within the prohibited degrees of relationship or affinity, and that there are no other lawful impediments to the intended marriage.

Prohibited degrees.

Under the prohibited degrees of relationship are included :—

- (a.) All persons in the ascending and descending line *ad infinitum*, and in the collateral line to the third degree inclusive, including, therefore, uncle and niece, aunt and nephew, whether by blood or affinity.
- (b.) First cousins, when both the parents of the one are related to both the parents of the other as own brothers and sisters.[¹]

Power of Landdrost in doubtful cases.

5. The Landdrost shall have the right, if he considers that he has reasonable grounds for suspecting anything illegal in the marriage, which the persons aforesaid desire to enter into, and that they are concealing the true facts of the case from him, to examine them or one of them under oath, or to question other persons also under oath in regard thereto, if he thinks fit to do so.

Minutes. Report to Government Secretary.

6. The Landdrost shall keep proper minutes of the examination held by him by virtue of the provisions of Artt. 4 and 5, and report thereon to the Government Secretary, and thereupon the State President shall be entitled to grant or refuse a special licence as he may deem fit.

When marriage not solemnized within three months.

7. If the banns of any marriage shall have been published, as provided by Art. 1, or a special licence shall have been obtained, and such marriage shall not have been solemnized within three months after the last publication or after the date of the licence, such publication or licence shall no longer be considered valid, but everything shall take place afresh, just as though nothing had been done in regard thereto.

When Landdrost may not solemnize marriage.

8. If any person acknowledges that he or she is a minor, or if from any other information there is good reason for considering him or her to be such, and he or she cannot produce the consent of either father or guardian, or in case a widower or widow wishes to remarry and there are minor heirs for whose father's or mother's portion of the inheritance proper security shall not have been given according to law, according to certificate from the orphan master or other official authorised by law thereto, or if it shall be known that the persons who seek to be joined together in matrimony are related to one another within the prohibited degrees of blood relationship, or that they have come from beyond the borders of this State for the express purpose of being married here because they would not have been able to effect a valid marriage in the place where they are domiciled, or the publication of the banns shall not have taken place, or a special licence shall not have been granted as provided by law, or if it shall be known or, either by inquiry in the manner provided by Art. 5 or in other lawful manner, it might have been learned (*sic*) [²], in all such cases it shall not be lawful for the Landdrosts to grant marriage certificates to

¹ See Ordinance 40 of 1903.

² The words here omitted are probably "that the bridegroom has not yet reached the full age of 18, and the bride the full age of 15 years," as this Article corresponds with Art. 13 of Law No. 26, 1899, of the Orange Free State.

such persons, or to solemnize their marriage, on pain of a fine of not more than £50 or less than £10 sterling.

9. Repealed by Proclamation 34 of 1901.

10. Any person who is married, whether such marriage took place within or without the borders of this Republic, and who enters into a second marriage before the dissolution of the first, shall be punished with imprisonment for three years with hard labour.

Bigamy.

Any Landdrost who, knowing of the existence of the first marriage, joins persons together in matrimony, or grants them a marriage certificate for the solemnization of the marriage by a minister of religion, shall also be punished with imprisonment for three years with hard labour. Accomplices shall be punished in the same manner.

Penalty on Landdrost.

The last marriage shall, when sentence is passed, be declared null and void.

11. No marriage shall be recognised as legal if both persons reside within this State and go to another State or country to be married there by a minister of religion or Government official, unless special leave shall have been granted for the purpose by the State President and the necessary proofs in writing of such marriage shall have been forwarded to the Government Secretary of this State within six months after the solemnization of such marriage.

Persons residing in this State who go abroad to get married.

12. In celebrating or solemnizing any marriage the minister as aforesaid shall follow the formulary in use in his church communion, but in the solemnization of any marriage before the Landdrost that official shall put the following questions to the bride and bridegroom separately, to which questions they shall answer "yes":—

Formula to be used.

Do you A. B. declare solemnly that as far as you are aware there exists no impediment whatever to your intended marriage with C. D. here present, and that you call all present to witness that you acknowledge C. D. to be your lawful wife (or husband)?

Thereupon they shall give each other the right hand and the Landdrost shall declare the marriage solemnized in these words:—

I declare that A. B. and C. D. here present are in the eye of the civil Law lawfully joined together in matrimony.

13. No marriage shall be solemnized except between eight o'clock in the morning and four o'clock in the afternoon, and such in any church or other public building used for religious service, public office or private dwelling house with open doors, and in the presence of at least two persons competent by law to act as witnesses. Only in unforeseen circumstances shall it be lawful to solemnize marriages outside the time provided.

Hours for marriage.

14. Immediately after the solemnization of the marriage and before the married persons leave the building, the minister or the Landdrost aforesaid, before whom such marriage has been solemnized, shall, in accordance with the form given below, faithfully enter the necessary particulars and shall write the names of

Signature of register.

the married persons in full, and thereupon they, with two competent witnesses, as well as the minister or Landdrost aforesaid, shall sign the same; the original register shall be kept at or in the office of the official who shall have solemnized the marriage, and the duplicate he shall forward to the Government Secretary within the time of one month. The married persons or any other person shall be entitled, on payment of 2s. 6d., to demand duly certified copies of each, and every copy of such original or duplicate marriage register, certified by the official or minister before whom the marriage shall have been solemnized, or his lawful successor, or by the Government Secretary, shall in every Court of Law within this State where such may be required, be accepted as sufficient proof of the legal solemnization of such marriage, unless the contrary be proved.

Certified copy of register sufficient proof of marriage.

Form of certificate.

15. Marriage solemnized at _____ in the district of _____

FORM.

No.	When Married.	Full Names and Surnames of persons Married.	Age.	Where Born.	Personal Status.	With or Without Antenuptial Contract.	Residence at time of Marriage.	After Publication of Banns or by Licence.	With Whose Consent.	Remarks.

This marriage was entered into between us _____
solemnized by me, _____ Landdrost
or minister of the gospel at _____ on the _____
day of _____

In presence of the undersigned witnesses.

When consent of parents or guardians cannot be obtained.

16. If a minor cannot obtain the consent of parents or guardians to enter into a marriage owing to insurmountable difficulties, such as protracted absence of such parents or guardians from the State, or other unforeseen impediment, it shall be lawful for the Landdrost of the district in which the minor resides, after due inquiry into such circumstances as aforesaid to grant or refuse consent.

No person can be compelled to marry. Damages for breach of promise.

17. It shall not be lawful, for any reason whatever, to compel any person by any judicial sentence or decree to enter into any marriage, but the aggrieved person may obtain damages in money for any breach of promise of marriage, and shall be entitled to institute legal proceedings for the recovery thereof.

18. All marriages entered into outside this State by persons of whom one or both were not at the time of entering into such marriage resident within this State shall be recognised and considered to be equally valid in this State as in the country where such marriages shall have been solemnized, and should the legality of such marriages be questioned by any heirs or other interested parties the same may be proved in any court of law by producing the marriage registers or certificates, if it should be customary to keep such registers in such country or to grant certificates thereof, or by producing duly authenticated copies thereof, or by witnesses, or any other means of proof admissible by law in all other ordinary cases.

Marriages solemnized abroad.

19. For the solemnization of a marriage the sum of £2 shall be paid to the Landdrost, whereof 3s. shall go to the Landdrost, 3s. to the Landdrost's clerk and 2s. 6d. to the messenger, while the remainder shall be paid into the Government treasury.^[1]

Fees.

20. When a marriage has been solemnized before the Landdrost it shall nevertheless be lawful for a minister as herein-before mentioned to consecrate such marriage without keeping or forwarding a marriage register as required by Art. 13, a certificate of the Landdrost that such marriage has been solemnized by him being sufficient for such minister.

After solemnization of a marriage by the Landdrost the minister may consecrate it without publication of banns.

21. Nothing in this Ordinance contained shall be interpreted or taken to prevent any church or communion recognised by the State in this country from introducing such regulations or laws with regard to the religious consecration of marriages for members of such church or communion recognised by the State as may be in conformity with the religious views of such church or communion recognised by the State, or to prevent any such church or communion from enforcing church discipline in any such case, or from taking for the consecration of any marriage any pecuniary fee charged by such church or communion recognised by the State, provided that the exercise of such ecclesiastical authority is not in conflict with the civil or the statutory rights, privileges and duties of the subjects of the State.

Communion recognised by the State may introduce regulations provided not in conflict with the law.

22. Any person who is guilty of wilfully and maliciously destroying, injuring or rendering illegible any original or duplicate marriage register as aforesaid, or of forging the same or any copy thereof, shall be deemed to have committed a crime, and shall after proper trial be liable to imprisonment for a period of not less than three months and not more than twelve months, with or without hard labour.

Penalty for destroying, &c., register.

23. All marriages which may have been solemnized before the coming into operation of this Ordinance, within or without the limits of the South African Republic, in any manner which shall not have been expressly provided for by any legal enactment, shall, in case the legality of such marriages shall be questioned or disputed in any competent Court of Law, be considered and

Marriages solemnized before the coming into operation of this ordinance.

¹ See V.R.R. 7-6-1876, Art. 117, p. 24.

declared to be legal, if it shall appear that such marriage was entered into in good faith and in a manner customary in the place where the same shall have been solemnized.

Penalty for contravention.

24. In cases of contravention of this Ordinance with regard to which no special provision has been made the offender shall be punished with a fine of not less than £5 and not more than £15 sterling.

Applicable only to white persons.

25. All the provisions in this Ordinance refer only to white persons, both as regards the persons solemnizing the marriage and the persons who are married, while the marriages of coloured persons shall be regulated by separate ordinance.

Repeal.

26. All Laws and provisions in conflict with this Ordinance are hereby repealed.

Operation.

27. This Ordinance shall come into operation in accordance with the provisions of Art. 69 of the Grondwet.

D. J. ERASMUS,
Acting State President.

By order,

N. J. R. SWART,
Government Secretary.

Government Office,
Pretoria,
13th December, 1871.

VOLKSRAAD RESOLUTION, September 25th, 1871.

Coloured persons may not congregate on erven in towns.

104. Resolved that in future no erfholder in any town in this Republic shall be entitled to allow coloured persons to collect on his erf or erven, with the exception of such as he requires for his special service, and that no such erfholder shall be entitled to allow coloured persons to live or collect on his erf or erven who have not actually entered into some lawful contract with him and who are not maintained by him alone, and the Landdrosts of the various towns are instructed to strictly enforce this law in order to prevent vagrancy, theft, and other irregularities arising out of such collecting of coloured persons.

VOLKSRAAD RESOLUTION, December 4th and 5th, 1871.

Repeal of Arts. 19 and 27 of the 33 Arts.

441. The Volksraad resolves to repeal Arts. 19 and 27 of the 33 Arts. and to substitute the following :—

Libel.

“Any person guilty of the crime of libel or defamation, whether oral or in writing, shall be punished with a fine not exceeding £50, or, in default of payment, with imprisonment for a period not exceeding three months, without prejudice to the right of the insulted person to damages according to the existing law.”

This Law shall take effect in accordance with Art. 69 of the Grondwet.

LAW No. 2, 1874.

WEIGHTS AND MEASURES.

Enacted by Volksraad Resolutions, Artt. 123-128, dated 14th October, 1874.

WHEREAS it is necessary for the protection of the interests of the burghers of the South African Republic, for the better regulation of trade, and for the general welfare and in the general interest, that there should be a standard of weights and measures in the South African Republic, similar to that which is at present established in the Colony of the Cape of Good Hope and in the Orange Free State: Now therefore the Volksraad has deemed fit to provide and enact as it hereby provides and enacts:—

1. All laws and customs in conflict with the provisions of this Law are hereby repealed. Repeal.

2. The State President is hereby instructed as speedily as possible after the passing of this Law to order and procure a copy or model—(a) of the standard pound avoirdupois, made of such metal or such materials as shall be best calculated to resist the action of the atmosphere and wear and tear—(b) of the standard yard, the standard gallon, the standard bushel, the standard bucket, and the standard of such multiples thereof as are at present preserved in the Colony of the Cape of Good Hope, and in the Orange Free State in terms of Ordinance No. 1, 1869, at the office of the Treasurer General, or the official charged therewith. [1] Standard models to be procured.

3. The copies or models mentioned in the previous article shall be deposited in the office of the Treasurer General, and carefully preserved in a chest, whereto there shall be two locks, with separate and distinct keys, whereof one shall remain with the State Secretary, and the other with the Treasurer General; and such copies or models shall be, and the same are hereby declared to be the original and genuine standards of all weights and measures established by this Law. The standard models deposited with the Treasurer General.

And the said Treasurer General shall, upon written request of any Landdrost with permission of the State President, upon reasonable notice and at all reasonable times produce for inspection any one or more of the said weights and measures, in order to test and inquire into the correctness of any weight or measure.

4. A sufficient number of copies and models of the standard weights and measures mentioned in Art. 2 of this Law, shall be procured, so that each of the Landdrosts of the various districts may be provided with a set. Each Landdrost shall have a set.

5. Each Landdrost shall be obliged and in duty bound to carefully preserve such models, and at all reasonable times, upon reasonable notice in writing from any person requesting him so to do, produce such model or models for inspection and for testing the Landdrost's duties to preserve a set of weights and measures.

¹ See Proclamation of 19th June, 1891, in Appendix p. 472.

correctness of any measure or weight upon payment of a fee of one shilling sterling.

Old system of weights and measures abolished.

6. From and after the coming into operation of this Law, the weights and measures hitherto in vogue shall be abolished, and if any person after the coming into operation of this Law shall sell anything by any standard of weights and measures, other than that deposited at the office of the Treasurer General, he shall be liable to a fine not exceeding 40 shillings sterling, provided always that all agreements of sale or other agreements concluded in good faith before the coming into operation of this Law, shall be performed and judged of in like manner as if this Law had never been passed, and provided, also, that nothing herein contained (in regard to the measure of extension) shall apply to any sale of land, and provided further that nothing herein contained shall apply to the use of any weights in the sale of gold, silver, precious stones, or in the sale of drugs by retail, for which special weights are in use.

Inspection of weights in use.

7. After the coming into operation of this Law any Landdrost, Justice of the Peace, or Chief Constable shall have the right, at all reasonable times, to enter any place within the limits of his district wherein goods shall be kept for sale, or wherein any trade by measure or weight shall be carried on and therein to examine all measures, weights, balances, steelyards or such other weighing machines there being, and to compare and try the same with the copies of the standard weights and measures which shall be preserved by the Treasurer General or the respective Landdrost, as is provided in Artt. 3 and 4. [1]

Seizure of unjust weights, &c., and penalty.

8. If upon such examination as in the preceding section mentioned, it shall appear that any weight or measure is not found according to the standard weights and measures by this Act established, or is light or otherwise unjust, the same shall be liable to be seized, and the person or persons in whose possession the same shall be found, shall upon conviction incur the forfeiture thereof, and also a penalty not exceeding five pounds.

Penalty for being in possession of unjust weights, &c.

9. Any person who shall have in his possession any balance, steelyard or other weighing machine, which shall, on such examination, as is mentioned in Art. 7, be found incorrect or otherwise unjust, or who shall refuse or neglect to produce for such examination, when thereto required, all weights, measures, balances, steelyards, or other weighing machines, which shall be in his possession or shall otherwise obstruct or hinder such examination, shall incur the forfeiture of such balance, steelyard or other weighing machine, as shall have been found to be incorrect or unjust, or of such of them as he shall have refused or neglected to produce for such examination, or have hindered or obstructed the examination of, and also a penalty of any sum not exceeding five pounds sterling.

Fraud.

10. Nothing in this Law contained shall be deemed or taken to prevent any person from being prosecuted, in ordinary course of

¹ See Law No. 6, 1896.

law, for any fraud or other crime, committed by means of false weights, balances or measures.

11. All penalties and forfeitures imposed by any of the provisions of this Law, shall be recoverable in the Court of the Landdrost within whose jurisdiction the act or refusal entailing such penalty or forfeiture shall have been done or committed, and may be proceeded for by any person who shall sue for the same, and one moiety of every penalty or forfeiture recovered shall be paid to the party suing for the same, together with his costs as hereinafter mentioned, and the other moiety to the Government: and it shall be lawful for such magistrate to commit the offender to prison for any term not exceeding one month, in case the party convicted shall not forthwith pay the amount of the penalty imposed, together with the reasonable costs incurred by the party suing for the same, or secure such payment to the satisfaction of such Landdrost.

Jurisdiction.

12. Any weight, measure, balance, steelyard, or weighing machine, adjudged under any of the provisions of this Act to be forfeited, shall be broken up, and, if saleable, sold, and the proceeds thereof, after deducting the expenses of breaking up and selling the same, shall be paid, one moiety to the party who shall have proceeded for such forfeiture, and the other half to the State Treasury.

Destruction of unjust weights, &c.

13. Every weight and every measure used under the provisions of this Law, shall have upon its upper part, and in clear legible figures, cast or stamped, the number of pounds or length of measure, or sub-multiples of a pound or lineal measure, which it is intended to represent.

Stamp of number of lbs. &c., &c., on weight.

14. It shall not be lawful to make use of weights which are manufactured from lead or tin. Provided always that such plug of lead or pewter may be inserted into any weight as may be *bona fide* necessary for the purpose of adjusting such weight. Provided, however, that such shall not be used for the purpose of adjustment to a greater extent than as follows, namely:—

Lead and pewter weights not allowed.

In weights from 10 lbs. to 50 lbs., to the extent of a two-hundredth part of such weight so to be adjusted.

Any person contravening this article shall incur and be liable to a penalty not exceeding five pounds.

15. It is hereby provided that the standard yard shall be three feet, the standard muid three bushels or nine buckets, the standard bushel three buckets, and the average weight of a muid of corn shall be 200 lbs.

Standard fixed.

16. In all sentences passed under this Law a term of imprisonment shall be specified which shall be undergone if the fine inflicted shall not be immediately paid. The Court of Landdrost shall have jurisdiction in all cases mentioned in this Law.

Imprisonment.

On arrival of model weights and measures this Law may be promulgated.

17. As soon as the standard weights and measures ordered to be obtained for the purposes of this Law, shall have arrived at Pretoria, the State President shall by proclamation in the *Staatscourant* give notice thereof and the several descriptions and denominations of the same, and shall, at the same time, fix the day upon which this Law shall come into operation, which day shall not be earlier than six months nor later than twelve months from the date of such proclamation; and this Law shall come into operation and take effect from and after the day so fixed accordingly.

THOS. BURGERS,

State President.

By order,

SWART,

State Secretary.

Government Office,
Pretoria,

14th December, 1874.

LAW No. 5, 1874.

TO LIMIT THE LIABILITY OF MEMBERS OF CERTAIN COMPANIES.

Enacted by Volksraad Resolution, Art. 184, dated 31st October, 1874.

Preamble.

WHEREAS it is expedient to enable members of certain companies to limit the liability for the debts and engagements of such companies (for which they may be liable):

Be it enacted by the Volksraad of this Republic as follows:—

Meaning of the term company.

1. The term company in this Law shall mean every association whereof the capital is divided, or agreed to be divided, into shares, so as to be transferable without the express consent of all the shareholders, and which at the same time at its formation or by subsequent admission shall consist of more than twenty-five members; provided, however, that nothing contained in this Law shall apply to any banking company.

How limited liability may be obtained by future companies.

2. Any company may obtain a certificate of registration with limited liability from the Registrar of Deeds of the Republic, upon complying with the conditions following, that is to say:—

- (1.) The directors or provisional directors shall, in their application to the Registrar of Deeds for such registration, state that a company is to be formed with limited liability.
- (2.) The word "Limited" shall be the last word of the name of the company.
- (3.) The articles of association shall contain a statement to the effect that the company is formed with limited liability.
- (4.) The articles of association shall be signed by not less than twenty-five shareholders, who shall hold jointly not less

than three-fourths of the nominal capital of the company in shares. Each shareholder shall have paid up not less than one-tenth on his shares.

- (5.) A declaration by two or more directors or provisional directors, made before a Justice of the Peace, stating that the above-mentioned tenth portion is actually paid up, shall be deposited with the Registrar of Deeds, together with a certified copy of the articles of association (with particulars of the names, places of abode, and the number of shares held by each of the shareholders). The payment of the above-mentioned tenth portion shall be acknowledged in, or by endorsement on, the articles of association; upon above conditions being complied with the Registrar of Deeds shall grant to such company a certificate of registration with limited liability.

3. [1] Any company, except as aforesaid, already existing, may obtain a certificate of registration with limited liability in the following manner, and subject to the following conditions:—The directors of such company may make such alteration in the name, the amount of paid-up capital, and in the articles of association of the company generally, as may be necessary to enable it to comply with the conditions hereinbefore mentioned. This shall be effected with the consent of not less than three-fourths in number and value of the shareholders of the company who are present personally or represented by proxy (where such is allowed by the articles of association) at a general meeting convened for that purpose by a previous notice of not less than six weeks in the *Staatscourant*. Upon compliance with these conditions the Registrar of Deeds shall grant to such company under its new name, a certificate of registration with limited liability; and thereupon all privileges and obligations of companies with limited liability, their shareholders, directors and officers shall attach to the company named in such certificate, its shareholders, directors and officers.

How with companies already established.

4. Every company that has obtained a certificate of registration with limited liability shall paint, and shall keep painted, its name on the outside of every office or place in which the business of the company is carried on, in a conspicuous position, in letters easily legible, and shall have its name engraved in legible characters on its seal, and shall have its name mentioned in legible characters in all notices, advertisements and other official publications of such company, and in all bills of exchange, promissory notes, cheques, money orders, way bills, price lists, receipts, letters and other writings used in the transactions of the company.

Regulations to be observed when certificate of registration has been obtained.

5. If such company do not paint and keep affixed its name in the manner aforesaid, each of the directors thereof shall be liable

Penalties for non-observance of regulations.

¹ See V.R.R., 10-5-1890, Art. 58; F.V.R.R., 29-8-1892, Art. 1331, on pages 141 and 180.

to a penalty not exceeding five pounds sterling for this omission, and for every day as long as the omission lasts; and if any director or subordinate official of the company, or any other person on its behalf, use any seal, purporting to be a seal of the company, whereon its name is not so engraved as aforesaid, or issues, or causes to be issued, any notice, advertisement, or other official publication of such company, or circulates, or causes to be circulated, any bill of exchange, promissory note, cheque, money order, way bill, price list, receipt, letter or other writing used in the transaction of the business of the company, wherein its name is not mentioned in the manner aforesaid, he shall be liable to a penalty of £20 (twenty pounds sterling), and shall further be personally liable to the holder of any such bill of exchange, promissory note, cheque or money order for the amount thereof, unless the same shall be duly paid by the company.

Increase of nominal capital to be registered.

6. No increase in the nominal capital of any company that has obtained a certificate of registration with limited liability shall be advertised or otherwise treated as part of the capital of such company, before such increase has been registered with the Registrar of Deeds; no such registration shall be made unless a deed has been produced to the Registrar, signed by shareholders holding shares to the amount in the aggregate of at least three-fourths of the proposed increased capital of the company; nor unless it is proved to the Registrar of Deeds, by such acknowledgment and declaration as hereinbefore mentioned, that upon each of such shares there has been paid up, by the holder thereof, an amount of not less than 10 per cent.

If any such increase of capital as aforesaid, be advertised or otherwise treated as part of the capital of the company, before the same has been so registered, every director of such company shall incur a penalty of fifty pounds sterling; the payment of the above-mentioned percentage shall be acknowledged in or indorsed on the deed so produced; and the fact of the same having been *bona fide* so paid, shall be verified by a sworn declaration of the directors, or any two of them, made before a Justice of the Peace.

Copies of new or supplementary Articles of Association to be registered.

7. Within one month after the date of any new or supplementary articles of association, which may be issued at any time or times during the existence of any company, which has obtained a certificate of registration with limited liability under this Law, there shall be transmitted by the directors of every such company, to the Registrar of Deeds, a true copy of such new or supplementary articles of association, attested as such true copy in the manner aforesaid for future reference as aforesaid. Six-monthly returns of transfers of shares shall, for the purpose of being kept, be filed with the Registrar of Deeds.

Return to Registrar of Deeds.

8. In the months of January and July in every year, the directors of every such company, which has obtained a certificate

of registration with limited liability, shall make or cause to be made, the following return to the Registrar of Deeds, namely:— A return, according to the schedule hereunto annexed, containing the particulars therein set forth of every transfer of any share in such company, which shall have been made in the share transfer list, or book kept by the said company, and also of the changes in the names of all shareholders of such company, whose name may have been changed by marriage or otherwise since the last preceding six-monthly return, or since the registration of the company, by the Registrar of Deeds, as the case may be.

9. If within the time fixed, such return as mentioned in Art. 8 of these regulations be not made, every director of such company shall be liable to a fine not exceeding £20 sterling. Provided, however, that if any company which has obtained a certificate as aforesaid, shall have its head office or place of business in any part of the Republic other than Pretoria, and the district thereof, then a true copy of the aforesaid return shall, besides being filed with the Registrar of Deeds, be filed with the Landdrost of such district in the manner as aforesaid, and in case such return shall not be so filed in the months aforesaid, every director shall for such neglect be liable to a fine not exceeding £20 sterling.

Penalty for default.

Copy of return to be sent to the Landdrost.

Penalty.

10. If at any time any party to a transfer of a share makes written request to the directors of any such company to make a return thereof, then forthwith on such request the directors shall make the same accordingly. Provided, however, that the directors may require the party making such request to defray any expense they may be put to in making the return aforesaid.

Return of share transfer may be made.

11. Every person shall be at liberty to inspect the returns, deeds, registers, and indexes kept by the said Registrar of Deeds and the Landdrost, in pursuance of the provisions of this Law, or to demand a copy or extract of any such return or deed, certified by the said Registrar of Deeds, and for such inspection, certified copy or extract there shall be paid such fees as the President, with the advice and consent of the Executive Council, may appoint from time to time in that behalf, not exceeding one shilling, for each such inspection, and ninepence for each page of such copy or extract, and in all Courts of this Republic every such copy or extract, so certified, shall be received in evidence without proof of the signature or of the seal of office affixed thereto.

Returns, &c., to be open to inspection or copy.

12. Every Company shall, on being registered, or on receiving a certificate of registration with limited liability, pay to the Registrar of Deeds the following sums, viz:—^[1]

Fees for registration of Company.

¹ See Proclamation 26 of 1902. See also the stamp duty payable by Companies under Proc. 12 of 1902.

And besides these sums and the fees hereinbefore provided to be paid, there shall be paid by such companies registered as aforesaid, such other fees in respect of any services to be performed by the Registrar of Deeds, under the provisions of this Law, as the President, with the advice and consent of the Executive Council, may from time to time appoint in that behalf.

Members of company not liable for any debts except as provided for by this Law.

13. The members of any company which has so obtained a certificate of limited liability in the manner aforesaid, shall, after having received such a certificate, not be liable (any law to the contrary notwithstanding) under any judgment, decree, or order, which shall be obtained against such company, or for any debt, or engagement of such company, further, or otherwise, than is hereafter provided.

Effect of execution against a company.

14. If any execution, or other process in the nature of execution, shall have been issued against the property or effects of the company, and if there cannot be found sufficient whereon to levy or enforce such execution or other process, then such execution or other process may be issued against any of the shareholders to the extent of the then unpaid portion of their respective shares in the capital of the company; but no shareholders shall be liable to pay in satisfaction of any one or more such levies, or other process, a greater sum than shall be equal to the unpaid portion of his shares. Provided always, that no such execution shall issue against any shareholder, except upon an order of the Court in which the action, suit, or other proceeding has been brought or instituted; and such Court may order execution to issue accordingly with the reasonable costs of such application and execution to be taxed by the taxing officer of the said Court; and for the purpose of ascertaining the names of the shareholders, and the amount of the sum still payable upon their respective shares, it shall be lawful for any person entitled to any such execution, to inspect at all reasonable times the register of shareholders without payment of fee.

If there be no goods to satisfy an execution against the company proceedings may be taken against former shareholders.

15. If any execution, or other process issued in the nature of execution, be proceeded with against the property or effects of any shareholders for the time being, and there cannot be found sufficient whereon to levy or enforce such execution or other process, then such execution or other process may be issued against any former holder or holders of the shares, held by such shareholders for the time being, for such amount as such shareholders for the time being shall have failed to pay, in satisfaction of the execution or other process in the nature of execution issued :—

- (a) Provided, however, that nothing herein contained shall be taken to render any such former holder or holders of shares aforesaid liable for any larger amount than he or they would have been liable for under the provisions of this Law, if he or they had been at the time of the issuing of such execution, or other process in the nature of execution, the holder or holders of such shares.

- (b.) Provided also, that in case of execution against any former shareholder, such shareholder shall have been a shareholder at the time when the contract or engagement in respect of which such judgment, decree, or other order may have been obtained was entered into, or became a shareholder during the time such contract or engagement was unexecuted or unsatisfied, or was a shareholder at the time of the judgment, decree, or order being obtained.
- (c.) Provided, further, that in no case shall execution be issued on such judgment, decree or order, against the person, property or effects of any such former shareholder, after the expiration of two years after the return of the transfer of the shares of the person or persons sought to be charged shall have been made to the Registrar of Deeds, as provided in Artt. 7 and 8 of this Law.

16. If the directors of any such company shall declare and pay out any profits or dividend when they know the company to be insolvent, or any dividend (profits) the payment of which would to their knowledge render it insolvent they shall be jointly and severally liable for all the then existing debts of the company, as also for all that shall be contracted thereafter during the time they respectively continue in office: Provided that the amount for which they shall be liable shall not exceed the amount of such dividend, and that if any of the directors shall be absent at the time of making the dividend, or shall object thereto and shall file their objection, in writing, with the secretary of the company, they shall be exempted or excluded from the said liability.

Liability of directors who make dividends or divisions of profits knowing the company to be insolvent.

17. Payments shall be made only in cash. [1]

Cash payments only.
Repeal.

18. All Laws and regulations inconsistent with or repugnant to the provisions of this Law are hereby repealed.

19. This Law may be cited for all purposes as "The Limited Liability Companies Law."

Short title.

20. This Law shall take effect in accordance with Article 69 of the Grondwet.

Operation.

THOMAS BURGERS,

State President.

By order,

SWART,

State Secretary.

Government Office,

Pretoria,

18th December, 1874.

SCHEDULE.—(See Section 8).

Return made in accordance with “The Limited Liability Companies Law,” No. 5, 1874.

TRANSFER OF SHARES.

Name of the Company.	Business or purpose.	Place (or principal place, if more than one) of business.	Name and place of abode of person by whom transfer is made.	Name and place of abode of person to whom transfer is made.	Distinctive number of the shares transferred.	Date of transfer.

Shareholders whose names have become changed by marriage or otherwise :—

Former name.	Former place of abode.	Present place of abode.	Specific return of the number of shares.

Date _____

Signature _____

LAW No. 6, 1874.

(FOR THE INCORPORATION OF COMPANIES.)

Enacted by Volksraad Resolution, Art. 269, dated 18th November, 1874.

WHEREAS it has often happened, and is likely to happen again, that applications are made to the Executive Council [¹] by persons who have formed companies for the purpose of prospecting for minerals, and to work the same, as well as for other purposes, for the incorporation of such companies, subject to the laws of this Republic:—

Be it hereby enacted by the Volksraad, that it shall and may be lawful for the Executive Council to grant Letters of Incorporation to any Company, on payment of a sum of £25 (twenty-five pounds sterling), and subject to such other stipulations and conditions as may appear expedient to the said Executive Council. [²]

THOS. BURGERS,
State President.

By order,
SWART,
State Secretary.

Government Office,
Pretoria,
18th December, 1874.

VOLKSRAAD RESOLUTION, 22nd May, 1875, Art. 114.

	£	s.	d.	
On the order "stamps on appointment of surveyors, &c." - - - - -	15	0	0	Surveyors, &c.
Approved, as also "admission of doctors" -	10	0	0	Doctors.
Approved by majority, on the order "admission of apothecaries" - - - - -	5	0	0	Apothecaries.
Unanimously approved of, as also "admission of doctor and apothecary" - - - - -	12	10	0 [³]	

¹ By par. 21 of Law No. 22 of 1894, it is provided that the words "Registrar of Companies" are to be substituted for the words "Executive Council" in the preamble of the above Law, and the words "Registrar of Companies after consultation with the State Attorney and the Registrar of Deeds" are to be substituted for the words "Executive Council" in the body of the above Law.

² See F.V.R.R., 30-5-1894, Art. 275, on p. 225.

³ See F.V.R.R., 22-7-1895, p. 305.

GOVERNMENT NOTICE.

No. 2,072, dd. 7th October, 1875.

Authentica-
tion.

It is provisionally fixed by the executive council that in future 10s. 6d. shall be paid for the benefit of the State Treasury as stamp duty for authentication of signatures on documents, which are to be sent out of the State.

VOLKSRAAD RESOLUTION, 5th June, 1876.

Land tax

105. Resolved :—Each owner of ground, who shall possess less than half of a farm shall pay taxes for half a farm, and those who have more than half but less than a whole farm shall pay the same quit-rent or land tax therefor as if it were a full farm.

This resolution shall apply both to loan and freehold farms.

VOLKSRAAD RESOLUTION, dd. 7th June, 1876.

Taxes on
freehold
farms.

107. The Raad resolves that, whereas it is necessary that the rights of burghers once obtained to freehold farms (eigendoms-plaatsen) should be most strongly maintained, no levying of taxes on the sub-divisional portions of such freehold farms (eigendoms-plaatsen) shall be deemed to be a breach or disregard of such rights.

As, however, by reason of the increase of division of such freehold farms into two or more sub-divisions, of which separate transfers are passed, it has become necessary to fix a certain "minimum," or lowest amount, which shall be levied upon such sub-divisions. The Raad resolves that henceforth 5s. (five shillings) per annum shall be paid on any portion of any freehold farm (eigendoms-plaats) being less than half of the farm, and for which a separate deed of transfer has been made out, and the sum of ten shillings per annum shall be paid on every such portion greater than half of the farm, and ten shillings (only) shall continue to be paid on the portion of the farm represented by the original deed of transfer.

VOLKSRAAD RESOLUTIONS, 7th June, 1876.

Marriage
fees.

117. On the order "marriage fees," for each couple, £3, in lieu of £2, of which £2. 11s. 6d. shall go to the Government.

Confirmed.

LAW No. 5, 1880.

(Enacted by the Administrator of the Transvaal Province with the advice and consent of the Legislative Assembly thereof).

(TO PROHIBIT THE USE OF DYNAMITE, OR OTHER EXPLOSIVES, FOR THE PURPOSE OF CATCHING OR DESTROYING FISH IN RIVERS, LAKES, DAMS, RESERVOIRS OR TRIBUTARY STREAMS CONNECTED THEREWITH WITHIN THIS PROVINCE.)

WHEREAS it is expedient to provide for the protection of Fish within this Province: Preamble.

Be it therefore enacted by the Administrator of the Province of the Transvaal, with the advice and consent of the Legislative Assembly thereof, as follows:—

1. This Law may be cited as the “Fish Preservation Law, 1880.” Short Title.

2. Any person who uses dynamite, or any other explosive substance to catch or destroy fish in any river, lake, dam, reservoir, or tributary stream connected with any such river, lake, dam or reservoir, whether public or private, within the Province, shall be liable on conviction:— Persons using dynamite or other explosives to catch or destroy fish liable to penalties.

1. Either to a fine not exceeding £10, and in default of payment to one month’s imprisonment, or, in the discretion of the Court, to be imprisoned, with or without hard labour, for a term not exceeding two months. On first conviction.

2. On a second conviction to a fine not exceeding £20, and in default of payment to two months’ imprisonment, or to a term of imprisonment, with or without hard labour, not exceeding four months. On second conviction.

3. On a third or subsequent conviction to a fine not exceeding £50, and in default of payment to six months’ imprisonment, or to a term of imprisonment, with or without hard labour, not exceeding nine months. On third or subsequent conviction.

3. The Landdrost of the district in which any contravention of any of the provisions of this Law is alleged to have been committed shall have jurisdiction to try any person charged with such contravention, and to inflict the penalties hereinbefore mentioned. Landdrosts empowered to try cases and inflict above penalties.

4. This Law shall commence and take effect from and after the date of the promulgation thereof in the Transvaal Government Gazette. Commencement of Law.

Given at Government House this 13th day of April, 1880.

By command of His Excellency the Administrator.

GEORGE HUDSON,
Colonial Secretary.

LAW No. 9, 1880.

TELEGRAPHS.

(Enacted by the Administrator of the Transvaal Province, with the advice and consent of the Legislative Assembly thereof.)

WHEREAS it is expedient to provide for the construction, regulation, and protection of lines of electric telegraphs in this Province. Be it therefore enacted by the officer administering the Government of the Transvaal Province with the advice and consent of the Legislative Assembly thereof as follows:—

Construction
of lines.

1. From and after the passing of this Law, no line of electric telegraph shall be constructed in this Province until the officer administering the Government with the advice of the Executive Council thereof shall have sanctioned the construction of such line: and every line of electric telegraph constructed or to be constructed within this Province shall be subject to the several provisions of this Law.

Right to enter
lands, &c.

2. It shall be lawful for the officer administering the Government of the Transvaal Province, with the advice of the Executive Council thereof, to establish and construct such line or lines of electric telegraph as he may think fit, and for the purpose of facilitating the construction and maintenance of such line or lines of electric telegraph, the person or persons authorised by him, may enter into and upon such lands as may be required for the construction of any line of communication by electric telegraph, and any other works incident or relative thereto: and may erect, set up, and maintain all necessary poles or structures for the supporting of any cord or wire in the ground: and may dig, get, and carry away any stone, clay or other materials which may be required.

Crossing
roads.

3. It shall be lawful for the person or persons so authorised as aforesaid to carry any line of communication by electric telegraph upon, along, or across any public or private road in this Province: provided that every cord or wire of any such line which shall be carried along any such road, or within eighty feet of the centre of any such road, shall be placed at least ten feet from the ground, and that every such cord or wire which shall cross any such road above ground be at least fourteen feet from the ground: Provided also that the free use and enjoyment of any road over, along, or across, which any such line of communication shall be carried, be not hindered or obstructed, and that no posts or other erections shall be placed upon any road or within eighty feet of the centre thereof without the consent of the body having the maintenance and control of such road: Provided further, that if any cord or wire shall pass over private lands, the said cord or wire shall not be placed lower than ten feet from the ground, and shall at any particular spot or spots necessary for the convenient use of such lands by the occupier thereof, be placed at least fourteen feet from the ground, at such particular spot or spots as

shall be fixed by the Landdrost of the district, in case the constructor of the line of telegraph and the owner or occupier of the lands shall not agree upon the same.

4. It shall be lawful for the officer administering the Government of the Transvaal Province, with the advice of the Executive Council thereof, to make rules and regulations appointing the amount of fees, rates, or dues, to be demanded or received for the transmission or conveyance of any despatch, message, or communication, and also for the transmission and conveyance of all despatches, messages or communication, by means of any such line, and for the payment of such fees, rates, and dues, and generally for the conduct, management, working and maintenance, of any such line of communication; and any such rules or regulations to repeal, alter or vary, and make such other rules or regulations as may be deemed expedient; and such rules and regulations shall, after having been made by the officer administering the Government with the advice of the Executive Council, be published for general information, and shall take effect from and after the date of such publication in the Government Gazette; and all such fees, rates, or dues as aforesaid, shall be at all times charged equally to all persons and no reduction or advance in any such fees, rates or dues, shall be made in favour of, or against any particular company or person for whom any despatch, message or communication, may be transmitted or conveyed by means of any such line; and all despatches, messages and communications shall be sent for all persons alike in regular succession without delay, favour or preference; provided that any despatch, message or communication, in relation to the preservation of the tranquillity of the Province or of the adjacent territories, to the arrest of criminals, the discovery or prevention of crime, or any other matter connected with the administration of justice, and urgent matters pertaining to the Government of the Province, shall take precedence of any other despatch, message, or communication, and until it shall have been transmitted the transmission of all other messages shall be suspended: provided also that no person shall be permitted to occupy the telegraph by sending messages, despatches, or communications of unreasonable length, so as to impede the speedy transmission of other messages, despatches, or communications.

Regulations.

5. Where in the opinion of the officer administering the Government of the Transvaal Province, with the advice of his Executive Council, an emergency has arisen in which it is expedient for the public service and in the interest of the community, that the Provincial Government should have control over the transmission of messages by any telegraphs in this Province, such officer may direct and authorise such persons as he thinks fit to assume the control of the transmission of messages, either wholly or partly; and in such manner and for such time as he may direct. Such control shall also apply to the delivery in this Province of messages received during such emergency from other places beyond the limits of this Province.

Government control.

Penalty
obstructing
line, &c.

6. Any person who shall wilfully in any way injure, disturb, obstruct, or interrupt the free use or working of any line of electric telegraph, or any work incidental thereto or connected therewith, or shall wilfully tamper with any line of communication or any part thereof, or shall obstruct, hinder or prevent the forming, constructing, completing or maintaining any such line of communication or any part thereof, shall, upon conviction, forfeit a sum of not less than five pounds sterling, nor more than fifty pounds sterling, or be imprisoned with hard labour for any period not exceeding two years, or to both such fine and imprisonment, provided that the Court of the Landdrost of the district in which such offence shall have been committed, shall have jurisdiction to try such offence, but shall not be competent to punish in any higher or more severe manner than by a fine not exceeding twenty-five pounds sterling, or by imprisonment, with or without hard labour, for any period not exceeding six months, or by both fine and imprisonment; provided, also, that nothing herein contained shall alter or affect any law in force in this Province for the punishment of the crime of malicious injury to property.

Apprehension
without
warrant.

7. It shall be lawful for any person or persons who may witness the commission of any such offence, as in the last preceding section mentioned, to apprehend the offender, and by the authority of this Law and without any warrant to deliver him to any Field-Cornet, constable or peace-officer to be kept in safe custody in order to be dealt with according to law.

Negligently
damaging
line.

8. If any person shall through carelessness do damage to any such line of communication by electric telegraph as aforesaid, the Public Prosecutor of the district in which such damage shall have been done shall, upon the application or complaint of the Inspector of such line, summon the party complained of before the Landdrost of the district: and the Landdrost, after hearing the parties on both sides, or on the non-appearance of the party complained of, shall examine into the matter of complaint, and may award such sum of money not exceeding fifty pounds sterling by way of compensation for such damage as to such Landdrost shall appear reasonable: and in case of refusal or neglect, forthwith to pay such money, or to give security to the satisfaction of such Landdrost for the payment thereof, such Landdrost may sentence the party so neglecting or refusing, to imprisonment with or without hard labour, for any period not exceeding three months: provided, however, that nothing herein contained shall prevent the said Inspector from suing for damages by civil action in the High Court, should he consider the amount of such damage to exceed fifty pounds sterling.

Unlawfully
entering
office, &c.

9. Any person who shall, without permission, enter any telegraph office, or refuse to quit the same when requested so to do by the person in charge of such office, or who shall wilfully obstruct or impede any officer or servant employed upon any telegraph line in the discharge of his duty, shall be liable to a fine not exceeding

fifty pounds sterling, or to imprisonment, either with or without hard labour, for any term not exceeding three calendar months, or to both such fine and imprisonment.

10. Any clerk, messenger, or other person who shall be employed in the working of any line of electric telegraph who shall fraudulently or maliciously secrete, make away with, alter, or omit to transmit any message which he may have received for transmission or delivery, or, not being a witness in a Court of Justice, shall divulge the contents of any message or despatch transmitted or conveyed, or to be transmitted or conveyed, without the consent of the person sending or receiving such message or despatch, shall, upon conviction, be liable to a fine not exceeding one hundred pounds sterling, or to be imprisoned with or without hard labour, for a period not exceeding six calendar months, or to both such fine and such imprisonment. ^[1]

Fraud of
employee, &c.

11. Any person who shall transmit by electric telegraph any message upon which the prescribed charge has not been paid, intending thereby to defraud the proprietor or proprietors of such telegraph, or shall fraudulently or maliciously transmit, or cause to be transmitted, any message or intelligence which he knows to be false, shall, upon conviction, be liable to a fine not exceeding one hundred pounds sterling, or to be imprisoned, with or without hard labour, for a period not exceeding six calendar months, or to both such fine and such imprisonment. ^[2]

Fraud of
transmitter,
&c.

12. The Inspector of any line of communication by electric telegraph, or any person authorised by him and acting on his behalf shall be competent to prosecute any person contravening any of the provisions of this Law in the Court of the Landdrost for any offence committed against, or in respect of such line of communication, without previously applying to, or being authorised by, the Attorney General: and all fines and penalties recovered under this Law shall be paid one half into the Public Treasury, and the other half to the informer: provided that it shall be competent for the officer administering the Government of this Province to mitigate or wholly remit any such fine or penalty.

Locus standi
of Inspector.

13. By electric telegraph is intended any means of conveying sounds, signs, or signals, by the agency of electricity, magnetism, electro-magnetism, or other like agency.

Definition.

14. This Law may be cited for any purpose as "The Electric Telegraphs Law, 1880."

Title.

15. This Law shall commence and take effect from and after the date of the promulgation thereof in the Transvaal Government Gazette.

Given at Government House, this 28th day of May, 1880.

By command of His Excellency the Administrator.

GEORGE HUDSON,
Colonial Secretary.

¹ See F.V.R.R., 28-7-1893, Art. 921 on p. 190.

² See L. 23, 1896.

LAW No. 13, 1880.

MASTER AND SERVANTS' LAW.

(Enacted by the Administrator of the Transvaal Province with the advice and consent of the Legislative Assembly thereof.)

WHEREAS it is expedient to regulate the relative rights and duties of Masters, Servants and Apprentices, and to provide for the protection of the labouring classes.

Be it therefore enacted by the officer administering the Government of the Transvaal Province, with the advice and consent of the Legislative Assembly thereof, as follows :—

Repeal.

1. All laws and regulations and resolutions of the Volksraad repugnant to or inconsistent with the provisions of this Law shall be, and the same are, hereby repealed.

2. For the purposes and within the meaning of this Law, unless it be otherwise specially provided, or there be something in the subject or in the context repugnant to such construction :

Interpretation
of terms.

1st. The word " Administrator " shall mean the officer lawfully administering the Government of this Province.

2nd. The word " Servant " shall be construed and understood to comprise any person employed for hire, wages, or other remuneration, to perform any handicraft or any other bodily labour in agriculture or manufactures, or in domestic service, or as a boatman, porter, or other occupation of a like nature :

3rd. The word " Apprentice " shall be construed and understood to comprise any person indentured or bound by any contract of apprenticeship made according to law as apprentice to any other person :

4th. The word " Master " shall be construed and understood to comprise any person, whether male or female, employing for wages, hire, or other remuneration any persons falling within the before-mentioned definition of the word " servant," or to whom any person falling within the before-mentioned definition of the word " apprentice," shall have been indentured or bound by any contract of apprenticeship made according to law.

5th. The words " Contract of Service " and " Contract of Apprenticeship," shall respectively be construed and understood to comprise any agreement, whether oral or written, whether expressed or implied, which any person falling within the before-mentioned definition of the words " servant " or " apprentice," shall respectively have entered into or made according to law with any person falling within the before-mentioned definition of the word " master," for performance of any work or labour of any kind hereinbefore-mentioned.

- 6th. The words "Landdrost" and "Landdrosts," shall be construed and understood to comprise the Landdrosts duly appointed for the different districts of this Province.
- 7th. The word "month" shall be construed and understood to comprise the period of one calendar month.
- 8th. The words "father," "parent," "relative," "husband," and "wife," shall be respectively construed and understood to comprise reputed fathers, parents, relatives, husbands, or wives, as well as actual parents and relatives and lawful husbands and wives.
- 9th. The words "officer" and "proper officer," when used with reference to the attestation or making of contracts of service of apprenticeship, or to the transfer and assignment of apprentices, shall be construed and understood to comprise every person who shall have been appointed by the Administrator to attest or make such contracts.
- 10th. All words in this Law, and in the various rules and regulations hereinafter enacted importing the singular number or the masculine gender only, shall be construed and understood to include several persons as well as one person, and females as well as males.

CHAPTER I.

1. The Courts of this Province, in all cases which are now, or shall be hereafter, depending before the same, arising out of, or respecting the formation or dissolution of contracts of service or apprenticeship, or touching or concerning any rights, duties, obligations, power, liabilities or other matters, or things arising out of or proceeding from any contracts of service or apprenticeship, or any of the mutual relations subsisting between masters and servants or apprentices, shall respectively try, judge, and determine said causes according to the Law of this Province respecting and applicable to bilateral contracts in general, except when other provisions touching and concerning any such matter and thing as aforesaid shall have been made in this Law or by any other Law not repealed by the provisions of this Law. Jurisdiction.

2: This Law shall not annul or affect any contracts of service or apprenticeship entered into previously to the time when this Law shall take effect, and which under and by virtue of and according to any Laws in force within this Province on the day previously to the taking effect of this Law were then subsisting legal and valid contracts. Existing contracts.

3. Nevertheless, any such last-mentioned contract of service or apprenticeship to be performed within this Province shall be liable to be set aside by any Landdrost having jurisdiction over the parties, or any competent Court, upon reasonable proof being made Setting aside contract.

to the satisfaction of such Landdrost or Court that either of the parties to such contract was induced to enter into the same by any fraud, misrepresentation or concealment.

CHAPTER II.

Foreign
contracts.

1. No contract of service made elsewhere than within the limits of this Province shall be of force or effect within this Province, except the same shall have been made in writing.

Must be
confirmed by
Landdrost.

2. Contracts as before mentioned shall not, except as hereinafter excepted, be valid within this Province unless the same shall have been inspected and confirmed by a Landdrost of this Province, in which case such contracts shall have force and effect for any term therein stipulated : provided such term shall not be taken to extend beyond three years from the date of the arrival in the Province of the contracting servant.

European
contracts.

3. Contracts of service made in any country of Europe shall be valid within this Province for any stipulated period not exceeding three years from the date of the arrival of the contracting servant.

Contracts
entered into
in any British
possessions.

4. Contracts of service made in any British possession not in Europe, if duly executed before a Magistrate or any other competent authority, or contracts of service made in any Foreign State not in Europe, if duly executed before any British Consul resident in any such State, shall be valid in this Province for any stipulated term not exceeding three years from the date of the arrival in this Province of the contracting servant : provided always that in case one or more of the contracting parties shall not be of European birth, the said Magistrate, Consul, or other authority shall certify on the said Contract that the conditions therein contained have been read, explained, and, if needful, translated, and have been agreed to by the said contracting parties. But contracts not so certified, shall, notwithstanding, have force and effect in this Province upon other proof of such contract to the satisfaction of the Landdrost before whom the same shall come in question.

Approval by
Landdrost.

5. All contracts of service provided for in the two preceding sections of this Law, made without the limits of the Province, shall within two months from the date of the arrival of the contracting servant be submitted to the inspection of a Landdrost, who is hereby required to record the said contract and empowered to amend the same should the conditions of such contract be manifestly unjust or mutually inequitable.

Office fee.

6. For the recording and for the confirmation, inspection or revision of any such contract, there shall be paid to the Landdrost by the party contracting with the servant, a fee of five shillings, which fee shall be paid into the Provincial Treasury for the use of the public service.

7. It shall be lawful for any party to any such contract as aforesaid conceiving himself aggrieved by any decision of any Landdrost to appeal against any such decision to the High Court of this Province. Appeal.

8. Every contract of service, whether oral or written, the term of endurance of which shall not have been expressly specified and limited by such contract, shall, in the absence of sufficient proof to the contrary, be deemed and taken to be for the term of one month from the commencement thereof: save and except contracts for service in any trade or handicraft, whereby it shall not have been stipulated that the servant shall during the term thereof reside in the house of or on the premises of the master, which shall be deemed and taken to endure only until the night of Saturday of the week on any day of which it shall have been stipulated that the service shall commence, and contracts for executing any particular piece of work specified in the contract, which shall expire as soon as the work is finished, and when the work is not finished within a reasonable time, may be put an end to by the master after the lapse of a period of time reasonably sufficient for finishing such work. Contract deemed to be subject to one month's notice, unless otherwise specified.

9. No oral contract of service shall be valid or binding for any longer term than one year from the period fixed for the commencement of the service stipulated for by such contract, and no such oral contract shall be valid or binding in any case, unless it be stipulated in such contract that the service thereby stipulated for shall be entered upon by the servant within one month from the date of the contract. Oral contracts.

10. No written contract of service entered into in this Province shall be valid or binding for a longer period than one year from the date thereof, nor shall any contract for service in writing be valid or binding in any case on any servant unless the service so contracted for shall be stipulated to commence within the period of one month from the date of the contract, except the contract be signed with the name, or, in the case of illiterate persons, with the mark of the contracting parties, in the presence of a Landdrost or other proper officer described in the second section hereof, who shall satisfy himself by enquiry of the servant or apprentice that the contract was entered into by the parties voluntarily, and with a clear understanding of its meaning and effect, and shall then, and not till then, subscribe such written contract in attestation of the fact. Written contracts.

11. No such contract so entered into before a Landdrost or other officer shall be valid or binding for a longer period than five years from the date thereof, if entered within this Province, and no such contract shall endure longer than five years from the day of the commencement of the service when such contract shall be entered into elsewhere than in this Province. Time limit for written registered contracts.

Form of
contract.

12. All contracts of service entered into before a Landdrost or other proper officer within the limits of this Province shall be drawn up as nearly as possible in the following terms:—

Be it remembered that on this _____ day of _____ in the year of our Lord _____, A.B. of _____ and C.D. of _____, appeared before me, E.F., “Landdrost or officer specially appointed by the Administrator to attest contracts of service for the district, as the case may be, with his usual description,” and in my presence signed their names, “or made their marks, as the case may be,” to the following contract of service:—The said A.B. agrees to hire the service of the said C.D., and the said C.D. agrees to render to the said A.B. his service at all fair and reasonable times, and in the capacity of _____ for _____, commencing on the _____ day of _____ instant, and terminating on the _____ day of _____, in the year _____.

And it is further agreed that the said A.B. shall pay to the said C.D., as such servant as aforesaid, wages after the rate of _____ by the day (week, month or year, as the case may be), and that such wages shall be paid on the _____ day of each week (or month, as the case may be).

(Here add any special agreement compatible with the law and not adverted to in this form.)

(Signed)

A.B.

C.D.

The preceding agreement was signed by the above-named parties in my presence on the day and year above written, voluntarily, the same being, as far as I am able to judge, understood by them respectively.

(Signed)

E.F.

Landdrost.

“or officer specially appointed by the Administrator to attest contracts of service for the district.”

Notice.

13. No contract of service for a month or any longer period shall be deemed and taken to have expired until at least one month's notice, calculated from, and inclusive of the day of giving such notice, shall have been given by either of the parties to the other party, unless it shall have been expressly stipulated that no such notice shall be necessary: and when the service shall be a weekly one, a week's notice shall be necessary: provided that nothing herein contained shall be construed so as to enable any party to any contract of service to determine the same without the consent of the other party before the expiration of the term of service originally agreed upon.

Waiver.

14. When any notice as is hereinbefore mentioned shall have been given by either of the parties to the other, and the master shall suffer the servant to remain, or the servant shall remain in his service after the day on which, according to the notice given,

the contract of service should expire, such notice shall be deemed and taken to have been withdrawn and passed from, and the contract of service shall continue to endure as long and in like manner as if no such notice had been given, unless it shall have been otherwise expressly and specially agreed between the parties.

15. In all contracts, whether oral or written, by which it is stipulated that the servant shall reside on the premises of his master, and wherein it shall not be expressly provided that the master is not to supply food and lodging, the master shall be deemed and taken to have engaged to provide such servant and such of his family, if any shall have been included in the contract, in manner hereinafter mentioned in section eighteen of this chapter, with lodging and sufficient food of good and wholesome quality during the continuance of the contract.

Food and
lodging.

16. In case of any action for non-payment of wages due and payable by virtue of any contract of service being brought before any Landdrost or other competent Court by any servant, and when the rate of wages at which such contract was made shall not be proved to the satisfaction of such Landdrost or Court, such Landdrost or Court is hereby required to fix the rate of wages at that usually paid in the district or place in which the service for which the wages are claimed was performed, reference being had to the skill and ability of the servant, and to give decree accordingly.

Landdrost's
discretion as
to rate of
wages.

17. When any servant shall, in consequence of any sickness or accident which shall not have been occasioned by his own fault, be rendered incapable of performing his master's service, he shall, in the absence of any special provision in the contract to the contrary, be entitled to receive his full wages for the first month of such incapacity, and every other benefit, privilege, or advantage, whether for himself or his family stipulated for in the contract of service during the whole period of such incapacity, unless the stipulated term of service shall sooner expire, or unless the period of such incapacity shall extend to a longer period than two months: in which latter case the master shall be entitled, if he so think fit, at the expiration of such two months, or at any time afterwards during which such incapacity shall uninterruptedly continue, to treat and consider the contract of service as rescinded and determined to all intents and purposes whatsoever, he, the said master, being however bound before being so entitled to consider the said contract as determined, to make good all stipulations therein mentioned and agreed upon up to and for the day on which he shall declare his intention to treat and consider the said contract as rescinded, with, however, the limitation as to wages as hereinbefore provided. Provided, however, that if the master shall not think fit at or after the expiration of such two months as aforesaid, to treat the contract of service as determined and rescinded, but shall permit the servant to remain in his service, such servant shall not be entitled to claim any portion of

Sickness.

the wages beyond wages for the first month as aforesaid, or any other benefit or advantage stipulated for in the contract of service, "save and except such food and lodging for himself and family as by the contract of service the master had engaged or shall be deemed and taken to have engaged to provide him with," for any period subsequent to such two months during which such incapacity as aforesaid shall continue. And provided always that no servant hired by any contract expressly to perform service in any trade or handicraft shall be entitled to receive the wages or any other benefit or advantage stipulated in the contract of service for any part of the time during which he shall have been rendered incapable of performing his master's work by any such sickness or accident as aforesaid, save and except such food and lodging for himself and family as by the contract of service his master has engaged to provide him with, such food and lodging to be provided during such incapacity as aforesaid, unless the contract of service shall sooner expire, or unless such incapacity shall extend to a period longer than one month, in which case the master shall be entitled, if he shall so think fit, under the same powers and conditions in every respect as in this section before set forth, to treat and consider such last-mentioned contract of service as absolutely and to all intents and purposes determined and rescinded.

Servant's
wife and
children.

18. All contracts of service stipulating for the services of the wife of any servant, together with those of her husband, shall be made and executed by her in like manner as the same shall be made and executed by her said husband. And it shall be lawful for the father, or in the event of his death or absence then for the mother, of any child under the age of sixteen years to contract for the service of such child, together with his own, in like manner as such person may contract for his own services : and when such contract shall be in writing, the name and age of every such child shall be clearly set forth and specified in such contract : provided always that nothing herein contained shall give to the master of any such parent any claim on the services of any such child beyond the period for which the parent shall be engaged, nor beyond the period when such child shall attain the age of sixteen ; nor to the services of any other child of the contracting parent, whether under colour of such last-mentioned child having been fed or clothed by the master, or having been born while the parent of such child was in the said master's service or under any other pretence whatsoever.

Death of
servant.

19. On the death of any person being at the time together with his wife and any child under contract as aforesaid, the said contract shall become null and void, in respect to such wife and children, at the expiration of one month after the death of such person.

Wife and
children of
servant.

20. It shall not be lawful for any person entering into any contract of service, by which it is stipulated that the servant shall

reside on the premises of the master, to keep his wife and children on the premises of his master, unless when the master shall also have stipulated in such contract that this shall and may be done: provided that when the master shall have so stipulated, it shall not be lawful for him to claim the services of any such wife or child, by reason merely of their residence on his premises.

21. When in times of public commotion or invasion of the Province, the Administrator shall deem it expedient to call out for service any portion of the inhabitants of any district of the Province, every person under contract of service under this Law as an agricultural labourer or herdsman for any period not less than one month to any master residing in such district, shall, if the period of service contracted for should expire during the persistence of such commotion or invasion, notwithstanding such expiration, be bound to continue in the service of his employer on the terms of the contract under which he has been serving, until the cessation of such commotion or invasion, and until the services of the inhabitants of such district shall be dispensed with for the occasion: provided that if any such servant shall at any time be called out for military service, the master of such servant shall, during the absence of such servant on such duty, be bound to permit the family and property of such servant to remain upon his premises, and to provide for the same in the same manner as he would have been bound to do by the contract of service, if such servant had not proceeded to the performance of such duty.

Duties in war time, &c.

CHAPTER III.

Apprenticeship of Children.

1. No contract of apprenticeship shall be valid unless at the time of its being entered into, it shall have been reduced into writing, and signed with the name, or in the case of illiterate persons, with the mark of the master and parent, or guardian, as the case may be, of the apprentice, and also of the apprentice, if of the full age of sixteen years.

Apprenticeships.

2. No contract of apprenticeship, by which any child under sixteen years if a female, and eighteen years if a male, may be apprenticed as an agricultural or domestic servant, shall be valid for any longer period than until such child shall have attained the full age of sixteen years if a female, and eighteen years if a male.

Time limits.

3. Children, not being in a state of destitution, above the age of ten and under the age of sixteen years may be apprenticed by their fathers. or in the case of fatherless children by their mothers, or in the case of orphans having guardians, by their guardians, until they shall have attained their twenty-first year, or for any shorter period, and due provision for the maintenance, clothing and instruction of every such apprentice shall be made in the contract of apprenticeship: provided always that every contract of apprenticeship, whereby any child under the age

Children apprenticed until majority.

of ten years not being in a state of destitution, shall be apprenticed or attempted so to be, shall be null and void to all intents and purposes whatsoever, save and except a contract of apprenticeship executed by the parent or guardian and the master in the presence of a Landdrost, and attested by such Landdrost to be a contract which appears to him to be for the benefit of the child.

Trade
apprentices.

4. Any minor of the age of sixteen years or upwards, may, by his own consent, be apprenticed for any term not exceeding five years to any trade in the practice of which any peculiar art or skill is required, but not otherwise: provided always that in the case of such minor or minors being females they may with such consent be apprenticed to domestic service for any such period as last aforesaid.

Ex officio
guardians.

5. The Landdrosts of the Province shall be *ex officio* the guardians within their respective districts of all such minors as in the last preceding section mentioned, which minors have no parents or guardians within the Province, or none discoverable, and such Landdrosts may lawfully indenture such minors.

Destitute
children.

6. When any parent or parents shall abandon or desert, or by death shall leave in a state of destitution, any child under the age of sixteen years, the person with whom such child shall have been so left, or by whom such child shall be found in such state of destitution, shall with all convenient speed give notice thereof to the nearest Field-Cornet or directly to the Landdrost, in order that means may be taken for providing for the maintenance and education of such child by apprenticeship in manner hereinafter mentioned: And if any person shall be duly convicted by any Landdrost or other competent Court of detaining in his possession or employment any such destitute child as aforesaid for a longer period than one month without giving such notice, every such person shall forfeit and pay at a rate not exceeding twenty nor less than five shillings for each month that such child shall have been detained, and every such sum so forfeited shall be paid into the public treasury, and all reasonable expense incurred in giving such notice, and for the maintenance of such child until removed by the proper authority, shall be paid from the said treasury.

Procedure
re destitute
child

7. The Field-Cornet, or Landdrost shall, upon receiving such notice as aforesaid, cause the child to be removed to the residence of the Landdrost, and the said Landdrost shall, unless when it shall be made to appear to him that the child is actually not in a state of destitution or is able to earn his own livelihood (in either of which events he shall decline to act in the case), cause such child to be lodged and provided for at the public cost until he shall have sufficiently ascertained by enquiry, which he is hereby required to cause to be made, whether such child shall have any relative fit, proper, and willing to maintain and take care of him, and if he shall discover any such relative or relatives, he shall apprentice such child either to the sole relative or to that one

among the several relatives of whom it will appear most for the interests of such child to become the apprentice: and if no such fit and proper relative be found, he shall apprentice him as soon as a suitable opportunity can be found to some fit and proper person until he shall have attained his eighteenth year, or in case of females, until their sixteenth year, or for any shorter period that may be deemed advisable. And every such Landdrost shall give public notice in the Government Gazette of the name of every such apprentice and of the person to whom he shall have been apprenticed.

8. Due provision for the maintenance, clothing and instruction of every destitute child so apprenticed, shall be made in every such contract of apprenticeship, and suitable wages shall also be therein stipulated for whenever such Landdrost or other officer shall deem the child's service in any part thereof will be worth wages; and in apprenticing every such child, either to a relative or stranger, it shall be the duty of such Landdrost or officer to make the best terms he can for such child.

Provisions of contract in case of destitute children.

9. All such contracts for the apprenticeship of destitute children as aforesaid shall be drawn up as near as possible in the following terms:—

Form of Contract.

District of

This contract of apprenticeship of A.B. (here insert the designation of A.B. as accurately as possible), a destitute child, witnesseth that C.D. (here describe C.D. as the Landdrost or as the officer specially appointed by the Administrator to attest such contracts of apprenticeship for the district, as the case may be), pursuant to the Law No. 13, 1880, in this case made, and provided, does by these presents, apprentice the said A.B., aged years or thereabouts, to E.F. (here insert the designation of E.F. as accurately as possible), with him to dwell and serve as an apprentice, until (or for, as the case may be , here insert the age at which the apprenticeship is to determine, or the term for which it is to endure), during all which time the said apprentice shall faithfully and honestly serve and obey his master; and the said E.F., for himself, his heirs, and executors, does hereby covenant and agree with said C.D. for, and on behalf of the said A.B., that he, the said E.F., shall teach and instruct, or cause to be taught and instructed, the said A.B. in the (here insert the particular trade or occupation) in the best manner that he can during the said term, and shall also duly provide or cause due provision to be made for the education and religious instruction of the said A.B. to the best of his ability, and shall during the said term, provide the said apprentice with suitable and sufficient food, washing, lodging and all other things, necessary and fit for such apprentice, and shall also pay as wages to the said apprentice, the sum of (here insert the terms at which the wages stipulated are to be payable); and also the said E.F. shall not assign or transfer the said apprentice to any other person, during the said term, without

the consent first had and obtained of the Landdrost or other proper officer having power and authority to give such consent.

In witness whereof we, the said C.D and E.F., have set our hands at _____ on this the _____ day of _____ 18____

(Here insert the signatures or marks of the parties.)

In presence of (here shall be inserted the signatures of at least two witnesses, who have witnessed the execution of the contract).

Ex officio
guardianship.

10. In case the Landdrost or other proper officer by whom the contract for apprenticeship of any such destitute child as aforesaid shall have been entered into as aforesaid, shall by death or otherwise cease to act as such Landdrost or officer, then, and in such case, all the provisions and covenants in such contract of apprenticeship contained shall endure in favour of the successor of such Landdrost or officer duly appointed, and such successor shall and may sue upon and take all other benefit and advantage whatsoever of such provisions and covenants in like manner as if such successor had been himself the person by whom such contract as aforesaid was originally made.

Contracts in
duplicate.

11. Every such last-mentioned contract of apprenticeship shall be made and signed as aforesaid in three parts, one of which parts shall be given to the master and one to the apprentice and the third shall be filed and registered in the office of the Landdrost by whom it is attested; or where it shall have been attested by any other officer specially appointed as aforesaid, an entry of it shall be made in a book to be kept by him for that purpose, and the said third part shall be transmitted by him to the Landdrost of the district in which the master by whom such contract has been made, usually resides, to be filed and registered in his office.

Assignment
of contract.

12. No master shall or may assign or transfer any apprentice having been apprenticed as aforesaid by any Landdrost or other proper officer without having first obtained thereto the written consent of the Landdrost or other proper officer of the district in which such master resides: and in case such apprentice shall be of the age of sixteen years and upwards, without consent of such apprentice himself.

CHAPTER IV.

Respecting the Effect of the Death, Insolvency, and Change of Residence of the Master: and other Circumstances Dissolving Contracts of Service without Notice.

Decease or
insolvency of
master.

1. In the event of the death or insolvency of the master the contract of service shall, except as hereafter excepted, cease and determine after one month from the date of such death or insolvency, in case the stipulated term of service shall not sooner expire; and up to the period of such determination of such contract such servant shall be entitled to claim his full wages and every other remuneration specified in such contract, and shall be

bound, if required, to perform his service for the person legally representing the deceased or insolvent master.

2. In the event of the death or insolvency of the master of any apprentice, or in the event of the apprentice being prevented, in the manner hereinafter in the sixth section of this Chapter particularly mentioned, from performing his service or fulfilling his engagement at the place where the same ought to be performed or fulfilled, such death, insolvency or prevention, shall be a complete discharge of the contract of apprenticeship, and if any sum shall have been really and *bonâ fide* paid by or on behalf of such apprentice as aforesaid, it shall be lawful for any Landdrost having jurisdiction, or other competent Court, upon proof of such payment, to order in a summary manner any sum, which to the said Landdrost or Court shall seem reasonable, to be paid to or for the use of such apprentice as aforesaid by any such master as aforesaid, or his legal representative; regard being had, however, in estimating such sum to the amount of the sum originally paid by or on behalf of such apprentice, and to the time during which such apprentice continued in the service of such master as aforesaid: provided always that such apprentice shall be entitled to his full wages or other remuneration which may have become due previous to such dissolution of the contract of apprenticeship.

Refund of
Premium in
certain cases.

3. In the event of the death or insolvency of the master of any child, who having been in a state of destitution shall have been apprenticed by a Landdrost or other proper officer in the manner hereinbefore set forth, it shall be the duty of such Landdrost or other proper officer, in case such apprentice shall at the time of the death or insolvency of his former master be under the age of sixteen years and unable to support himself, to retake the charge and care of such child, and if it shall be deemed expedient to apprentice again the said child for any term within the limits prescribed by this Law for the duration of apprenticeship to such fit and proper person as such Landdrost or other proper officer and such child, if of the age of sixteen years or upwards, shall mutually approve of and agree upon: provided that when such child has not attained the said age of sixteen years his consent shall not be necessary in any case.

Death or
insolvency of
master of
destitute
apprentice.

4. The wife of the deceased master of every servant or apprentice hired or contracted to perform service as a domestic or agricultural servant is entitled, if she shall so think fit, to claim the service of such servant or apprentice during the full period of the stipulated term of service, provided she shall consent to perform and shall perform all the stipulations of the contract in favour of the servant or apprentice which the master was bound to perform.

5. In any event of a servant or apprentice dying during the currency of the stipulated term of service, his heirs, executors or other legal representatives are entitled to claim from the master the full wages and other remuneration due to such servant or

Death of
servant, &c.

apprentice for the period which he had served previously to his death, and no more.

Change of residence.

6. No servant or apprentice (save as hereafter provided as to persons apprenticed as destitute children), hired or contracted to perform service at the residence of or at any particular place of trade or business occupied by his master is,—in the event of his master's removing his residence or place of trade or business out of the town, or (where such place is not in any town), from the place in which by the contract such servant or apprentice was bound to perform his service to any greater distance than two miles from such town or place where, by the stipulations of the contract, such servant or apprentice is not bound to reside in the house or on the premises of his master, or out of the district of such town or place where such servant or apprentice is bound to reside in the house or on the premises of his master,—bound to perform his service at the place to which his master shall have removed his residence or place of trade, or business without the consent of such servant, or of the parents or guardians of such apprentice; but such consent shall in all cases be deemed and taken to have been given whenever it shall have been proved that such servant or apprentice, being one not bound to reside in the house or on the premises of his master, has performed, or in the case of an apprentice being knowingly permitted and allowed by his parent or guardian to perform at the new residence or place of trade or business of his master, any service to his master of any kind which he was bound by the contract to perform, or being one bound to reside in his master's house or premises, has gone to and remained, and in the case of an apprentice been permitted and allowed by his parent or guardian to go to and remain in such house or on such premises for one week after his master's removal thereto.

Change of residence
(continued).

7. The master of any apprentice, who has been apprenticed to him in manner hereinbefore provided as a destitute child, is entitled without limitation or restraint to remove such apprentice to, and to exact the performance of the service stipulated in the contract wherever such master may have removed his residence or place of trade or business within this Province, upon giving notice of his intention of so doing before his departure to the Landdrost of the district which he is going to leave, and the Landdrost shall, upon receiving such notice, endorse the same upon the third part of the contract of apprenticeship registered and filed by him: and on such removal taking place forthwith transmit such third part to the Landdrost of the district to which such an apprentice shall be removed, to be by him duly registered and filed in manner hereinbefore provided.

Journeys.

8. No servant or apprentice hired or contracted to perform domestic service may lawfully refuse to accompany his master, or any of his family by desire of his master, on any journey within this Province, or in the course of such journey to perform every such service as by reason of his contract of service or apprenticeship

he would be bound to perform in his master's house or on his premises: and no servant or apprentice may lawfully refuse to go on any journey within this Province on which his master shall order him to go, or in charge of or to drive, herd, tend, or take care of any carriage, horse, or any kind of cattle, the property or in the lawful possession of, or under the lawful control of his master, which such servant or apprentice would by reason of his contract of service or apprenticeship be bound to ride, drive, herd, tend, or take care of or charge of at his master's residence or on his premises: provided always that there shall be reasonable ground for believing that such journey may and will be performed before the expiration of the stipulated term of service of such servant or apprentice, and that such master shall be bound to provide such servant or apprentice with food and every other thing which may be necessary and proper to enable such servant or apprentice to perform such journey and to return to the residence or premises of his master before the expiration of the term of service.

9. No servant or apprentice shall be bound to accompany his master or to go out of this Province, without the special agreement or consent of such servant, or of the parent or guardian of such apprentice, or when such apprentice is of the full age of sixteen years without also the consent of such apprentice.

Servant not compelled to leave Province.

10. When any servant not being bound or obliged to accompany his master, or to go to any place to which the master shall remove his residence or place of trade or business, or to which the master shall order such servant to go, shall decline or refuse so to do, the contract of service shall, from the date on which the servant shall be prevented from performing his stipulated service at the place where the same was to have been performed, stand dissolved, and such servant shall be entitled to claim from the master such wages or other remuneration at the rate specified in the contract of service as shall have been earned up to the time of the refusal before mentioned, together with wages and remuneration after the rate aforesaid for the period of one month additional, or until the expiration of the contract of service in case it shall expire within one month of the time of such refusal: provided always that when notice of his intention to remove as aforesaid or to send such servant as aforesaid shall have been given by such master, such additional wages and remuneration shall not in any case be due or payable for any period longer than one month from the date of such notice.

Where Contract terminated by change of residence.

11. Nothing herein contained shall annul or affect any special agreement or stipulation made in any contract of service or apprenticeship whereby the servant or apprentice shall be bound to accompany his master or to go to any place to which the master shall remove his residence or place of trade or business, or order such servant or apprentice to go and there perform the service stipulated in such contract.

Special conditions as to change of residence.

Marriage of
female
servants, &c.

12. When any female servant or apprentice shall be lawfully married during the currency of her stipulated term of service, her husband may at any time, subsequent to such marriage, dissolve the contract of service or apprenticeship, and remove his wife from her master's service, if he shall think fit so to do, and shall be entitled to claim the wages and other remuneration which may have become due to her for services previously to such removal, but shall be liable to her master for all damage which her master may sustain by such removal. But such damages shall in no case exceed the amount of the wages which she would have earned between the time of her marriage and the time of the expiration of her service had she continued in such service until such expiration.

Ditto.

13. The master of any female servant or apprentice who during the currency of her stipulated term of service shall marry, or enter into any state which in this Province is or shall be reputed to be the marriage state, shall, where such servant or apprentice is by her contract of service or apprenticeship bound to reside or to perform domestic service in the house or on the premises of her master, be entitled at any time subsequent to such marriage, or reputed marriage, to dissolve such contract and dismiss such servant or apprentice, and when such servant or apprentice is not by such contract bound to reside or to perform domestic service in the house or on the premises of her master, he shall be entitled to dissolve such contract and dismiss such servant or apprentice from his service whenever she shall by reason of her pregnancy or delivery of a child become disabled from performing the service which by such contract she is bound to perform, but any such servant or apprentice so dismissed on account of her marriage or entering into a state so reputed as aforesaid to be the marriage state, or of pregnancy or of delivery of a child, shall be entitled to claim from her master the wages and every other remuneration which shall have become due to her for her services previously to the date of such dismissal: and the master before being entitled to dismiss such servant or apprentice shall be bound to pay and satisfy the same.

CHAPTER V.

Of the jurisdiction of the Landdrosts in Cases between Masters and Servants and Apprentices.

Jurisdiction.

1. The Landdrosts within the Province shall have jurisdiction in all cases arising in their respective districts between masters and their servants and apprentices, and with reference to their relative rights and duties, or to any matter or thing or offence as to which provision is made by this Law.

Ditto.

2. Every Landdrost has jurisdiction in any such case as aforesaid, brought before him against any person being at the time within his district, whether the grounds of such case arose within the district or not, or whether the person against whom the case is

brought has his usual residence or place of abode in that district or not : but the Landdrost shall, whenever it shall appear to him that any such case can be more conveniently tried or determined by the Landdrost of any other district, dismiss such case, and in the event of his doing so, when the servant or apprentice is accused of desertion, and when he shall have probable cause shown to him by oath or affidavit of any credible person for believing this to be a fact, such Landdrost may, if he think fit, issue a warrant for the conveyance under sure custody of such servant or apprentice to the town or place where the Court of such other Landdrost is held : provided the master shall undertake to pay the expense of such conveyance, and the Landdrost, by whom the cause shall be ultimately tried and decided, shall adjudge by which of the parties the said expenses shall be paid.

3. Any servant or apprentice may be fined any sum not exceeding one pound sterling, and in default of payment of the same may be imprisoned, with or without hard labour, for any period, not exceeding one month, in case he shall be convicted of any of the following acts or instances of misconduct, that is to say :—

Penalties,
Class I.
Agricultural
or farm
servants.
(See Art. 3.)

1. If he shall, after having entered into a contract, fail or refuse, without lawful cause, to commence the service at the stipulated time.
2. If he shall, without leave or other lawful cause, absent himself from his master's premises, or other place proper and appointed for the performance of his work.
3. If he shall, during working hours, unfit himself for the proper performance of his work, by becoming or being intoxicated.
4. If he shall neglect to perform any work which it was his duty to have performed, or if he shall carelessly or improperly perform any work which from its nature, it was his duty, under his contract, to have performed carefully and properly.
5. If he shall without leave, and for his own purposes, make use of any horse, vehicle, or other property belonging to his master.
6. If he shall refuse to obey any command of his master, or of any person lawfully placed by his master in authority over him, which command it was his duty to obey.
7. If he shall make any brawl or disturbance in or at his master's dwelling-house, or on his master's farm, and after being, by his master or any other person placed by his master in authority over him, desired to desist, shall, notwithstanding, continue making such brawl or disturbance.
8. If he shall use any abusive or insulting language to his master or to his master's wife, or to any person placed by his master in authority over him, calculated to provoke a breach of the peace.

Second
Conviction.

4. In case of a second conviction under the last preceding section, or of more such convictions than a second, within the space of six months next after any former conviction, the offender may, in regard to such second or any further conviction, be fined any sum not exceeding three pounds sterling, and in default of payment thereof may be imprisoned and kept at hard labour for any period not exceeding six weeks, and shall be liable during such imprisonment (or so much thereof as the convicting Landdrost shall adjudge) to be kept in solitary confinement, with or without spare diet, or on spare diet with or without solitary confinement, subject as hereinafter is mentioned, and upon a conviction under the next ensuing section of this Law, followed within six months by a conviction under the last preceding section, the offender shall be liable to the like punishment, as if both convictions had been had under the last preceding section.

Penalties,
Class II.

Agricultural
or farm
servants.
(See Art. 8.)

5. Any servant or apprentice may be fined any sum not exceeding three pounds sterling, and in default of payment, may be imprisoned with or without hard labour, for any period not exceeding two months, or may be imprisoned without the infliction of any fine, at the discretion of the Landdrost, with or without hard labour, for any period not exceeding two months, and during such imprisonment as in this section is mentioned, may be kept in solitary confinement with or without spare diet, or on spare diet with or without solitary confinement, subject as hereafter is mentioned, in case he shall be convicted of any of the following acts or instances of misconduct, that is to say:—

1. If he shall by wilful breach of duty, or through drunkenness, do any act tending to the immediate loss, damage or serious risk of any property placed by his master in his charge or placed by any other person in his charge for delivery to or on account of his master.
2. If he shall by wilful breach of duty, or by neglect of duty, or through drunkenness, refuse or omit to do any lawful act proper and requisite to be done by him for preserving in safety any property placed by his master in his charge, or placed by any other person in his charge for delivery to or on account of his master.
3. If, being employed as a herdsman, he shall fail to report to his master the death or loss of any animals placed in his charge, which he shall allege to have died or been lost, on the earliest opportunity of so doing after he shall have discovered, or in the course of duty was bound to have discovered such death or loss, or if he shall fail to preserve for his master's use or inspection any part or parts of any such animal as he shall allege to have died, which part or parts he shall by his master have been directed to preserve, unless such herdsman shall prove to the satisfaction of the Court the death of such animals, or if it shall be made by his master to appear that any

such animal or animals alleged by him to have strayed away or otherwise become irrecoverably lost, could not, under the circumstances of the case, have become irrecoverably lost without his act or default.

4. If, being employed in any capacity other than that of a herdsman, he shall allege the loss of any property placed in his charge by or for his master, and it shall be made by his master to appear that the property in question could not have been lost without his act or default.
5. If he shall, without lawful cause, depart from his master's service with intent not to return thereto.

6. In case of a second conviction under the last preceding section, or of more such convictions than a second, within the space of six months next after any former conviction, the offender may, in regard to such second or any further conviction, be fined any sum not exceeding five pounds sterling, and in default of payment thereof, may be imprisoned and kept at hard labour for any period not exceeding three months, or may be imprisoned, without the infliction of any fine, at the discretion of the Landdrost, with or without hard labour, for any period not exceeding three months, and shall be liable during such imprisonment, as in this section is mentioned, or so much thereof as the convicting Landdrost shall adjudge, to be kept in solitary confinement, with or without spare diet, or on spare diet, with or without solitary confinement, subject as hereafter mentioned : and upon conviction under the second section of this Law, followed within six months by a conviction, under the last preceding section, the offender shall be liable to the like punishment, as if both convictions had been had under the last preceding section.

7. No fine paid or period of imprisonment undergone, under this Law, by a servant or apprentice shall have the effect of cancelling the contract of service or apprenticeship.

8. Nothing in any of the preceding sections, from second to sixth, both inclusive, nor in section nine, shall extend or apply to servants or apprentices under the age of sixteen years, or to servants or apprentices other than those engaged in agriculture, or employed to work on farms : provided, however, that any servant or apprentice other than those engaged in agriculture or employed to work on farms as last mentioned, not being under sixteen years of age, may :—

Penalties,
Class III.
Domestic
servants.

1. If he shall, after having entered into a contract, fail or refuse without lawful cause to commence the service at the stipulated time.
2. If he shall, without leave or other lawful cause, absent himself from his master's premises, or other place proper and appointed for the performance of his work.

3. If he shall, during working hours, unfit himself for the proper performance of his work by becoming or being intoxicated.
4. If he shall neglect to perform any work which it was his duty to have performed, or if he shall carelessly or improperly perform any work which from its nature it was his duty, under his contract, to have performed carefully and properly.
5. If he shall, without leave, or for his own purposes, make use of any horse, vehicle or other property belonging to his master.
6. If he shall refuse to obey any command of his master, or of any person lawfully placed by his master in authority over him, which command it was his duty to obey.
7. If he shall by wilful breach of duty, or by neglect of duty, or through drunkenness, do any act tending to the immediate loss, damage or serious risk of any property placed by his master in his charge, or placed by any other person in his charge for delivery to or on account of his master.
8. If he shall by wilful breach of duty, or by neglect of duty, or through drunkenness refuse or omit to do any lawful act proper and requisite to be done by him for forwarding in safety any property placed by his master in his charge for delivery to or on account of his master.
9. If he shall use any abusive or insulting language to his master, or to his master's wife, or to any person placed by his master in authority over him, calculated to provoke a breach of the peace :

be fined any sum not exceeding two pounds sterling, and in default of payment be sentenced to be imprisoned, with or without hard labour, for any period not exceeding one month ; but if it shall appear that such servant or apprentice is able to pay the damage caused by such act or default as in this section aforesaid, it shall be competent for the Landdrost, whether the master shall agree thereto or not, to proceed under section twelve of this chapter.

Resumption
of service
after punish-
ment.

9. If any servant or apprentice whose contract of service or apprenticeship still subsists, shall, upon being discharged from prison, after undergoing imprisonment under this Law, refuse or neglect upon his master's request to resume his service under his contract, he shall be liable to be imprisoned, with or without hard labour, for any period not exceeding one month, and so on for successive periods, not any of them exceeding one month, until he shall consent to resume, and shall resume, his service under contract : and every such period of imprisonment, or so much thereof as the convicting Landdrost shall adjudge, may be with solitary confinement, with or without spare diet, or with spare diet, with or without solitary confinement, subject as hereafter is mentioned : provided, however, that no servant or apprentice shall under this

Law be imprisoned continuously, and without any intermediate resumption of service under his contract for longer than six months in all.

10. When any period of imprisonment shall be undergone by any servant or apprentice for any offence under this Law, a like period shall be added to the term of service stipulated for in the contract of service or apprenticeship, as it subsisted when such imprisonment was commenced, so that such servant or apprentice shall be obliged to serve a further period equal to the period of his imprisonment, in addition to the term of service originally stipulated.

Term of imprisonment, &c., added to term of service.

11. When the offence of which any servant or apprentice shall be convicted under this Law, shall be the offence of absenting himself from, or of departing from the service of his master, then the period of his absence shall be added to the term of service originally stipulated in like manner as in the last preceding section directed in regard to the period of imprisonment therein mentioned: and it shall be the duty of the Landdrost convicting such servant or apprentice to ascertain at the trial the period of absence, and to certify the same by some writing under his hand to be delivered to the master, and the period mentioned in such writing shall by all Courts and in all places be deemed to be added to the original term of service.

12. As often as any property of the master shall be lost or damaged by means of any act or omission of his servant or apprentice, which act or omission is by this Law declared to be an offence, it shall be lawful for the Landdrost, should he so think fit, and the master shall thereto agree, to ascertain whether such servant or apprentice is able to make compensation for such loss or damage, and if so, to fix the amount of such compensation, and make such order as to payment thereof, either at once or by instalments out of wages to be yet earned or otherwise, as shall seem reasonable and just, and in the meantime and until default made in such payment, or in the payment of some such instalment, to defer passing sentence upon the party offending: but such Landdrost shall preserve on record the evidence in the case, and upon application of the master and proof given upon oath of some such default as aforesaid, shall issue his warrant for the apprehension of such servant or apprentice, and shall pronounce upon him such sentence as, regard being had to the circumstances of the original offence and to the degree in which such servant or apprentice has made or failed to make the compensation ordered, shall appear equitable and just.

Loss of master's property, &c.

13. As often as the master of any servant or apprentice who shall be convicted of any offence under this Law shall desire the cancellation of the contract of service or apprenticeship, the Landdrost, should he so think fit, may order the cancellation of the same and the same shall be cancelled accordingly: provided that such cancellation shall not prevent the execution of any

Cancellation of contract.

sentence which the Landdrost may pronounce or may be pronounced upon the offender for his offence.

Landdrost's
discretion in
cancelling
contract.

14. As often as the master shall have caused any servant or apprentice to be brought before the Landdrost to answer any charge preferred against him by such master, and such master shall fail in obtaining the conviction of such servant or apprentice, then the Landdrost, should he so think fit, may at the desire of such servant or apprentice order the cancellation of the contract of service or apprenticeship, and the same shall be cancelled accordingly.

Time limits
for
complaints.

15. No servant or apprentice shall be convicted under any of the foregoing sections of this Law unless the master shall lodge his complaint within one month next after the day on which he became cognizant of the offence or alleged offence.

Warning to
appear in
Court.

16. In order to save time and expense, the master of any servant or apprentice alleging matter of complaint against such servant or apprentice, may warn and order such servant or apprentice to appear before the Landdrost of the district, on some day and hour to be named by such master, there to answer some certain charge, of the nature of which such complainant shall inform such defendant; and should the defendant fail to attend in pursuance of such warning, the Landdrost, upon the application of the complainant, and upon proof by affidavit that such defendant received such warning, and received the same a reasonable time before the time fixed for his appearance, and that to the best of the deponent's knowledge and belief, such defendant has no lawful cause for not appearing, may issue his warrant for the apprehension of such defendant, in order to proceed to the trial of the complaint; and on such trial, and if the servant or apprentice shall be convicted of the offence with which he shall be charged, the Landdrost may (if he shall be satisfied that the defendant had no good and sufficient cause for failing to attend), in addition to the punishment to which the defendant may be sentenced, adjudge the said defendant to pay to his master such reasonable costs and expenses, not being more than those allowed in criminal cases, to which his master may have been put in consequence of the defendant having failed to attend as aforesaid; provided always, that on issuing of such warrant as aforesaid, the defendant shall be warned by summons to answer the charges brought against him, and to show cause why he shall not be adjudged to pay such expenses as aforesaid, in consequence of his default in attendance.

Complainant
not appearing.

17. Should any complainant, who shall have warned any such defendant as aforesaid to appear as aforesaid, himself fail to appear at the time fixed by him for the appearance of such defendant, then and there to prosecute his complaint, the Landdrost, upon proof by affidavit that such defendant was warned by such complainant to appear at the said time to answer a charge of a certain nature, shall, unless satisfied that such complainant had a good and sufficient reason for failing to appear at such time, ascertain

the distance which such defendant shall have travelled, and the distance which any person or persons shall have travelled whom such defendant may have brought with him as witnesses, and shall, upon being satisfied that such witnesses would or might have been necessary for his defence, make order in writing against such complainant for the payment of the expenses of such defendant and his witnesses, if any, at and after the same rate as if each of the said persons had been a witness summoned at the instance of the Public Prosecutor, and attending to give evidence in the Court of such Landdrost upon a criminal case: and if such complainant shall, upon presentation to him of such order by the person or persons in whose favour the same shall have been made, refuse or neglect to comply therewith, he shall incur and be liable to a fine not exceeding five pounds sterling, and in default of payment of the same, to imprisonment, with or without hard labour, for any period not exceeding one month: provided that one such order may include the expenses of all or any of the persons whose expenses are to be paid, or separate orders may be delivered to one or more of such persons as may be most convenient.

18. Should any servant or apprentice, who shall have complained against his master, for or on account of any offence against any of the provisions of this Law, fail to appear at the time fixed by the Landdrost for the appearance of the defendant, then and there to prosecute his complaint, the Landdrost may, unless satisfied that such complainant had a good and sufficient reason for failing to appear at such time, ascertain, in the manner in the last preceding section mentioned, the expenses and costs which the defendant has reasonably incurred in appearing to answer such complaint, and he shall, in the manner in the last preceding section mentioned, order the payment by complainant of such costs and expenses; and if, on the presentation to him of the order therein mentioned, by the person in whose favour it is made, such complainant shall refuse or neglect to comply therewith, he shall incur and be liable to the same fine, and in default of payment thereof, to the same punishment, as is fixed in the last preceding section: provided that one such order may include the expenses of all or any of the persons whose expenses are to be paid, or separate orders may be delivered to one or more of such persons as may be most convenient.

Servant or
apprentice
not
appearing.

19. No servant or apprentice, who shall leave the place of his service for the purpose merely of lodging any complaint which he may have against his master after leave for that purpose shall have been unreasonably refused, shall by reason only of his so leaving, be deemed to have deserted his master's service, or to have in any wise contravened this Law.

Servant
leaving
service to
lodge
complaint.

20. A servant or apprentice summoned to answer for an offence alleged in the summons to be in contravention of the third section of this Chapter, should the proof given in the case show that he is guilty of contravening not the third, but the fifth section of this Chapter, may be convicted and sentenced according to the evidence;

Conviction
under Art. 3
on charge
under Art. 5,
and *vice versa*.

and, in like manner, a servant or apprentice summoned to answer for an offence alleged in the summons to be in contravention of the fifth section aforesaid, should the proof given show that he is guilty of contravening not the fifth, but the said third section, may be convicted and sentenced according to the evidence: provided, however, that the punishment to be awarded upon a conviction in either of these cases shall not exceed the punishment provided by the said third section: provided, also, that the servant or apprentice shall have had in every case sufficient notice of the nature of the charge which he was called upon to answer.

Withholding
wages.

21. As often as the master of any servant or apprentice shall be convicted of the offence of withholding the wages of such servant or apprentice, without reasonable and probable cause for believing that the wages so withheld were not really due, he shall be fined any sum not exceeding five pounds sterling, and in default of payment shall be imprisoned for any period not exceeding one month; and the convicting Landdrost shall, besides passing the said sentence, give judgment for the amount of the wages so wrongfully withheld, and for the costs of the proceedings, which costs shall, if not paid, be levied on the movable property of the master, under and by virtue of a warrant under the hand of the said Landdrost, together with the costs of such levy: provided, however, that when and as often as the Landdrost shall acquit the master of the aforesaid offence, but shall yet find that wages are due by such master to such servant or apprentice which have been retained by such master, it shall be lawful for such Landdrost, and he is hereby required forthwith to give judgment for the amount of wages which he shall find to be due to such servant and make such order as to the payment of costs, should he award any, by the master, as shall seem to such Landdrost to be in accordance with real and substantial justice.

Unlawful
deduction of
servant's
property.

22. As often as the master of any servant or apprentice shall be convicted of the offence of having, either before or after the expiration of the contract of service or apprenticeship, upon demand made and without lawful cause, refused to deliver or permit to be taken away any of such servant's or apprentice's cattle, sheep, goats or other animals lawfully remaining or being upon such master's lands, without reasonable and probable cause for believing that the animals in question were lawfully detained, such master shall be fined any sum not exceeding one pound sterling for every animal so unlawfully detained: provided, however, that the total amount of the fine so payable shall not exceed the sum of five pounds sterling altogether; and in default of payment, shall be imprisoned for any period not exceeding one month; and the convicting Landdrost shall, besides passing the said sentence, give judgment for the delivery of the said animals, and for costs, as in a civil action before the said Court, which costs, if not paid, shall be levied in the same manner as in the twenty-first section directed,—but the fact that the contract of service or apprenticeship of such servant or apprentice has not

yet expired, shall not be deemed or taken to be of itself reasonable or proper cause for such detention : provided, however, that nothing herein contained shall impair the effect of any express contract of a lawful kind, by force of which the master shall claim a right to retain any such animal as aforesaid.

23. As often as the master of any servant or apprentice shall be convicted of the offence of failing, upon demand, to supply or deliver to such servant or apprentice the food, bedding or other articles stipulated for in any written contract of service or apprenticeship, or of supplying or delivering food, bedding or other articles not conformable to the said contract, he shall be liable to be fined any sum not exceeding five pounds sterling, and in default of payment, to imprisonment for any period not exceeding one month.

Master failing to supply food, &c.

24. As often as it shall be made to appear to the Landdrost, in any case instituted by any servant or apprentice against his master, that the master has not fairly and faithfully performed his part of the contract of service or apprenticeship, the Landdrost may, should he so think fit, and should the servant or apprentice so desire, order the cancellation of such contract of service or apprenticeship, and the same shall be cancelled accordingly.

Cancellation of contract.

25. As often as any master shall complain against his servant or apprentice, or any servant or apprentice shall complain against his master, for or on account of any offence against the provisions of this Law, the process of the Court of the Landdrost for compelling the attendance of the party accused, and of all necessary witnesses, shall be instituted at the public charge and without any fees of Court : provided, always, that if at the trial the charge shall appear to have been brought without reasonable or probable cause, the party complaining shall be liable to a fine not exceeding five pounds, and also to defray the costs of the process and of the witnesses in the case ; and in default of payment of such costs, shall be liable to be imprisoned for any period not exceeding one month : provided, also, that such fine may be imposed upon the occasion of such trial, and without any fresh action or proceeding for the recovery thereof.

Costs of witnesses, &c.

26. As often as any master shall be convicted of wrongfully and unlawfully assaulting his servant or apprentice, the convicting Landdrost may, should he so think fit, and should the servant or apprentice so desire, order the cancellation of the contract of service or apprenticeship, and the same shall be cancelled accordingly.

Wrongful assault by master.

27. If any child under the age of sixteen years, shall be wrongfully detained, by any person, as a servant or inmate, the Landdrost of the district in which it shall be so detained, shall have jurisdiction to order the restoration of such child to such of its parents as would under this Law be entitled to apprentice such child, if then about to be apprenticed : provided, however, that

Wrongful detention of child.

should it be made to appear upon the hearing of any such case that the person complained against originally obtained the said child in a lawful manner, and when an infant under the age of five years, and that the parent claiming the same has so acted, in reference to the said child, and to the person bringing it up, as to make it a breach of good faith, on the part of such parent, to seek to take it away, as he or she now seeks to do, and that from the character of the said parent, the purpose for which he or she appears to desire to obtain possession of the said child, or other circumstances, it will be for the manifest benefit of the child to remain with the person with whom it is residing, rather than to be delivered to the parent applying, then the Landdrost shall refuse to order the delivery of the said child, leaving it to the parent applying for the same to take such other proceedings, if any, as he or she may be advised; and such Landdrost may in the meantime authorise the person rearing up such child to retain possession thereof.

Attorney-General (if required) to act for servant on appeal.

28. In any case between a master and his servant or apprentice in which the Landdrost shall have given judgment in favour of such servant or apprentice, and such master shall appeal from such judgment, or apply to have the same reviewed, it shall be the duty of the Attorney-General, in case such appeal or application shall be brought before the High Court (provided the said Attorney-General shall be called on so to do), to appear for and conduct the case of such servant or apprentice, free of all charge or expense whatever.

Apprehension of servant.

29. If the master of any servant or apprentice alleging matter of complaint against a servant or apprentice for any offence punishable under this Law, shall make deposition on oath before a Landdrost or Justice of the Peace that he believes, "stating the grounds of his belief," that in order to secure the appearance of such servant or apprentice before the Landdrost having jurisdiction to try the case, that the apprehension of such servant or apprentice is necessary, it shall be lawful for such Landdrost or Justice of the Peace to issue his warrant for the apprehension of such servant or apprentice, without any previous warning or summons: provided, however, that if the master of any servant or apprentice shall make such deposition maliciously and without reasonable and probable ground for believing the same to be true, such master shall be liable to be fined any sum not exceeding five pounds, and in default of payment thereof to be imprisoned for any period not exceeding one month.

Apprehension of servant on desertion.

30. If any servant or apprentice is charged under this Law with having without lawful cause departed from his master's service with intent not to return thereto, it shall be lawful for any Landdrost or Justice of the Peace to issue his warrant for the apprehension of such servant or apprentice without any previous warning or summons.

31. On the trial of any case in any Court of Landdrost wherein any master, servant or apprentice, is charged with having contravened any of the provisions of this Law, such master, servant or apprentice, as the case may be, and his or her wife or husband, shall be competent, but not compellable, to give evidence on his or her own behalf or on the behalf of the complainant in the said case. Evidence.

32. No master, servant or apprentice charged with having contravened any of the provisions of this Law, and who is not immediately before the hearing of such charge in actual custody, shall be compelled to enter the dock or place usually assigned for prisoners under trial in the Court, or shall be otherwise treated as under arrest during the hearing of such charge: provided that if, in the opinion of the Landdrost before whom the charge is heard, it shall be necessary, in order to secure the attendance of such master, servant or apprentice, that he should be placed in custody, it shall be lawful for such Landdrost to cause such person to be arrested and detained in custody. When master or servant not compelled to enter dock.

33. In case it may be necessary to prosecute or proceed against any person employed on any of the public works of this Province, for contravening any of the provisions of this Law, such prosecution or proceeding may be carried on by, and in the name of any of the officers in charge of the work upon which such servant is employed at the time of such contravention. Public works.

34. In regard to the infliction of spare diet and solitary confinement under this Law, the Landdrost shall observe and conform to such restrictions as shall have been or shall from time to time be deemed necessary to prevent injurious consequences, and to be by the officer administering the Government issued for their guidance. Spare diet.

CHAPTER VI.

Respecting Characters given by Masters to Servants and Apprentices.

1. No master is bound to give a character to any servant or apprentice, who is or has been in his service, or to assign any reason for refusing to give it. Character.

2. Every master who shall knowingly have given any false character to any servant or apprentice, is liable to make compensation for any loss or damages, which any third party, who by reason of such character so given, has been induced to take such servant or apprentice into his service, has sustained by the misconduct of such servant or apprentice in any respect, or with reference to any matter to which such character so given was false. Giving false character.

3. Every person, who for the purpose of giving a character to any servant or apprentice or other person intending to offer himself to be hired as a servant shall forge a counterfeit and utter any certificate of such servant or apprentice's character, or shall falsely Forging certificate.

personate any other person, and as such either personally or by writing, give any false, forged or counterfeit character or certificate of character of any such servant or apprentice, or other person offering or intending to offer to hire himself as a servant; and every person who shall offer to hire himself as a servant, asserting or pretending that he has served in any service in which he has not actually served, or with a false, forged or counterfeit certificate of character, or shall in anywise add to or alter by effacing or erasing or inserting any word or date in any certificate given to him by his present or any former master, or by any other person duly authorised by any such master to give the same, and shall use or attempt to use the same as an inducement to hire him, shall on conviction thereof incur and be liable to a fine not exceeding fifty pounds, nor less than ten pounds, or to be imprisoned, with or without hard labour, for any period not exceeding one year nor less than one month, or to both such fine and imprisonment.

CHAPTER VII

Respecting the Constraints of Masters, Servants and Apprentices.

Intimidation
and threats,
&c.

1. Any person, who shall by violence to the person or property, or by threats or intimidation, or by molesting or in any way obstructing another, force, or endeavour to force, any servant or apprentice to depart from his service or work, or to return his work to his master before the same shall be finished, or to prevent or endeavour to prevent any servant or other person not being hired or employed from hiring himself to or accepting service or work from any person, or force or induce, or endeavour to force or induce any such servant or apprentice, or such other person to belong to any club or association, or to contribute to any common funds, or shall use or employ violence to the property of another, or threats or intimidation, or shall molest or in any way obstruct another on account of his not belonging to any particular club or association, or not having contributed or having refused to contribute to any common fund, or pay any fine or penalty, or on account of his not having complied, or of his refusing to comply with any rules, orders, resolutions and regulations made to obtain an advance or to reduce the rate of wages, or to lessen or alter the hours of working, or to decrease or alter the quantity of work, or to regulate the mode of carrying on any manufacture, trade, business, work or labour, or the management thereof, or who by any such violence, threats, intimidation, molestation or obstruction, shall force or endeavour to force any manufacturer or person carrying on any trade, business, work or labour, or engaged in agriculture, to make any alteration in his mode of regulating, managing, conducting or carrying on the same, or to increase or limit the number of his apprentices or servants, shall on conviction thereof before any Landdrost or other competent Court be imprisoned, with or without hard labour, for any period not exceeding three months.

2. Any person, who shall directly or indirectly by the offer of higher wages or greater benefits, or otherwise induce any servant or apprentice to leave his service, shall, on conviction thereof before any Landdrost, incur or be liable to a fine not exceeding ten pounds sterling, and in default of payment, to imprisonment, with or without hard labour, for any period not exceeding three months.

Inducing servant to leave another's service.

3. Provided always, that nothing herein contained shall extend to subject to punishment any persons who shall meet together for the sole purpose of consulting upon and determining the rate of wages or price which the persons present at that meeting or any of them respectively shall require or demand for his or their service or work, or shall pay his or their servants or apprentices for their service or work, or who shall enter into any agreement, verbal or written, among themselves for the purpose of fixing the rate of wages or prices, which rate of wages or prices the persons entering into such agreement, or any of them, shall require or demand for his or their service or work, or pay to his or their servants or apprentices for their service or work, or of fixing the number of hours of work, which he or they will work, or will require his or their servants or apprentices to work in any manufacture, trade, business, labour or agriculture, and that no such persons so meeting together or entering into any such agreement as aforesaid shall be liable to any penalty or prosecution for so doing.

Lawful unions.

4. This Law may be cited and referred to for all purposes as "The Master and Servants' Law, 1880."

Short Title.

5. This Law shall commence and take effect from and after the date of the publication thereof in the Transvaal Government Gazette.

Given at Government House, this 24th day of June, 1880.

By command of His Excellency the Administrator.

GEORGE HUDSON,

Colonial Secretary.

LAW No. 14, 1880.

Enacted by the Governor of the Transvaal Province, with the advice and consent of the Legislative Assembly thereof.

(FOR IMPROVING THE GAOLS OF THIS PROVINCE, AND FOR SECURING THE SAFE CUSTODY OF PRISONERS, AND FOR OTHER PURPOSES.)

WHEREAS several of the buildings used as public gaols in this Province are in a very defective state and condition, owing to which it is difficult to prevent prisoners from escaping, or to classify prisoners properly, or introduce to any extent any uniform or efficient system of management in regard to such gaols:

And whereas it is intended as soon as may be to cause the said defective gaols to be improved, and it is therefore expedient to provide for the establishment of a uniform and efficient system of prison discipline :

And whereas it is expedient to make more effectual provision than now exists for the safe custody and discipline of prisoners :

Be it therefore enacted by the officer administering the Government of the Transvaal Province, with the advice and consent of the Legislative Assembly thereof, as follows :—

- Short Title.** **1.** This Law may for all purposes be cited and referred to as the “ Gaol Law, 1880.”
- Repeal.** **2.** All laws, regulations and resolutions of the Volksraad inconsistent with, or repugnant to, the provisions of this Law are hereby repealed.
- Power to frame regulations.** **3.** It shall and may be lawful for the officer administering the Government of the Transvaal Province, with the advice and consent of the Executive Council thereof, to make such rules for the government of the several gaols of this Province respectively, and for the duties to be performed by the several officers of the same as the said officer administering the Government, with the advice of his Executive Council as aforesaid, may deem expedient, and such rules from time to time to alter and amend, and all such rules so made shall be binding upon the keeper of the gaol, and all other persons therein : provided always that all such rules shall be consistent with the provisions of this Law, and that no such rules shall, except so far as by this Law provided, be competent to impose any punishment or penalty for or on account of any breach thereof by any person whomsoever, save by stoppage of pay, to an amount not exceeding twenty shillings for each contravention of any such rule, in the case of persons employed in Her Majesty’s service, or by dismissal from office.
- Gaoler.** **4.** The keeper of every gaol shall be appointed by the officer administering the Government, and shall be under the immediate authority and superintendence of the Landdrost of the district in which the gaol in question shall be situated ; and shall in virtue of his office be a constable, and possess all the powers by law belonging to the office of constable, and shall reside within the prison of which he is keeper, and shall not employ himself in any other occupation.
- Gaoler may not have any interest in gaol contracts.** **5.** Neither the keeper of any prison, nor any other officer in any prisons, shall sell, nor shall any person in trust for or employed by him sell, or have any benefit or advantage from the sale of any articles to any prisoners, nor shall he directly or indirectly have any interest in any contract or agreement for the supply of the prison to which such keeper or other officer shall belong, and any person contravening any of the provisions of this section shall be liable to forfeit any sum not exceeding one hundred, and not less than five pounds sterling.

6. Male and female prisoners shall be confined in separate parts of the prison so as to prevent them from seeing, conversing, or holding any intercourse with each other, and the prisoners of each sex shall be divided into distinct classes, care being taken as far as possible that prisoners of the following classes respectively do not intermix with each other :—

Male and female wards.

- (a.) Persons confined under any decree of civil imprisonment.
- (b.) Persons committed for want of sureties to keep the peace.
- (c.) Persons committed for murder, culpable homicide, rape, robbery, or assault with intent to commit any of these crimes, or in which any dangerous wound is given, arson, housebreaking with intent to commit any crime or theft of any cattle, sheep, or goats, or other crime of equal degree of guilt with any of the said crimes.
- (d.) Persons committed for any crime of a lesser degree of guilt than any of the crimes aforesaid.
- (e.) Persons convicted of any such crime as hereinbefore in letter *c* set forth.
- (f.) Persons convicted of any such crime as hereinbefore in letter *d* set forth :—

Provided always that it shall be lawful for the officer administering the Government by any such rule as aforesaid, to suspend the execution of all or any of the provisions of this section in regard to any gaol in which the means of carrying the same into effect do not yet exist.

7. The keeper of every prison shall keep a journal in which he shall record all occurrences of importance within the prison in such manner as shall be directed by the rules aforesaid, to be made by the officer administering the Government, with the advice and consent of the Executive Council aforesaid, which journal shall be produced to the Landdrost of the district upon the occasion of every periodical visit by such Landdrost, as hereinafter directed, and shall be signed by him in proof of the same having been so produced.

Prison journal.

8. It shall and may be lawful for the officer administering the Government by any such rule as aforesaid, to regulate the supply of food and clothing and other necessaries of the prisoners in any gaol. Provided always that prisoners confined before trial for any supposed crime or offence, shall be allowed to procure for themselves, and receive at proper hours, any food, bedding, clothing or other necessaries, subject to a strict examination, and under such limitations and restrictions to be prescribed by any rule or rules as aforesaid, as may be deemed necessary to prevent extravagance or luxury within the walls of the prison and to exclude all articles which might possibly communicate infection or facilitate escape.

Supplies.

9. It shall and may be lawful for the said officer administering the Government as aforesaid, to provide for securing the cleanliness

Cleanliness.

in regard to the person and apparel of every prisoner admitted into any prison, in such a manner, however, as to resort as little as may be consistent with the end in view to any means of securing cleanliness to which a prisoner shall object. Provided always that the apparel of every such prisoner after being, if requisite, fumigated and purified, shall be returned to him, and that no prisoner before trial shall be compelled to wear a prison dress unless his own clothes be deemed insufficient or improper or necessary to be preserved for purposes of justice.

Gaoler may
not decree
punishments.

10. No keeper of any prison shall, without the order of the Landdrost first had and obtained, punish any prisoner for any offence, or supposed offence, under any pretext whatsoever. Provided, however, that when and as often as it shall be urgently and absolutely necessary to secure any refractory prisoner, or any prisoner contriving to escape, pending the arrival of the Landdrost, the keeper may by his own authority place such prisoner in irons, and such keeper shall in every such case make an entry in his journal recording the particulars thereof, and shall without loss of time send notice to the Landdrost of what has taken place.

Inspection of
gaols.

11. It shall and may be lawful for the officer administering the Government aforesaid, by any such rules as aforesaid, to fix the times and occasions upon which the Landdrost of the district shall visit and inspect the gaols thereof, to which rules in that behalf the Landdrost shall conform.

Refractory
prisoners.

12. When in the course of any visit to or inspection of any gaol which it shall be the duty of any Landdrost to visit and inspect, it shall be proved to the satisfaction of such Landdrost that any prisoner has wilfully disobeyed any lawful order or has shown violence or insolence to the keeper of the prison, or any other officer thereof, or has been guilty of profane cursing and swearing, or of using indecent words, or of any indecent behaviour or has used to any person intimidating language or threatening acts, or has wantonly destroyed or injured any food, clothing or matter or thing entrusted to him to use, or has committed any wilful act of disorder or breach of the prison discipline, such Landdrost may order any such prisoner so offending to be placed in solitary confinement, with or without spare diet, for any period not exceeding seven days, or to receive personal correction by any number of lashes not exceeding twenty-five, or to be kept at hard labour, either within or without the prison, for any period not exceeding twenty-one days: provided always that the name of the offender, the nature of the offence, and the punishment ordered shall be recorded in the journal of the prison keeper: provided also that no prisoners save those under sentence of imprisonment with hard labour, shall be liable to receive personal correction: provided further that this section shall apply to all offences against good discipline herein mentioned, whether committed by any such prisoner as aforesaid while outside the precincts of the gaol, in like manner in all respects as if he were within the precincts of such gaol.

13. Except for the cause and in the circumstances aforesaid, no prisoner before trial shall be put in irons or in the stocks, or be fastened or fettered in any manner whatsoever, whether by way of security against escape or otherwise, unless the Landdrost shall in special cases authorise by writing, in the keeper's journal, a departure from this rule. Irons and Stocks, &c.

14. If any prisoner shall make his escape from gaol or from lawful custody when outside the precincts of the gaol, or shall attempt to make his escape, or shall, either within or outside the precincts of the gaol as aforesaid, conspire or confederate with any other prisoner or other person to make the escape of both or either of them, either from gaol or from custody, or shall, either within or outside the precincts of such gaols supply any other prisoner with any implement, matter or thing intended to aid such other prisoner in making his escape, either from gaol or from custody, every such prisoner who shall do or commit any of the acts or offences in this section before mentioned, may be tried for such act or offence before the Court of the Landdrost of the district in which such gaol shall be situated or such prisoner shall be in custody, and upon conviction, may be sentenced to be imprisoned with hard labour for any term not exceeding one year, to commence from the expiration of the sentence which such prisoner shall then be undergoing, or to receive corporal punishment in any number of lashes not exceeding fifty, or both to be imprisoned as aforesaid, and to receive such corporal punishment as aforesaid : provided, that no prisoners, save those under sentence of hard labour, shall be liable to receive personal correction. Escape.

15. It shall, and may be lawful for the officers or constables, who shall be in charge of any party of prisoners sentenced to hard labour, and being outside the precincts of the gaol, to be armed with firearms loaded with powder and ball, or shot, or in such other manner as the officer administering the Government may, from time to time, be pleased to direct : And if any such prisoner shall attempt to escape, and it shall be absolutely necessary, in order to prevent such escape, that any of the said officers or constables should fire upon such prisoner, it may be lawful for him so to do : and, if in so doing he shall kill or wound such prisoner, he shall not be deemed guilty of any offence in so doing. Armed Guards.

16. It shall and may be lawful for the officer administering the Government aforesaid, by any such rules as aforesaid, to fix and prescribe the circumstances under which any spirituous or fermented liquor, tobacco, narcotic or drug may be carried or brought into any gaol ; and if any person shall, in contravention of any such rule, carry or bring or attempt to carry or bring, or by any means whatever to introduce into any gaol, any spirituous or fermented liquor, tobacco, narcotic or drug, it shall be lawful for the keeper or any other officers of such gaol, to apprehend, or cause to be apprehended, such offender, and to bring him before the Court of the Landdrost for the district at its next sitting, which Court is hereby empowered to hear and Liquors, tobacco, &c.

determine such offence in the summary way : and such offender, if convicted, shall be liable to pay any fine not exceeding twenty pounds and not less than five pounds, and in default of payment, shall be liable to be imprisoned for any period not exceeding two months, with or without hard labour.

Liquors, &c.
(continued.)

17. If any keeper or other officer of or person employed in any gaol shall sell, lend or give away to any prisoner any spirituous or fermented liquor, tobacco, narcotic or drug, or knowingly permit or suffer to be received or used by any prisoner any such liquor, tobacco, narcotic or drug, contrary to any such rule as aforesaid in that behalf, such keeper or other officer or other person being convicted of such offence by the Court of the Landdrost for the district, which Court is hereby empowered to hear and determine such offence, shall be liable to pay any fine not exceeding forty pounds, and not less than ten pounds, and in default of payment, shall be liable to be imprisoned, with or without hard labour, for any period not exceeding three months ; and every such keeper or officer convicted under this section shall, in addition to any other punishment, forfeit his office and all arrears of salary due to him.

Gaming.

18. No gaming shall be allowed in any gaol, and the keeper and other officers and persons employed in any gaol shall be authorised, and he and they are hereby required to seize and destroy all cards, dice or other instruments of gaming.

Gratuities.

19. No fee or gratuity shall be paid or payable by any prisoner, either on his entrance, commitment to, continuance in, or discharge from any gaol, either to the keeper or his servants, or any officer of or person employed in the gaol, and any keeper or other officer or person receiving or demanding any such fee or gratuity, shall, on conviction before the Landdrost, be liable for every such offence to be fined in a sum not exceeding one hundred pounds sterling, or to be imprisoned with or without hard labour for a period not exceeding six months.

Periodical
returns to
Governor.

20. The Landdrost of every district shall, as soon as shall be in such rules as aforesaid required, prepare and transmit to the officer administering the Government, periodical returns showing the name and description of every person confined in the said gaol, by whom such person has been committed, the cause or grounds of his imprisonment, the date of the warrant of committal or other order or authority for such imprisonment, the number and employment of the various officers or other persons employed in the gaols, and all such other matters as by any such rule as aforesaid shall be required to be included in such return.

Aiding escape.

21. Every person who aids or attempts to aid any prisoner in escaping or attempting to escape from any gaol, or with the intent to facilitate the escape of any prisoner, conveys or causes to be conveyed into any gaol, any mask, dress or other disguise, or any letter or any other article or thing, shall, on conviction, be sentenced to imprisonment, with or without hard labour, for a term not exceeding two years.

22. If any person by threats, intimidation, offer of violence, or show of arms, or force, or otherwise, shall rescue, or attempt to rescue, any prisoner in lawful custody, it shall be lawful for the officer in charge of such prisoner, without warrant, to apprehend, or cause to be apprehended, such offender, and bring him before the Court of the Landdrost at its next sitting (which Court is hereby empowered to hear and determine such case in a summary way), and such offender shall, on conviction, be sentenced by such Landdrost to imprisonment, with or without hard labour, for a term not exceeding one year: provided, however, that nothing herein contained shall prevent such Landdrost in the exercise of his discretion from taking a preliminary examination in any such case.

Rescue, &c.

23. Every person who shall supply, or attempt to supply any prisoner in the lawful custody of any officer outside the precincts of any gaol, and whether such prisoner be at hard labour or not, with spirituous or fermented liquor, or tobacco, narcotic or drug, without a written order signed by the district surgeon or the Landdrost of the district, or the Inspector of Prisons, should at any time any such officer as aforesaid be appointed, authorising such supply, may, by the officer in whose custody such prisoner may be, be apprehended or caused to be apprehended and brought before the Court of Landdrost for the district at its next sitting (which Court is hereby empowered to hear and deal with such case in a summary way), and such offender, if convicted, shall be liable to pay a fine not exceeding twenty pounds, and in default of payment shall be liable to be imprisoned for any period not exceeding two months, with or without hard labour.

Spirituous
Liquors, &c.

24. Every prisoner under sentence of imprisonment, and being outside the precincts of any gaol, found in possession of spirituous or fermented liquors or tobacco, narcotic or drug, and not having received the same under, or by virtue of some rule of the gaol wherein such prisoner may then be sentenced to be imprisoned, may on summary conviction before the Landdrost or the Inspector of Prisons, should at any time any such officer as aforesaid be appointed, be sentenced to any penalty provided by section 12 of this Law.

Penalty of
prisoners
found with
liquor.

25. Every officer or constable in charge of any prisoner outside the precincts of any gaol, who supplies or attempts to supply to any such prisoner, any spirituous or fermented liquors, or tobacco, narcotic or drug, or who shall knowingly permit or suffer to be received or used by such prisoner, any such liquor, tobacco, narcotic or drug, without a written order signed by the District Surgeon or the Landdrost of the district, or the Inspector of Prisons, should at any time any such officer as aforesaid be appointed, shall be liable to be dealt with in the manner, and shall on conviction be subject to the penalties provided by the 16th section of this Law.

Liquor, &c.
(continued.)

26. Whenever any prisoner, whether within or outside the precincts of any gaol, being in the custody of any officer, con-

Constable's
responsibility

if prisoner
intoxicated.

stable or other person, is found in a state of intoxication, or under the influence of any narcotic, such officer, constable or other person shall, unless the contrary appear, be deemed to have been guilty of neglect of duty, and shall, on conviction, be liable to a penalty not exceeding ten pounds.

Introducing
articles into
gaol unlaw-
fully.

27. Every person who, contrary to the regulations of a gaol, conveys or attempts to convey any letter or document, or any article whatever, not allowed by such regulations into or out of any gaol, shall, on conviction, incur a penalty not exceeding ten pounds, and if an officer of the prison, shall forfeit his office and all arrears of salary due to him: but this section shall not apply in cases where the offender is liable to a more severe punishment under any other provision of this Law.

Rules.

28. It shall be lawful for the officer administering the Government, with the advice of the Executive Council of the Province, to make rules and regulations for the admission to any gaol of persons other than the keepers thereof, and persons confined therein, and such rules and regulations from time to time to alter and amend, and all such rules shall be binding upon all such persons so admitted, on seeking admission: and any person convicted of contravening any such rule shall be liable to a fine not exceeding twenty pounds, and in default of payment to be imprisoned, with or without hard labour, for a term not exceeding two months.

Resignation,
&c., of
officers.

29. No officer belonging to any convict station or gaol shall be at liberty to resign or withdraw himself from his office, unless expressly permitted to do so in writing, signed by the Inspector of Prisons, should at any time any such officer as aforesaid be appointed, of the Landdrost of the district in which such convict station or gaol is situated, or the superintendent of such convict station, or unless he shall give such Inspector of Prisons or Landdrost or Superintendent two months' notice of his intention to resign such office; and every officer who shall resign or withdraw himself without such leave or notice, shall be liable to forfeit all arrears of pay then due to him, or to a penalty not exceeding ten pounds, or to imprisonment for any term not exceeding two months, as to the Landdrost of the district shall seem best and most expedient: provided, always, that the term "officer" shall be construed to mean and include overseer, constable, gaoler, turnkey, and guard.

Inspector of
Prisons.

30. All and singular the power conferred on Landdrosts in respect of the maintenance of discipline among convicts and in gaols by the provisions of this Law, or of any other Legislative enactment in that behalf made and provided, shall be, and the same are hereby conferred on the Inspector of Prisons when and so soon as any such officer shall be appointed as aforesaid: provided always that in the absence of any such Inspector of Prisons nothing herein contained shall be deemed or taken to abrogate or limit any such powers of Landdrosts as aforesaid.

31. When, and as often as, any Inspector of Prisons shall, under and by virtue of the powers conferred on him by the preceding section of this Law, sentence any prisoner to be punished, the name of the offender, the nature of the offence, and the punishment ordered shall be recorded in the journal of the gaoler or prison-keeper: and all sentences passed by the Inspector of Prisons shall be subject to appeal or review whenever such sentences, if passed by a Landdrost, would have been subject to appeal or to review under and by virtue of any law in force in this Province. And no lashes shall be inflicted under any sentence of the Inspector of Prisons until such sentence shall have been confirmed by the Chief Justice or one of the Judges of the High Court.

Sentences
passed by
Inspector of
Prisons.

32. So much of this Law, and so much of any such rules as aforesaid as relate to the treatment and conduct of prisoners, shall be printed in legible characters both in the English and Dutch language, and fixed up in conspicuous parts of every prison so that all persons may have access thereto.

English and
Dutch
languages.

33. This Law shall commence and take effect from and after the date of the promulgation thereof in the Government Gazette.

Given at Government House, this 24th day of June, 1880.

By Command of His Excellency the Administrator. [1]

GEORGE HUDSON,
Colonial Secretary.

LAW No. 15, 1880.

(Enacted by the Administrator of the Transvaal Province, with the advice and consent of the Legislative Assembly thereof.)

(TO MAKE PROVISION FOR THE PROTECTION OF FORESTS, AND FOR THE PREVENTION OF THE UNLAWFUL CUTTING DOWN THEREOF, AND FOR THE OBSERVANCE OF REGULATIONS FRAMED IN REFERENCE THEREOF.)

WHEREAS it is expedient to amend the law relating to forests, and to empower the passing of such rules and regulations as may from time to time be found necessary for the better preservation of, and protection of the revenue derivable from the forests of this Province:

Be it therefore enacted by the officer administering the Government of the Transvaal Province, with the advice and consent of the Legislative Assembly thereof as follows:—

1. The Law No. 8 of 1870, entitled "Law against the destruction of forests, approved and confirmed by virtue of Resolution of the Volksraad, dated 19th May, 1870, Articles 108 to 111," shall be, and the same is hereby repealed: Provided that such repeal shall not invalidate or affect anything lawfully done, or any

Repeal.

¹ Prison Regulations under this Law were published in 1881, but have been superseded by the Prison Regulations of 1894.

licences issued under any such law previously to the passing of this Law. And save only and except so far as regards all offences against and all penalties and forfeitures incurred under the said Law, and all proceedings taken or commenced before this Law shall come into operation under or in execution of the said Law: all which offences may be prosecuted, and all which penalties and forfeitures may be enforced, and all which proceedings shall be as valid to all intents and purposes, and may be continued, executed and enforced in the same manner as if this Law had not been passed.

Licence.

2. Every person who shall, without having a lawful licence or permission, or other lawful authority so to do, cut down or cause to be cut down any tree growing in any crown forest, or on any crown or other land in this Province, shall be deemed to be guilty of the crime of contravening this section of this Law, and shall upon conviction be liable to a fine not exceeding one hundred pounds, and in case such fine shall not be paid, to imprisonment, with or without hard labour for any period not exceeding six months, or to such fine and such imprisonment, or to such imprisonment without such fine.

Penalty.

Exception
from penalty.

3. If any person accused of contravening the last preceding section shall prove to the satisfaction of the Court or jury by which he shall be tried, that he had reasonable and probable cause for believing that the tree cut down, or caused to be cut down by him, was standing on the land of such person himself, or of some other private person, whose leave and licence for cutting down trees in such land such person so accused had obtained, then such person shall be acquitted of the criminal charge aforesaid.

Fires.

4. Every person who shall wilfully or by gross carelessness set fire to, or kindle any fire which, by spreading, shall set fire to any tree, bush, bushwood, or underwood, not his property, shall be deemed to be guilty of the crime of contravening this section of this Law, and shall, upon conviction, be liable to the like penalties as are contained in the 2nd section.

Damage by
fire.

5. Every such person as aforesaid, whether prosecuted or not prosecuted, shall be liable in a civil action to be instituted by the party aggrieved, to pay and make good the amount of all damage done by such cutting down or burning.

Knowingly
receiving
timber unlaw-
fully cut.

6. Every person who shall receive any tree or part or parts of any such tree, knowing at the time of such receipt that the same had been cut down in a crown forest, or on crown or other land without any lawful licence or permission for so doing, shall be deemed to be guilty of the crime of contravening this section of this Law, and shall, upon conviction, be liable to the penalties hereinbefore in the 2nd section of this Law provided.

Common Law
not affected.

7. Nothing in this Law contained shall extend to alter in reference to the wrongful and unlawful destroying, carrying away or receiving of trees or timber cut down in any crown forest or on

any crown or other land, the law of this Province relating to the crime of theft, or to the crime of receiving stolen goods knowing them to have been stolen, or the crime of maliciously setting fire to or burning any description of property : provided that no person shall be twice prosecuted for or in regard of the same act of cutting down or of burning.

8. If any servant shall, when acting under the direction or command of his employer, by omission or any act of commission, infringe any of the provisions of this Law, then such employer and servant may both or either of them be prosecuted, and if convicted, be punished under this Law. Employer's liability for acts of servant.

9. In the construction of this Law the term tree shall mean any tree, whether young or old, of a sort or description ordinarily used in making wagons or other vehicles or articles of furniture, or for building purposes, or for some other purpose of a like nature with some one or more of the purposes aforesaid, but not any other sort or description of tree nor brushwood, underwood, or wood used as firewood. Term "Tree."

10. It shall and may be lawful for the officer administering the Government of the Transvaal Province, to appoint so many Conservators and Assistant Conservators of the Forests and other officers as to him may seem necessary, and to pay such persons such remuneration by way of fees or salary as may from time to time be voted by the Legislative Assembly, and be available for such purpose. Conservators of Forests.

11. The officer administering the Government of the Transvaal Province with the advice and consent of his Executive Council, may from time to time make, alter or repeal such regulations and bye-laws as he thinks proper for any of the following purposes :— Bye-laws.

- (1.) For regulating the duties of Conservators and Assistant Conservators of Forests and other officers under this Law, and prescribing what acts or omissions by such officers shall be punishable by penalties as breaches of such regulations or bye-laws, and for prescribing and regulating the powers of such officers in, and for preventing the cutting, removing, and destruction of timber contrary to the regulations or bye-laws framed under the provisions of this Law.
- (2.) For prescribing the mode and form of application for leases or licences of, or the grants of privileges in crown forests and the terms and conditions of such leases, licences and grants.
- (3.) For the management and administration of the affairs of crown forests in this Province.
- (4.) For regulating the seasons at, and mode in which the lessees, licensees or grantees of privileges may fell trees in such

forests, and cut or remove timber or bark therein, or therefrom.

- (5.) For requiring such lessees, licensees and grantees to take from all trees cut down all the timber fit for use.
- (6.) For preventing all unnecessary destruction of growing timber in crown forests.
- (7.) For preventing the danger and spread of fire in crown forests.
- (8.) For prohibiting trespassing on crown forests and for regulating access thereto.
- (9.) For the protection of roads in crown forests.
- (10.) And generally for facilitating and more effectually carrying into execution the objects of this Law.

Any such regulations and bye-laws may be made applicable to crown forests under this Law generally, or to one or more of such forests in particular, and when published in the Government Gazette, shall have the force of law as if they formed part of and were embodied in this Law. And the officer administering the Government of this Province, with the advice of the Executive Council as aforesaid, may, by any such regulation or bye-law to be made under this Law, impose reasonable penalties not exceeding twenty-five pounds sterling for any one offence. Such penalties shall be recoverable at the instance of the Public Prosecutor of any district in the Court of the Landdrost having jurisdiction.

Short Title.

12. This Law may be known and cited for all purposes as the "Forest Preservation Law, 1880."

13. This Law shall commence and take effect from and after such date as the regulations and bye-laws, to be framed under the provisions of this Law, are published in the Government Gazette, and the coming into force of this Law is notified by proclamation.

(Regulations published in 1881. See page 71.)

Given at Government House this 24th day of June, 1880.

By command of His Excellency the Administrator.

GEORGE HUDSON,
Colonial Secretary.

LAW No. 5, 1881.

(Enacted by the Governor of the Transvaal Province, with the advice and consent of the Legislative Assembly thereof.)

(FOR AUTHORISING THE TAKING OF CERTAIN FEES BY THE MASTER OF THE HIGH COURT IN INSOLVENCY AND OTHER MATTERS.)^[1]

WHEREAS it has been found necessary to provide for the levying of fees for certain duties imposed upon and discharged

¹ See p. 17, 1902.

by the Master of the High Court in Insolvency and other matters:—

Be it therefore enacted by the Officer Administering the Government of the Transvaal Province, by and with the advice and consent of the Legislative Assembly thereof, as follows:—

1. All ordinances, laws, resolutions of the Volksraad and Rules of Court, in so far as the same are inconsistent with, or repugnant to, the provisions of this Law, shall be, and the same are hereby repealed. Repeal.

2. The tariff of fees and charges in the schedule to this Law specified and set forth shall, from and after the promulgation of this Law, be legally payable to and receivable by the Master of the Supreme Court. Tariff.

3. All fees of office by this or any other Law made payable to and receivable by the Master of the High Court shall be paid by means of adhesive revenue stamps to be affixed to the documents in connection with which the fees are hereby made payable, and it shall be the duty of the Master to efface and cancel with his initials, and the date of such effacement and cancellation, all stamps so affixed as aforesaid.

4. This Law shall commence and take effect from and after the date of the promulgation thereof in the Transvaal Government Gazette.

SCHEDULE.

Insolvency and Law Jurisdiction.

	£	s.	d.
For every attendance of the Master in matters referred from the Court, or by the Judges, or either of them, (except in insolvent cases,) not exceeding two hours - - - - -	1	1	0
Exceeding two hours, in the discretion of the Master, subject to taxation by the Court or a Judge thereof - - - - -			
Every report (except in insolvent cases) in the discretion of the Master, subject to taxation as above - - - - -			
Every other report, not exceeding - - - - -	1	1	0
Every search - - - - -	0	2	6
Office copy of documents not exceeding a folio of 100 words - - - - -	0	2	0
Exceeding 100 words, at the rate of per folio - - - - -	0	0	6
On all money received, paid and distributed by the Master in pursuance of any order of the Court, 1 per cent. - - - - -			
For making entry and filing office copy of return of process - - - - -	0	7	6
Drawing advertisements for meeting of creditors or sale of real property - - - - -	0	2	6
Making entry of return of the Registrar of Deeds of mortgage bonds and hypothecations - - - - -	0	7	6
Attending meeting in respect of sale of immovable property - - - - -	1	1	0
For summoning creditors to attend each meeting, each summons - - - - -	0	2	0
For settling and publishing Conditions of Sale - - - - -	1	1	0
Certificate of process being withdrawn or of deficiency - - - - -	0	10	6
Drawing out the account with order of preference and plan of distribution (except by leave of the Court or Judge thereof) not exceeding - - - - -	1	1	0
Drawing the order and attending the transfer of any immovable property - - - - -	1	1	0

	£	s.	d.
Filing any rule or Order of Court - - - - -	0	2	0
Filing an order or provisional order of sequestration - - -	0	7	6
Drawing advertisement for meeting of creditors in insolvent cases	0	2	0
Summoning creditors to attend such meeting, each summons -	0	2	0
For attending meeting of creditors, or at the sale of any insolvent's immovable property - - - - -	0	10	6
For recording decree of confirmation of trustee and certificate	0	5	0
Every affidavit - - - - -	0	2	0

The stamps upon all documents received by the Master shall be cancelled by him writing his initials upon such stamps, together with the date of cancellation.

Liquidation Account.

When nett assets for distribution under insolvent estates	£	s.	d.
do not exceed - - - - - £100 - - - - -	0	1	6
Exceeding £100 but not 150 - - - - -	0	2	6
" 150 " 200 - - - - -	0	5	0
" 200 " 300 - - - - -	0	7	6
" 300 " 400 - - - - -	0	10	0
" 400 " 500 - - - - -	0	12	6
" 500 " 600 - - - - -	0	15	0
" 600 " 800 - - - - -	1	0	0
" 800 " 1,000 - - - - -	1	10	0
" 1,000 " 1,250 - - - - -	2	0	0
" 1,250 " 1,500 - - - - -	2	10	0
" 1,500 " 2,000 - - - - -	3	15	0
" 2,000 " 2,500 - - - - -	4	10	0
" 2,500 " 3,000 - - - - -	6	0	0
" 3,000 " 3,500 - - - - -	7	10	0
" 3,500 " 4,000 - - - - -	9	0	0
" 4,000 " 4,500 - - - - -	10	10	0
" 4,500 " 5,000 - - - - -	12	0	0
" 5,000 " 5,500 - - - - -	13	10	0
" 5,500 " 6,000 - - - - -	15	0	0
" 6,000 " 7,000 - - - - -	16	10	0
" 7,000 " 8,000 - - - - -	18	0	0
" 8,000 " 10,000 - - - - -	20	0	0
Every additional £100 or fraction thereof - - - - -	0	5	0
Every deed assigning property in trust for creditors - - -	1	0	0

The stamps upon all documents issued or received by the Master shall be cancelled by him writing his initials upon such stamps, together with the date of cancellation.

Given at Government House this Fifth day of February, 1881.

By command of His Excellency the Administrator.

GEORGE HUDSON,
Colonial Secretary.

LAW No. 7, 1881.

(Enacted by the Governor of the Transvaal Province, with the advice and consent of the Legislative Assembly thereof.)

(TO AMEND THE LAW AS TO IMPRISONMENT FOR DEBT.)

WHEREAS it is expedient to provide against the hardships frequently occasioned by the enforcement by creditors of writs of civil imprisonment against defaulting debtors:—

Be it therefore enacted by the Officer Administering the Government of the Transvaal Province, with the advice and consent of the Legislative Assembly thereof, as follows:—

1. No writ of civil imprisonment for non-payment, or non-satisfaction of any judgment or decree shall be granted or issued by the High or any other Court of this Province in cases in which the defendant or other party, against whom such writ of civil imprisonment is sought to be issued, shall prove to the satisfaction of the Court, to which such application is made, that such defendant or other party as aforesaid has not property or means sufficient to satisfy in whole or in part the said judgment or decree.

2. This Law shall commence and take effect from and after the promulgation thereof in the Government Gazette.

Given at Government House this Tenth day of February, 1881.
By command of His Excellency the Administrator.

GEORGE HUDSON,
Colonial Secretary.

GOVERNMENT NOTICE No. 5, 1881.

With reference to Law No. 15, 1880, the following Regulations are published for general information.

By command of His Excellency.

GEORGE HUDSON,
Colonial Secretary.

Colonial Secretariat,
Transvaal, 17th January, 1881.

REGULATIONS PASSED UNDER THE PROVISIONS OF SECTION 11
OF LAW No. 15, 1880.

1. It shall be the duty of every Conservator, Overseer or Ranger, to prevent the cutting, removing or destruction of timber, and to apprehend and convey to the nearest Landdrost or Justice of the Peace all persons found cutting or removing timber contrary to law: and, further, to take such precautionary measures for the preservation or restoration of forests as may be directed by, and be in accordance with, departmental instructions.

General duties
of Forest
Officers.

2. Licences to cut or saw timber in Government forests or reserves shall be obtainable from the Overseer in charge, or, in the absence of such officer, from such other officer as may be authorised by His Excellency the Administrator to grant licences in the forests whence it is intended to remove the timber. A fee of 2s. 6d. shall be paid in respect of such licence, which shall be in the form given in Schedule I.

Licence to cut
or saw timber.

Limitation of operations under such licence to defined area, &c.

3. Operations under such licence shall be restricted to a specified section or allotment of the forest, and continued for a stated period only; that is to say, in the case of resident sawyers, for a period of thirty days from the date of issue, and, in the case of non-residents, for a period not exceeding fifteen days; such licences to be renewable on payment of an additional fee of 2s. 6d. on each occasion of renewal.

Penalty for infringement of Sections.

4. Any person acting contrary to the provisions of Rules 2 and 3, except on permission specially obtained from the Government, shall be liable, on conviction, to a fine not exceeding £25 sterling.

Allotments to be worked out previous to the assignment of further Sections.

5. A licensee shall not be permitted to fell timber in any other section than that originally allotted to him, so long as mature timber of a suitable nature remains in such allotment.

Timber felled by any licence-holder having a length exceeding 8 feet and a diameter of 9 inches or more, shall be worked on the spot and removed beyond the limits of the original allotment before another section be assigned to him.

Prohibition of removing of large sized timber "en bloc," except on special sanction.

6. The dragging of timber through forests being attended by pernicious results in the destruction of young trees, the removal beyond forest limits of unsawn timber is prohibited, unless the previous written sanction of the Landdrost of the district, or of the Overseer be obtained. Such sanction shall not be accorded, unless such officer be satisfied of the remover's intention to make use of the block or blocks intact.

Any one contravening this rule shall be liable to a fine not exceeding £25 sterling, and to have his licence cancelled.

Impost liable on timber removed from forest limits.

7. Fees according to the tariff specified in Schedule II. shall be due in respect of timber removed from Government forests, and shall become payable before such timber be taken beyond forest limits.

Transit permit to be granted on payment of impost.

8. The Overseer, or in the absence of such officer, the Ranger in charge of any forest or reserve shall, on the payment of the fees above referred to, grant a transit pass, as nearly as possible according to the form in Schedule III. (This pass should be retained by the transport rider, or such other person as may be entrusted with the conveyance of the timber to its destination.)

Penalty for non-production of transit permit.

9. All Landdrosts, Field-Cornets, Forest Officers, and Justices of the Peace, or other Government Officers, are authorised to demand the production for inspection of the permit under which timber may be in transit.

In default of compliance with such demand, the person so refusing shall be liable, on conviction, to payment of a fine not exceeding £25 sterling. This penalty shall in nowise absolve such person from any liability he may have incurred under Clause 2 or 6 of the Forest Law, No. 15, 1880.

Timber removed from private forests

10. Timber removed from a private forest shall be covered by a pass granted by the owner of such forest or his authorised agent.

Such pass shall further be countersigned by the Field-Cornet of the Ward in which the forest is situated.

also to be covered by pass.

The definition of the term tree contained in Section 9 of the Forest Law shall be applicable to the term timber made use of in this rule.

Definition of the term timber.

11. The penalty prescribed in Rule 9 shall be applicable in respect of timber removed from private forests, and which may not be covered by a transit pass granted in the manner aforesaid.

Penalty in respect of private timber not covered by pass.

12. When in order to secure the better preservation and development of forests, certain areas may be from time to time closed to the public, such reserves will be duly specified in the Government Gazette, and the period for which they are to remain closed stated. Any person found cutting, removing or destroying timber within such reserve subsequent to such notification shall, on conviction, be liable to a fine not exceeding £25 sterling. All cattle found trespassing within such reserve shall be impounded.

Government reserves, Penalties for trespassing on the same.

13. With a view to securing the detection and punishment of offenders against the provisions of Section 4 of the Law 15, a reward not exceeding £10 shall be granted to such person as may afford information leading to the conviction of the offender.

Reward on conviction of person found guilty of causing damage by fire.

14. For the comfort and convenience of resident sawyers, the officer in charge of any forest is authorised to permit the occupation, rent free, of a plot of ground not exceeding two acres in extent by each family, provided that a member of such family be actively engaged as a sawyer or cutter. Such plots, however, will be liable, at the pleasure of Government, to immediate resumption or to assessment at the rate set forth in the next following rule.

Grant of plots of land for resident sawyers.

15. For the convenience of traders and others, temporary building sites, not exceeding one acre in extent, may be granted at the discretion of the officer in charge of forests, and subject to the approval of Government, on the payment of an annual ground fee of £1. Such plots will be subject to resumption on six months' notice given through the forest officer.

Building sites for residence of traders or others.

16. Buildings and erections of whatever kind or description which may be placed upon any such building sites or plots of ground, may be removed by the person erecting the same, but in no case will the Government be or hold itself responsible for compensation to any person who neglects or refuses to remove any such building or erection during the period of his occupation, or when requested so to do at the close of his term of occupation.

Removal of buildings.

17. The squatting of natives and the establishment of mealie gardens within forest limits is strictly prohibited except within the areas referred to in Rules 14 and 15 above.

Squatting of natives and establishment of mealie gardens prohibited.

Fees, with exception of ground rents, to be levied in stamps.

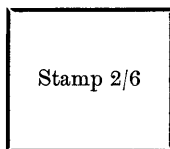
18. Fees levied under the provisions of these Rules, with the exception of those referred to in Sections 14 and 15, shall be taken in revenue stamps. These stamps shall be affixed in such manner on the licence or permit that, on separating such licence or permit from its counterfoil, a moiety of the stamp may remain affixed to the licence or permit.

SCHEDULE I.

Counterfoil.

Licence to Cut and Saw Timber.

No.	No.
Name of Licensee.	Permission is hereby given to
Name of Forest.	to cut or saw timber in Section
No. of Section.	No. of the Forest (or
Period.	reserve) for a period of
Date.	days.
Signature of Forest Officer.	Forest Officer.



Date.

SCHEDULE II

	s.	d.
1. On each yellow-wood plank of 12 ft. by 1 ft. by 20 in., a fee of - - - - -	0	6
2. On each beam scantling or other description of soft wood, per cubic foot - - - - -	0	5
3. On each plank, beam or other lengths of hard wood, exclusive of the items below specified, per cubic foot -	0	6
4. On each piece of the following description of wagon wood, viz. :—		
Axles - - - - -	0	6
Schammels - - - - -	0	6
Foretangs - - - - -	1	0
After-guides - - - - -	0	6
Disselbooms - - - - -	0	9
Long-wagons - - - - -	0	9
Spokes - - - - -	0	1
Felloes - - - - -	0	2
Yokes - - - - -	0	3
Naves - - - - -	0	3
5. On each round disselboom or long-wagon cut there shall be a charge levied of - - - - -	5	0.

SCHEDULE III.

Counterfoil.

Transit Pass.

No. To whom granted.

Nos. of Licences under which cut and names of forests.

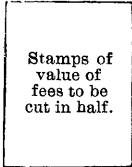
Description and quantity of timber.

Fees paid.

Destination.

Date.

Signature of Officer.



No. Permission is hereby given to remove the below-mentioned quantity and description of timber felled and sawn under Licences Nos. in the Forest (or reserve). Fees amounting to £ s. d. have been paid this date on account of such timber, which is intended for removal to the district of

Description and quantity.

Forest Officer.

Date.

GOVERNMENT NOTICE No. 26, 1881.

The following Departmental Instructions issued in connection with Rule I., Government Notice No. 5, of 1881, are hereby published for general information.

By command of His Excellency.

C. E. STEELE,
Finance and Revenue Commissioner.

Pretoria, 4th March, 1881.

DEPARTMENTAL INSTRUCTIONS FOR THE GUIDANCE OF FOREST OFFICERS.

1. The forest areas should be divided into sections suitable for future allotments to working parties. Working Lots.

2. The size of the sections must necessarily vary in extent; they should, however, be made as small as practicable. In all probability it will be found that blocks having a bottom width of 530 yards, or thereabouts, will be the most convenient. Size.

Each section must be numbered and registered. They should be demarcated by stumps (natural or otherwise) placed at short intervals. The number of the sections should be shown, and arrows pointing out the direction of the boundaries painted or carved on the stumps.

3. To every section should be given a separate folio, in a register to be kept as a perfect record of the extent to which each section is worked.

4. On application being made for permission to fell timber in the forests, a licence will be granted on payment of the prescribed fee. The fee shall be levied in stamps, which are to be affixed in such a manner that on separating the licence from the counterfoil a moiety of the stamps may remain affixed to the licence.

Licences.

5. The period for which the licence is to remain in force, together with the serial number of such licence, should be given in the register referred to in par. 3. Any renewal of licence for continued working in the section should also be noted.

This register is intended, in fact, as a record of all the information contained in the licence granted from time to time in respect of each section of the forest.

Growth of new timber.

6. As the different sections become cleared of mature timber, they will be closed for a term of years sufficient to allow of the restoration of forest growth. The period for which it is determined that such sections should remain closed will be noted in the register. In no circumstances will licences be granted to fell timber in these reserves.

Precautionary measures.

7. It shall be the special duty of Forest Officers to adopt precautionary measures for the protection of the reserves, *e.g.*, by burning the grass in their immediate vicinity (so as to guard against damage by fires), by rough fencing in such places as serve as a means of access to the sections, &c., &c.

They will further prevent squatting or the establishment of mealie gardens, and take steps for the impounding of cattle found trespassing in these reserves.

Returns.

8. Forest Officers should as soon as possible furnish the Finance and Revenue Commissioners with a statement exhibiting the number of sections into which the forests under their charge have been divided, and the extent to which they are being worked. They will specify those which might be allowed to remain open, and those which should be closed. In the latter case, the period for which the sections should, in their opinion, be reserved, ought to be mentioned.

A revised statement of this nature should be furnished quarterly.

Resident sawyers.

9. The interests of the resident sawyers should be kept in view, as for instance, by recognizing the preferential claims of these men to sections in the immediate vicinity of those in which they may at present be working, or to those which are situated in the neighbourhood of their dwellings.

Register.

10. Forest Officers should keep a register of the sites granted to sawyers, traders, or others, under the provisions of Rules 14 and 15. *Vide* Government Notification 5 of the 17th January, 1881.

The date of such grants being made, and of the payment of the rent due and of the remittance of the amount to the Landdrost of the district, must be duly recorded in such register.

Deposit of fees, &c.

11. The fees to be collected on timber cut or removed from the forests being leviable in stamps, it will be incumbent on Forest

Officers to keep, for the convenience of the public, a stock of stamps for sale.

A premium of $2\frac{1}{2}$ per cent. will be allowed Forest Officers on purchases of stamps made by them in terms of the provisions of Government Notice 197, dated the 17th September, 1880. Conservators' commission.

C. E. STEELE,

Finance and Revenue Commissioner.

Pretoria, 4th March, 1881.

LAW No. 1, 1881—AFTER RETROCESSION^[1]—(VAGRANCY).

(Approved and enacted by Volksraad Resolutions dated 7th October, 1881. Articles 78 and 79).

WHEREAS it is necessary to provide against vagrancy and public violation of good morals, now therefore the Volksraad has deemed fit to provide and enact as it hereby does :

1. Vagrancy is an offence. Vagrancy.
2. Vagrants or rascals are persons who have neither a fixed place of residence nor means of subsistence, and who are not in the habit of carrying on any trade or exercising any calling. Definition.
3. Vagrants or rascals, who shall be lawfully declared to be such, shall be punished by imprisonment for a period not exceeding six months, and with hard labour according to circumstances. Penalty.
4. Persons who shall be declared by a Judgment to be vagrants, shall, if they are aliens, upon order of the Government, be placed across the border. Aliens.
5. All persons who shall be guilty of any public violation of or offence against decency shall be punished by imprisonment for a period not exceeding six months, with hard labour or a fine. Violations of public decency.
6. The provisions of the Criminal procedure concerning the prosecution of crimes shall remain in full force as regards the prosecution of the crimes referred to in this Law. Criminal procedure.
7. This Law shall come into operation immediately in terms of Article 12 of the Grondwet.

THE STATE PRESIDENT,

Represented by the Triumvirate.

On their behalf

S. J. P. KRUGER,

Vice President.

By order, W. EDUARD BOK,

State Secretary.

Government Office,

Pretoria, 22nd October, 1881.

¹ NOTE.—Laws were passed in 1881 by the British and numbered from No. 1 upwards.

The Boers also passed laws in 1881, also numbering them from No. 1 upwards.

Both sets of these laws figure in the Statute Book.

LAW No. 2, 1882.

POUND LAW.

(Confirmed by Resolution of the Volksraad. Article 148, dd. 17th May, 1882.)

WHEREAS it has been deemed necessary to amend the existing Regulations relating to Pounds, it is enacted :—

Repeal.

1. Upon this Law coming into operation, the Pound Regulations approved by the Volksraad resolution dd. 18th June, 1869, Article 239, in so far as they are in conflict with this amendment shall be repealed.

Establishment of Pounds.

2. The State President shall, where and whenever it shall appear to him necessary, or application shall be made by the majority of the inhabitants of any ward or district, authorise the establishment of a Pound, provided always that no person shall be appointed to act as Pound-master for a longer period than two consecutive years, and no Pound shall be allowed to remain for a longer period than two consecutive years in the same spot. Should, however, the majority of the inhabitants of a ward or district desire that a Pound should continue in the same spot and in the hands of the same Pound-master, the Government will act upon such request. Further no Pound shall be established within 18 miles of another Pound.^[1]

The establishment of any Pound as also the name of the Pound-master shall be forthwith notified in the *Staatscourant*.

Pound-masters under old regulations.

3. The Pound-masters now in office shall remain in office for the term of one year after the coming into operation of this Law.

Resigning Pound-master may realise stock in hand on date of resignation.

4. It shall be lawful for the Pound-master upon the day that he resigns office to retain such cattle as shall have been impounded with him, in order that the same may be sold in terms of provisions of this Law.

Impounding of stock.

5. Any stock trespassing on private ground, may be brought to the Pound, with the exception of stock belonging to a traveller and grazing on any outspan recognised by law.

Travellers.

This exception shall not operate should such stock trespass upon, or occasion damage to any garden, cultivated ground, fencing, enclosure, dam, waterfurrow, hay or corn stack.

¹ The second sentence of Article 2 is superseded by Volksraad Resolution dd. 19th May, 1890, Article 145, p. 142. See Law No. 8, 1899.

Travellers shall, however, comply with the requirements of the law, providing rules for travellers, dd. 5th October, 1870, No. 13.[¹]

6. It shall not be lawful to impound or cause to be impounded before 8 o'clock in the morning any stock found during the night, save only in the case of stock which ought to be kept at home or which shall be trespassing in towns, villages, or on town or village property.

7. The Pound-master shall be entitled to demand and claim :— Charges.

(1.) Fines :— Fines.

Donkeys, Mules, Horses, per head	-	-	-	9d.
Horned Cattle	„	„	-	6d.
Sheep or Goats	„	„	-	½d.

(2.) Herding and Tending :— Tending.

Donkeys, Mules, Horses, per diem	-	-	-	3d.
Horned Cattle, per head	-	-	-	3d.
Sheep and Goats „	-	-	-	½d.

But for stock impounded in the afternoon after five and released in the morning before 8 o'clock no charge shall be made for herding and tending.

(3.) Mileage or Drivers' fees :— Mileage.

Per mile	-	-	-	6d.
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But this mileage shall only be brought into account for one person, no mileage shall be charged for any distance over twenty miles ; nor shall any charge be made for the return to his home of the person who has brought the stock to the Pound. If required, the Pound-master shall immediately pay the mileage to the person who delivers the stock to him.

8. Stock which has been impounded may be released by the owner upon payment of the sums named in the previous article, plus the costs of advertisement, if such stock shall already have been advertised for public sale.

The Pound-master shall grant a properly specified receipt and shall produce to the person who releases the stock the receipt for the mileage advanced by him. He shall, however, not charge for more than 42 days' tending.

9. The Pound-master, who shall contravene the provision of the two preceding paragraphs shall upon a first offence be punished by a fine of £10 or one month's imprisonment, and should the offence be repeated he shall in addition lose his appointment as Pound-master. Penalty if Pound-master contravenes Articles 7 & 8.

10. It shall not be lawful to separate stock into separate batches and to send the same to the Pound at different times, with the object of thereby increasing the charges for driving or bringing such stock to the Pound. Splitting up stock into different batches to increase mileage prohibited.

¹ See now Law No. 1, 1893.

Mileage.

11. For stock belonging to more than one person and being sent in one batch to the Pound, the mileage shall be charged only once.

The Pound-master shall charge each separate owner with a portion of such mileage proportionately to the number of animals (so impounded) belonging to him.

Part of stock may be left by owner to pay expenses.

12. Any owner who is not in a position to pay all the expenses, shall leave sufficient stock with the Pound-master to enable him to realise all the expenses therefrom, inclusive of the costs to be incurred in the selling.

Written particulars of trespass.

13. Upon any stock being sent to the Pound, a written statement shall be framed specifying the number of stock, the place where the stock was taken, and the distance.

In the absence of such statement the Pound-master shall not impound any cattle.

The Pound-master shall keep the original statement in safe custody, and shall keep a book in due form, in which he shall enter up all such particulars.

Assessment of damage.

14. Should any damage have been occasioned by the impounded stock, the person injured shall have the right to have such damage assessed by the Field-Cornet or two impartial witnesses.

He shall give the Pound-master notice thereof, and transmit him the valuation.

Upon release of the stock such damage shall be paid together with the expenses of valuation before the Pound-master gives back the cattle. In the event of sale, the damage together with the expenses of assessment shall be paid out of the proceeds after deducting the monies mentioned in Article 7.

Assessor's fee.

15. Ten shillings per diem or 7s. 6d. for half a day, may be charged for the assessment of the damage in addition to travelling expenses according to tariff.

Appeal from assessment.

16. From such assessment after the amount assessed shall first have been paid under protest, an appeal shall lie to the Landdrost of the district or nearest Justice of the Peace, who shall, if the parties so elect, appoint two persons to make a fresh assessment.

Such second assessment shall be made within 72 hours after the first assessment. The party against whom the decision goes, shall pay the expenses.

Release of stock on tender of mileage, &c.

17. If the owner of stock, which has caused damage, offers to pay the damage according to taxation, such offer shall be accepted, and the person who has detained such stock, shall not have the right to claim the mileage, if such stock shall not already have been sent to the Pound.

Should such cattle already be on the way to the Pound, and should the owner tender payment of the mileage in proportion to the distance already proceeded, such stock shall be handed over to the owner.

Any person who shall refuse to accept the mileage tendered, and shall none the less send the stock to the Pound, shall be liable to indemnify the owner to the extent of at least four times the amount of the mileage.

18. The Pound-master shall receive the cattle sent to the Pound, and shall grant a receipt in respect thereof according to an established form. Pound-master receives cattle.

19. He shall take proper care of the stock impounded. He shall send the same out grazing daily from 8 o'clock in the morning to 5 o'clock in the afternoon. He may not use or cause the stock to be used. And carefully looks after the same.

Upon contravention hereof he may be fined, for each offence from £5 to £10, over and above compensation to the owner for damage occasioned by him or through the negligence of his subordinates to the impounded cattle. He shall be responsible for any stock which may be lost by reason of his negligence or that of his subordinates.

20. The Pound-master shall provide for the erection and maintenance of a Pound kraal, strong, secure and large enough to contain and safely keep the stock. Pound Kraal.

21. He shall see that in his absence some one is there to act in his stead, and for whose conduct he shall be responsible. Pound-master's substitute.

22. No Pound-master may impound stock which strays on to the farm or place where the Pound is, nor may he allow the same to be there impounded, but shall send the same to the nearest Pound. Pound-master may not himself impound cattle in his Pound.

23. Every Pound-master shall furnish security to an amount of £150. Security.

He shall be entitled to 33 $\frac{1}{3}$ per cent. of the total proceeds of the sale of the cattle, after deduction of all costs.

24. The Pound-master shall keep proper books, according to the generally prescribed form. He shall note therein a true and accurate description of all the cattle sent to his Pound, the names of the senders, the date of sending, the names of the persons releasing stock and the date of release, as also what has become of the stock which has not been released; and further, all such particulars as may be prescribed for him. Books.

He shall at all times be obliged, upon order of the Landdrost or upon request of parties concerned, to produce such books for inspection.

Rescue.

25. It shall not be lawful to take stock away from the persons in charge thereof whilst the same are being lawfully brought to the pound; or to remove stock from the pound or from the pound grazing grounds without the leave or consent of the Pound-master. Every contravention shall be punished by a fine not exceeding £10, or imprisonment from one to three months.

Sale.

26. If the stock shall have been 42 days in the pound, without being claimed, the Pound-master shall sell the same by public auction.

He shall, before the sale, brand such stock with his mark, the letters whereof, which shall be different for each separate pound, shall be approved of by the State President.

Fourteen days before the sale he shall advertise the same, describing the stock accurately in the *Staatscourant*.

Deposit of proceeds of sale.

27. On the first day of the month next after the sale the amount realized by the sale shall, after deduction of all expenses, be handed over by the Pound-master to the Landdrost of his district.

An account thereof shall be rendered in the usual form, accompanied by the declaration of the auctioneers, and certificates properly signed by the purchasers.

Auctioneer's licence not required.

28. The Pound-master need not as such take out any auctioneer's licence nor need he pay the usual auction dues.

Sales on a Wednesday or Saturday.

29. The sales shall be held regularly in each week on either a Wednesday or a Saturday at 1 o'clock in the afternoon. The sale shall be for cash, with five shillings for the auctioneer's fee.

How stock is sold.

30. The stock shall be sold per head, save in the case of sheep and goats, which may be sold together in batches of ten.

Pound-master may not himself be a purchaser.

31. It shall not be lawful for the Pound-master, either directly or indirectly, to buy in any of the stock sold.

Deposit of proceeds.

32. The money paid into the Landdrost by the Pound-master shall be deposited in the public Treasury. It shall be paid out to the owner if he shall within twelve months, after the day of payment, make application for the same.

Illegal impounding.

33. Any person, who shall illegally send or bring stock to the Pound, shall make good to the owner all damage and costs arising from such dealings, and shall repay twice the amount of the fines claimed for the impounding of the cattle, and in default thereof he shall be punished by imprisonment for a period of three months.

Diseased cattle.

34. The Pound-master shall be obliged to keep cattle suffering from any infectious disease in a separate kraal or place.

He shall be obliged without delay to ask the Landdrost or Field-Cornet for special orders with reference to such stock.

The Landdrost or the Field-Cornet, after due inspection of the stock by three experts, may give such order, either for the immediate destruction or immediate sale, or otherwise, of such stock as to them shall appear necessary in order to safeguard the public.

The same rule shall apply to stock which suffer from some defect which makes the Pound-master doubt the advisability of keeping such stock.

35. No one who brings stock to the Pound may ride or use it, nor may he drive the same unduly hard upon penalty of a fine as hereinafter specified, over and above the obligation to make good the damage thereby occasioned to the owner. Cattle brought to Pound may not be ridden, &c.

36. Each person shall be obliged to bring the cattle to the nearest Pound. Nearest Pound.

37. Any person who permits strange stock to run on his farm, leaves the same there at the risk of the owner, but shall not be entitled to claim any compensation from the owner. Stray stock.

Any person who detains strange stock may not keep the same on his farm for a longer period than 24 hours; upon expiry of the 24 hours he shall be obliged to bring such stock to the nearest Pound, provided always that in the course of such 24 hours he shall allow such stock free grazing for at least from nine in the morning to 5 o'clock in the afternoon. Time within which stray stock must be impounded.

No person may use or cause strange stock to be used or in any way illtreat the same upon pain of a fine of not exceeding £10, or imprisonment for a period not exceeding three months over and above compensation for the damage occasioned to the owner.

38. No person shall have the right to sell, or cause to be sold, strange stock running upon his farm upon pain of a fine of £15, over and above compensation for the damage occasioned to the owner. Illegal sale of strange stock.

39. Pigs or poultry doing damage in gardens, cultivated lands, dams, waterfurrows, grain or hay, may be killed by the owner of the damaged property on and in the aforesaid places. Pigs and poultry.

40. Every contravention of any provision of this Law, for which no special penalty is provided, shall be punished by a fine not exceeding £5 or by imprisonment for a period not less than one and not exceeding three months, according to the nature of the case. General penalties.

41. The Court of Landdrost shall have jurisdiction in all proceedings under this Law. Jurisdiction.

42. All provisions and laws in conflict with this Law are hereby repealed. Repeal.

43. This Law shall come into operation three months after the date of publication.

The State President, represented

By the Triumvirate,

On behalf of the latter,

(Sgd.) S. J. P. KRUGER,

Vice President.

By order, W. EDUARD BOK,

State Secretary,

Government Office,

Pretoria, 1st June, 1882.

VOLKSRAAD RESOLUTION, Art. 255, 31st May, 1882.

WARM BATHS AT WITRIVER DECLARED PUBLIC.

VOLKSRAAD RESOLUTION, dated 7 and 8 July, 1882.

743. (*a.*) Volksraad Resolution, Article 118, of 24th May, 1875, shall read as follows:—

“On all farms surveyed by land surveyors, and of a greater extent than one hour this way or that, or 3,750 morgen, a tax of 2/6 shall be paid for every 100 morgen or portion thereof over the 3,750 morgen.”

LAW No. 10, 1883.

LAW ON GUNPOWDER AND EXPLOSIVES FACTORIES.

(Approved and enacted by resolution of the Volksraad, Art. 932, dd. 26th July, 1883.)

WHEREAS it is necessary to make provision for the proper management and control of factories in which powder and other explosives are manufactured, and for the protection and safety of the persons working in or connected with such factory, it is hereby enacted:—

Interpretation
of terms.

Interpretation Clause—

“Dangerous House” shall signify

(*a.*) Every building in which explosives, or the constituents thereof, are made, worked, stored or packed, and all powder magazines.

(*b.*) Any office immediately adjoining any of the above-mentioned buildings.

(*c.*) Any office which shall be less than fifty yards removed from any of the above-mentioned buildings.

Lucifers, &c.

“Lucifers and matches” shall signify and include all and every sort of matches or lucifers, whether “phosphorescent” or “safety,” as also all objects with which a fire can be lighted.

- “Lights” shall signify all such means of lighting as shall not be approved of by the committee of management as being reliable means of safety lighting. Lights.
- “Explosives” shall signify:— Explosives.
- (a.) Gunpowder, ammunition, nitric acid compounds, nitric acid powders, chlorate compounds, and all other sorts of explosives.
- (b.) Charcoal, ground or otherwise, oiled cotton, oiled hemp and oiled waste and every article liable to self-ignition.
- “Employee” shall signify each and every person working in or connected with the factory. Employee.
- “Stranger” shall signify any person who is not employed in or by the factory. Stranger.
- “Factory” shall signify all the premises, buildings, &c., within its beacons (*sic*). Factory.

In pursuance of the provisions, referred to and to be more fully described in this Law relating to the manufacture of powder and other explosives, herein to be referred to as “this Law,” it has pleased the State President by virtue of and in accordance with the advice of the Executive Council to enact and provide with regard to the manufacture of powder and other explosives, in the factories for which the Government has granted a concession, and for the protection and safety of all persons employed in or connected with such factories, as follows:—

CHAPTER I.

Strangers.

1. Any person or stranger, who shall cross the boundaries of the factory premises, without a written permit from one or more of the directors, or the oral consent of the manager of the factory, shall be punished by a fine not exceeding £100 or by imprisonment, with or without hard labour, for a period not exceeding two years, and in addition thereto, every such person or stranger, who shall refuse or neglect to leave the factory when requested so to do, may be ejected or arrested. Intruders.
2. Every stranger, who enters the factory whether with or without leave, having with him a weapon or implement of steel or iron, explosives, lucifers or matches, shall be liable to the same penalties as are set out in Art. 1. Iron implements, &c.
3. Every permit granted to strangers, to visit the factory, shall contain a clause which shall provide, that they are to allow themselves to be searched, in order to see if they have explosives, lucifers or matches, liquor, &c., with them, before they shall be permitted to approach within fifty yards of a “Dangerous House.” Search of visitors.
4. No stranger in a state of intoxication shall have access to the factory, and any person found within the bounds of the factory premises in an intoxicated condition, shall be immediately arrested and punished as an intruder (by fine or imprisonment) as is set out in Art. 1. Intoxicated strangers.

CHAPTER II.

Copy of law
posted in
factory.

1. A copy of this Law and of the special provisions (should there be any) framed for the factory, and a copy of such portions of ordinances or laws, as may relate to such factories, shall at all times be present in the factory at a place, where each person can easily inspect the same; and no employee shall have any recourse in law, in consequence or by virtue of any contract or agreement entered into by him with the factory, before he shall have declared in writing that he will obey and strictly regard all the provisions and regulations in this law contained, and all the special regulations framed for the factory in which he shall be working.

Employees
and lights, &c.

2. No employee shall or may bring or light any fire or light in any portion or building of the factory or within a distance of fifty yards from any "Dangerous House," save only in so far as the purposes and work of the factory may necessitate, and such necessary lighting shall not be introduced otherwise than strictly in accordance with this Law. and with a due observance of such instructions as shall be given by the manager of the factory, upon pain of punishment as provided in Art. 1 of this Law and immediate dismissal.

Smoking, &c.

3. No employee shall be allowed to smoke in any portion of the factory whatsoever, save only in the places and rooms appointed by the Committee of management for that purpose, nor shall any fire, light, matches, or lucifers or any other article which could occasion a fire or explosion be brought or lighted within any portion of the factory, upon pain of punishment as provided in Art. 1 of this Law.

Intoxicated
employee.

4. No employee in an intoxicated condition shall be permitted to enter the factory, or if he shall already be inside a factory, to remain there; and no employee shall be permitted to bring any spirituous or other liquors into the factory, upon pain of punishment as provided in Art. 1.

Search of
strangers.

5. Any person, without distinction, approaching a powder factory to within a distance of fifty yards from any "Dangerous house" shall be obliged to submit himself without any opposition to a search for explosives, lucifers or matches, spirituous liquors, &c., of whatsoever kind. And any such person refusing to submit to such search shall be liable to the penalties provided by Art. 1 of this Law.

Use of liquor
by employees.

6. The directors shall, from time to time, in the administrative regulations for such factories, prescribe what quantity of liquor shall be deemed necessary for the employees, and in all cases shall appoint and determine in what rooms and offices such drinks shall be stored and consumed.

This Law shall be styled the "Law on Gunpowder and Explosives Factories," 1883.

This Law shall come into operation immediately, in terms of the provisions of Arts. 72 and 77 of the Standing Orders.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Offices, Pretoria, S. A. R.
12th September, 1883.

LAW No. 3, 1884.

TELEGRAPH SERVICE.

(Approved and enacted by Resolution of the Volksraad, Art. 1214, dated 5th November, 1884.)

CHAPTER 1.

Regulations for the Telegraph Service.

1. The Government of the South African Republic shall, subject to the instructions of the Volksraad, have the exclusive right to erect telegraph lines within the boundaries of this Republic and no one else shall be permitted so to do, unless thereto authorised by the Government.

Telegraphs may only be erected by Government or by Government sanction.

The different officials required for the proper control and working of the Telegraph shall be appointed by the Government.

2. The Government shall determine in which places State telegraph offices shall be established.

Offices.

3. Officials of the telegraph department or employed in the telegraph offices, shall not impart any information concerning telegrams to other than the proper persons. This prohibition shall be mentioned in their oath of office, without prejudice to any penalties provided by law.

Secretary.

They shall further neither directly nor indirectly nor otherwise than officially, furnish items of news to newspapers, or have any relationship with the editing of such newspapers.

4. Access to the operating rooms shall be allowed only to persons belonging to the telegraph service, and to persons provided with a special permit from the State Secretary, or whose admission is permitted by a general authorisation granted by the Government.

Access to operating rooms.

5. The office hours shall from time be fixed by the Government according to the circumstances.

Office hours

6. In places where a telegraph office has been established, telegrams shall be accepted only at that office. From other places telegrams may be sent by means of a registered letter transmitted by post to the director of the nearest telegraph office, and in which the amount payable for the transmission of such telegram shall be enclosed.

Telegraph office.

Classification
of telegrams.

7. Telegrams shall be divided into (a) Government, (b) Service, and (c) Special telegrams.

- (a) Government telegrams are such as are sent by the Government; such telegrams shall be signed by the head of the department.
- (b) Service telegrams are such as relate exclusively to the telegraphic service.
- (c) Special telegrams may be sent by any private person upon payment of the fixed tariff.

The sender of a special telegram may be required to establish the validity of the signature to a telegram; if he neglects to do so, the transmission of the telegram may be refused.

Government
telegrams.

8. Government telegrams shall be transmitted by the telegraph officials without enquiry as to the contents.

Languages.

9. The telegrams may be drawn in any language, the letters of the alphabet whereof are capable of being transmitted by the prescribed notation (Morse's code).

The use of the Dutch, French, German or English is, however, recommended in preference to that of other languages.

Incoherent
wires.

10. Telegrams of which the contents have no coherent meaning, shall be deemed to be written in code. For such wires twice as much shall be paid as for ordinary telegrams.

It shall be lawful for telegraphists to require the production of the key to code writing in private telegrams.

Clear writing.

11. Every telegram to be transmitted shall be clearly written in letters and characters, which are capable of being transmitted by telegraph; erasures, amendments, deletions, or corrections shall be allowed only if properly authenticated.

Telegrams for
places off the
line.

12. A telegram received at the terminus telegraph office, for any place away from the line, shall be transmitted by the first post as a service letter to the person to whom it is directed.

What
telegrams may
be refused.

13. The transmission of special telegrams shall be refused if the contents thereof shall be deemed to be in conflict with the Laws of the Land, public order, or the safety of the State, and in conflict with public morality.

In the service within this State, notice of each refusal shall be forthwith given by telegraph to the head of the department, transmitting him the full text of the telegram tendered, and such head of department shall then decide between the telegraph officials and the parties interested.

From the decision of the head of the department, an appeal shall lie to the Government. The contents of the telegram, whether refused or transmitted upon decision of the higher official, may be communicated only to the official whose authority is called in.

The cost of a telegram which is stopped shall be refunded to the transmitter.

14. The due agreement (*sic*)[¹] of the telegram in general or within a time fixed will not be guaranteed.

15. All Government and Service telegrams shall be transmitted free of charge, and all other messages shall be paid for according to tariff, whether they be sent during or out of office hours. Government and service wires.

16. The Government shall from time to time fix the amount to be charged for the transmission of inland telegrams; for foreign telegrams the charge shall be regulated by the Conventions or Agreements concluded with the respective states or countries. Tariff.

17. At every office the tariffs shall be open to public inspection.

18. Any transmitter of a telegram may prepay the answer that he requests his correspondent to send, specifying the number of words for which he prepays. Reply prepaid.

19. The sender of a telegram may claim that the time of delivery to his correspondent shall be communicated to him by wire. For such communication he shall pay the price of a telegram of ten words. Notification of delivery.

20. The payment for all special telegrams shall be made at the office of transmission in postage stamps, which shall be cancelled by the official before transmission. Unless this is done the telegram shall not be transmitted. How payment made.

21. Where an office, by reason of interruption of communications, shall not be in connection, the telegram shall be sent to the nearest office which is in connection, and from thence be sent on by the first post; should such interruption be known to the official in such office at the time of transmission, he shall be obliged to notify the transmitter thereof. Interrupted communications.

22. Receipts for charges paid, shall be furnished upon payment of sixpence for each receipt, which amount shall be paid by the transmitter in stamps, which shall thereupon be duly cancelled by the Telegraph Official. Receipts.

23. Should it subsequently appear that the transmitter of a telegram has been charged too little for the cost of transmission, he shall be obliged to pay up the deficit. Under-charges.

24. The transmitter may within 72 hours after transmission and the recipient within the same time after receipt of a telegram require a correction of any expressions which are unintelligible to him. The question and the answer relating to the correctness of unintelligible expressions shall in transmission be considered and dealt with as being service telegrams; should it thereon appear that the fault is that of the transmitter, payment shall be made for the transmission again just as if for a "special" telegram. Corrections.

25. Certified copies of telegrams handed in for transmission or received, shall be furnished to the transmitter or recipient upon application made by him, provided that the exact time of transmission or receipt be stated when application is made, and that the telegram be yet in hand. The price of a copy shall be one shilling for every hundred words or portion thereof. Certified copies.

¹ Probably "aankomst" = arrival, was intended instead of "overeenkomst" = agreement.

The copies so provided shall be provided by the applicant with stamps for the full amount due in respect thereof, and these stamps shall be cancelled by the official who furnishes the copy.

Tapes, &c.

26. The tapes (Green Morse) as well as the minutes and copies of inland telegrams shall be kept at least twelve months, and those of telegrams exchanged with places outside the limits of this State shall be kept at least three years after the date of handing in or receipt, with all necessary precautions for preserving secrecy. After expiry of this term they may be destroyed.^[1]

CHAPTER II.

Chief.

27. A Chief or Head shall be appointed to the Telegraph department by the Government, whose title shall be "Chief Director of the Telegraph Service."

This official shall be charged with the supervision of everything relating to the said department, and all telegraph officials shall be accountable and obedient to him. He shall at all times have access to the various offices, inspection of the books, papers, minutes, tapes, &c., &c., and shall yearly, or as often as the Government may desire, submit a proper departmental report to the Government.

The Landdrosts may be appointed ex-officio as the representatives of the chief Director in order to duly supervise the proper discharge of duty by subordinate telegraph officials.

Director of telegraph offices.

28. A Director shall be appointed by the Government to every telegraph office.

His duty shall be telegraphing; keeping the records relating to the responsible administration; accounting for the receipts; and further attending to everything relating to the good management of the departmental work. The remaining officials of the office shall be under his immediate command.

Records.

29. Various records shall be kept at the Telegraph Office, such as:—

- (a.) The sheets of transmitted messages and prepaid answers.
- (b.) Sheets of messages received and those which have been passed on, as also all prepaid answers.
- (c.) Daybook.
- (d.) Cashbook, and such further statements as the Head of the Department, with the approval of the Government, may at any time order to be made out, and which shall be sent in to the Head of the Department either weekly or monthly as the requirements of good administration may necessitate.

30. This Law shall come into operation immediately after publication in the *Staatscourant*, in terms of the provisions of the last portion of Art. 77 of the "Standing Orders."

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Offices,
Pretoria, 10th November, 1884.

¹ See L. 22, 1896.

FORESTS.

EXECUTIVE COUNCIL RESOLUTION, Art. 105, dated April, 1884.

Resolved:—That Schedule II. of the Regulations framed in terms of the provisions of Section 11 of Law No. 15, 1880, published in the Transvaal in the “Transvaal Government Gazette” dated 1 February, 1881, No. 240, shall henceforth read as recommended by the Acting State Attorney: That this revised Schedule shall be published for general information and that Law No. 15, 1880, and the above-mentioned Regulations shall for the rest remain unaltered until such time as further provision shall be made with reference to the leasing or otherwise of forests.

Tax on the hewing of forest wood.

SCHEDULE II.

1. For every yellow wood plank of 12 inches by 1 inch by 20 feet, a tax of	3d.
2. For every beam, spar or other sort of softwood, per plank as above	3d.
3. For every plank, beam or other length of hardwood, exclusive of the items herein below referred to, per 20 feet	6d.
4. For every piece of the following kinds of wagon wood, namely:—	
Schamel (turning board)	6d.
Voor tangen (front pole socket)	1/-
Achter tangen (back „ „)	6d.
Wagon or cart poles	9d.
Long Wagons	9d.
Spokes	1d.
Felloes	2d.
Yokes	3d.
Naves	3d.
5. For every round wagon or cart pole or “long wagon” pole hewed there, a tax shall be levied of	5/-

LAW No. 1, 1885.

FOR THE REGULATION OF AUCTION SALES.

(Approved and enacted by Resolution of the Volksraad, Art. 80, dated May 9th, 1885.)

WHEREAS it is desirable to make provision for the better levying of a tax on auction sales within the South African Republic, and for the issue of licences to persons as auctioneers: it is hereby enacted as follows:—

1. This Law may for all purposes be cited as the “Law on Title. Auction Sales, 1885.”

2. From and after the date of the coming into operation of this Law it shall be lawful for any person complying with the regulations hereinafter mentioned to exercise the calling or carry on the business of an auctioneer, if he takes out a licence such as is mentioned and provided for in Law No. 2, 1871. Such licence Auctioneer’s licence.

shall contain the true name and the place of residence of the person taking out such licence, and if any person shall exercise the said calling or carry on the said business of auctioneer without having a valid licence at the time that he shall exercise such calling or carry on such business, or shall sell by auction as aforesaid, he shall, for every such offence, be liable to a fine not exceeding one hundred pounds sterling, to be inflicted by any competent Court, half of which shall be paid to the informant and the other half of which shall be paid into the Public Treasury of this Republic.

Sale of
Government
movable
property.

3. Nothing in this Law contained shall be taken to prevent the Government from appointing and employing any person to sell any Government movable property by public auction without its being necessary for him to take out an auctioneer's licence for the purpose or to account for the tax provided by Art. 8.

Master and
High Sheriff
do not require
licences.

4. Neither the Master of the High Court nor the High Sheriff shall be bound to take out auctioneers' licences for themselves or for the persons authorised by them to hold auction sales in the exercise of their official duties, but shall account for the ordinary percentage as provided in this Law.

Messengers of
the Court.

5. The Messengers of the Court shall not be bound, when they hold public auctions in the exercise of their official duties, to take out licences for the purpose, but shall account for the ordinary percentage as provided in this Law.

Market-
masters.

6. No Market-master shall be bound to take out an auctioneer's licence or to account for the tax provided by this Law for any sale held by him of the ordinary produce which may, under any market regulations, be sold on the market.

Bazaars.

7. All *bonâ fide* sales at bazaars for the benefit of church, school, mission or general public purposes may be held by the supporters of the cause proposed to be benefited without the ordinary auction licence and free from the percentage on the auction levied by the Government.

2½ per cent. on
movables and
1 per cent. on
immovables

8. From and after the coming into operation of this Law, a tax of 2½ pounds sterling shall be levied on every hundred pounds sterling of the purchase price of all movable property sold by auction within this Republic, and a tax of 1 pound sterling on every hundred pounds of the purchase price of all immovable property sold by auction within this Republic, save in the case of the exemption mentioned in Artt. 3, 6 and 7, and these taxes of 2½ per cent. on movable, and 1 per cent. on immovable property shall be accounted for to the Government by the auctioneer: provided always that the charges levied, imposed and recovered on the purchase price of any property, movable or immovable, sold by public auction in the estate of any deceased person, shall not exceed a tax of 1 pound sterling for every hundred pounds sterling of any such purchase price.

9. No auctioneer's licence, as mentioned in Art. 2 of this Law, shall be granted unless the person applying for such licence shall have first passed a surety bond before a Landdrost for the sum of £1,000 for himself and shall have obtained two sufficient sureties, inhabitants of this State and possessors of fixed property equal in value to the amount of such surety bond, each in the sum of £500, and such surety bond shall be as nearly as possible in the form annexed marked "A." Security.

10. The auctioneer shall be bound to forward a report every month to the Landdrost of the district in which he carries on his business with regard to all auction sales held by him, written in ink, and if necessary certify the correctness of the same on oath, and pay into the treasury the taxes due to the Government. [1] Report.
Taxes to be paid.

11. No auctioneer shall be entitled to sell any wine, distilled or fermented liquor, for which a liquor licence is required by Law, and if he does so he shall be guilty of selling such liquor without licence and shall be liable to the fines provided by Law therefor, except in cases where estates are being realised. Auctioneer may not sell liquor.

12. The State attorney or any other qualified official shall be entitled to indict and prosecute for any contravention of this Law or of the conditions of the surety bond required by Art. 9. State attorney may prosecute.

13. All Laws, regulations and Volksraad resolutions in conflict or incompatible with the provisions of this Law shall be and are hereby repealed. Repeal.

14. This Law shall come into operation immediately after publication in the *Staatscourant*. Operation.

FORM "A."

On this _____ day of _____
 18 _____ appeared before me, N. N., Landdrost of the district of _____
 in the South African Republic, A.B., _____
 and C. D. and E. F. residing _____
 at _____ who declared themselves to be
 indebted to the public treasury of the South African Republic, the
 said A. B. in the sum of one thousand pounds sterling, and the said
 C. D. and E. F. each in the sum of five hundred pounds sterling,
 recoverable from them in Law, on this condition, to wit, that if the
 said A. B. shall take out a licence to carry on the business of an
 auctioneer, and shall render an honest and accurate account of all
 sales to be held by him as such, as provided by Law, and shall
 promptly pay the auctioneer's dues to the public treasury of this
 State and shall file the accounts and declarations required for such
 purpose, then and in such case this surety bond or undertaking
 shall be of no force or effect; but if the said A. B. shall neglect to
 do any one of such aforementioned things, then this surety bond
 or undertaking shall be of full force and effect against the said

¹ See F.V.R.R. 16-5-1893, Art. 112 on p. 190.

A. B., C. D., and E. F., and they shall be bound to pay the sums as abovementioned.

Thus done at _____ on the date aforementioned.

(Signed) A. B.

” C. D.

” E. F.

Before me

Landdrost.

(Signed G. M. }
” I, K. } *Witnesses.*

Given at Pretoria, S. A. Republic, on the 20th day of May, 1885.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

LAW No. 2, 1885.

INSTRUCTIONS FOR FIELD-CORNETS AND ASSISTANT FIELD-CORNETS.

(Approved and enacted by Resolution of the Volksraad, Art. 212, dated May 26th, 1885.)

Field-Cornet
and Assistant
Field-Cornet.

1. In every ward a Field-Cornet, and in every ward in which there are more than 200 burgher inhabitants, if necessary also an Assistant Field-Cornet, shall be elected by majority of votes by the enfranchised burghers of their divisions in accordance with the Franchise Law.

Appointed for
three years.

2. They shall be appointed for a period of three years, and shall on retirement be eligible for re-election. As soon as the Field-Cornet, in consequence of absence from his ward or illness or other circumstances, is or shall not be able to perform the duties of his office, he shall give written notice thereof to the Landdrost and to the Assistant Field-Cornet of such ward, and such Assistant Field-Cornet shall thereupon take upon himself the performance of all the duties of the Field-Cornet until such time as the latter shall have returned to the ward or shall have again assumed the duties of his office.

Where there
is no
Assistant.

In wards where there is no Assistant the Field-Cornet shall appoint some one to take his place during his absence, and shall give notice thereof to the Landdrost.

Account.

3. The Assistant Field-Cornet shall render an account of all his dealings during his administration, in the same manner as the Field-Cornet, according to Law.

Assistance.

The Field-Cornet and Assistant Field-Cornet shall be equally liable and bound to render assistance in the event of their being

called upon by the burghers. The Assistant Field-Cornet shall, however, remain responsible to the Field-Cornet.

4. The Field-Cornets and Assistant Field-Cornets shall see to the maintenance of the peace and good order in their respective divisions, and shall not allow the same to be disturbed by any of the inhabitants.

Peace and good order.

5. All Laws, Placaats, Ordinances and other provisions promulgated by or at the instance of the authorities, shall be made known by the Field-Cornets to the inhabitants by calling together the inhabitants in their respective wards, and care shall, moreover, be taken by the Field-Cornets and Assistant Field-Cornets that they are strictly complied with. The Field-Cornet and Assistant Field-Cornet shall, by example and exhortation, endeavour to secure the observance of the same, and shall immediately give notice of any contravention to the Public Prosecutor or to the Landdrost.

Making known of Laws.

6. Besides the general Laws, Proclamations, Ordinances and other provisions of the State the Field-Cornets and Assistant Field-Cornets shall comply with the orders of the Landdrosts in so far as they, in accordance with the provision of the Laws relating to the judicial and administrative power, are affected thereby.

Subject to orders of Landdrosts.

7. The Field-Cornets and Assistant Field-Cornets shall furthermore be bound to obey all judicial decrees and the orders of the Courts of Justice of this Republic.

Must obey orders of Courts.

8. All Field-Cornets or Assistant Field-Cornets shall keep an accurate list of all new inhabitants who come into their wards, and of all people removing from their farms or houses and going elsewhere.

Lists of inhabitants.

9. Every inhabitant who leaves his ward with the object of taking up his abode elsewhere shall be bound to give 15 days' previous written notice thereof to the Field-Cornet or Assistant Field-Cornet whose ward he leaves, and to report himself within 15 days to the Field-Cornet or Assistant Field-Cornet in whose ward he settles, under penalty of a fine of £1. 10s. to be forfeited in favour of the public treasury.

Notice of removal.

Immigrants who take up their residence here shall be bound to report themselves to the Field-Cornet or the Assistant Field-Cornet of the ward within 15 days of their arrival in such ward. Persons neglecting to comply with this provision shall be fined a sum not exceeding £1. 10s.

Immigrants to report themselves.

10. Field-Cornets or Assistant Field-Cornets shall keep a list of persons liable to serve in their ward in order that it may be seen therefrom who, according to the provisions of the Law on military service, are liable to be called up.

List of persons liable to military service.

11. Field-Cornets shall, every three months, send to the Landdrost of their district a report of the work connected with

Report to Landdrost

and to
commandant.

their department in accordance with their instructions and the laws of the land. They shall every year send a report to the commandant and also to the Landdrost of their district concerning the youths of 16 years of age registered in their books, and also concerning military matters.

Fine. **12.** In the event of non-compliance with the last mentioned provision they shall be punished with a fine not exceeding £3.

Inquest by
Field-Cornet
or Assistant
Field-Cornet
before corpse
is buried.

13. If any person should lose his life, either by his own act, or through violence on the part of others, or by accident, the corpse shall not be buried before the Field-Cornet or Assistant Field-Cornet of the ward shall have duly held an inquest, and shall have given the necessary permission to do so, under penalty of a fine or imprisonment, as the judge shall order and direct.

Field-Cornet
shall report
commission of
crime to
Landdrost or
Public
Prosecutor.

14. So soon as the Field-Cornet or Assistant Field-Cornet shall have received information that any crime has been committed in his division, he shall forthwith forward a written report thereof to the Landdrost or Public Prosecutor, and shall in the meanwhile endeavour, with all due circumspection, to gain further information regarding the circumstances of the crime.

In case of
murder or
other crimes
Field-Cornet
or Assistant
shall hold
local
examination.

15. In case of murder, housebreaking or other crimes, clues to which remain, the Field-Cornet or Assistant Field-Cornet shall immediately proceed to the scene of the crime, in company with two witnesses called in by him, for the purpose of making a careful inspection, and he shall note down all particulars which he may be able to discover, and shall at the same time endeavour to find out what persons may be able to give evidence regarding the crime. He shall bring all circumstances forthwith to the notice of the Landdrost or Public Prosecutor.

Duty of
Field-Cornet
or Assistant
Field-Cornet
at inquest.

16. At an inquest the Field-Cornet or Assistant Field-Cornet shall endeavour to ascertain whether the death has been caused by external violence, and if so, what indications thereof can be discovered about the body, the nature of the instruments by which the marks have been caused, how long after receiving the wounds the deceased lived, and whether anything can be noticed in the vicinity of the place where the crime was committed which may be considered to be in any way connected therewith.

Field-Cornet
may examine
wounded
person.

The Field-
Cornet shall,
if possible,
call in medical
help, which
must be
rendered for
reasonable
remuneration.

17. If the wounded person is still living at the time of the examination the Field-Cornet or Assistant Field-Cornet shall not only examine the nature and cause of the wounds, but shall also endeavour to learn from the wounded person the circumstances of the case, and the identity of the guilty party. At the examination referred to in this and in the previous article the Field-Cornet or Assistant Field-Cornet shall call in medical assistance, if a medical practitioner is to be found in the neighbourhood, who shall in such case be obliged, for reasonable remuneration, to render such assistance without objection, on penalty of a fine to be imposed by the Landdrost of the district according to circumstances.

18. Every Field-Cornet or Assistant Field-Cornet shall have the power to examine the person suspected of the crime, but he shall be obliged to warn him beforehand that everything deposed by him will be used against him in Court.

Jurisdiction of Field-Cornet or Assistant Field-Cornet.

19. In case of housebreaking or other similar crimes, the Field-Cornet or Assistant Field-Cornet shall make a careful search for all visible signs of violence, and endeavour to ascertain by what instrument the same was committed; if the violence has been accompanied by theft, careful attention shall also be paid to this circumstance, and inquiry shall be made in regard thereto. In any other case not provided for, action shall be taken in the spirit of the provisions hereinabove set forth.

House-breaking, &c.

20. The Field-Cornet or Assistant Field-Cornet shall take minutes of all such inquests or examinations, in which he shall record everything that has come under his notice, in the clearest possible manner. Such minutes shall be signed by the Field-Cornet or Assistant Field-Cornet and both the witnesses who have assisted him, and shall be forwarded forthwith to the Landdrost or Public Prosecutor to be used as minutes of the inquest at the trial of the case in Court.

Field-Cornet or Assistant Field-Cornet obliged to keep minutes of inquests, &c., and to forward same signed to Landdrost or Public Prosecutor.

21. It shall not be lawful for the Field-Cornet or Assistant Field-Cornet to arrest anyone without a warrant unless he catches him *flagrante delicto*, or unless a person who has committed a crime reports himself to him, or unless he has reasonable grounds for believing that in the event of his failing to do so, the criminal would escape from justice. The Field-Cornet or Assistant Field-Cornet who has arrested any person shall immediately send him to the nearest prison in his district.

Warrant required for arrest.

22. With regard to vagabonds, &c., the Field-Cornet or Assistant Field-Cornet shall strictly observe the Law passed by the Volksraad on Vagrancy, Art. 78, dated October 7th, 1881. The Field-Cornet or Assistant Field-Cornet who neglects to comply therewith shall be punished with a fine of from 15s. to £2. 10s.

Vagrancy Law.

23. The Field-Cornet or Assistant Field-Cornet shall send the prisoner under proper escort to the nearest Field-Cornet or Assistant Field-Cornet living on the road, who shall be bound to take over such prisoner and send him on in the same way, and so on until the prisoner shall arrive at his destination.

How prisoner sent to gaol.

24. The Field-Cornets shall, moreover, give notice to the Landdrost or Public Prosecutor of the respective districts of all unusual occurrences not provided for in their instructions, and as provision cannot be made for every possible occurrence, it shall be left to the discretion of each Field-Cornet or Assistant Field-Cornet, when the delay caused by the making of reports and receiving of the necessary instructions would be to the detriment of the country or of any inhabitants, to remedy the evil immediately and if necessary to use force in doing so.

Report to Landdrost except in urgent cases.

Postal and
telegraph
service.

25. One of the most effective means of promoting trade and civilisation in the country is the regularity of the postal and telegraph services, and the Field-Cornets and Assistant Field-Cornets shall therefore pay particular attention thereto, and shall, in their respective wards, endeavour to convince the inhabitants of this fact in a proper manner, in order that the latter may understand the great importance of a certain and regular correspondence both by post and telegraph, and may co-operate in the furtherance thereof to the best of their ability. The guarding both of the telegraph wire and of the poles shall in particular be the duty of the burghers and Field-Cornets and Assistant Field-Cornets, and the latter shall be bound to immediately give notice of any break therein to the nearest Landdrost or Public Prosecutor.

Transmission
of official
letters, &c.

26. Every Field-Cornet or Assistant Field-Cornet shall, therefore, see that all official packets or official letters addressed by or to officials and which are officially entrusted to them for transmission are forwarded by the inhabitants of his ward as speedily as possible, and in the event of wilful neglect to do so, the defaulter shall be liable to a fine not less than £1 and not more than £37. 10s.

Public Roads.

27. The Field-Cornets and Assistant Field-Cornets shall, in the districts where there are no divisional councils, in their respective wards, pay particular attention to the condition of the public roads, and strictly carry out the orders which they receive for that purpose.

Field-Cornets
shall corre-
spond with
and assist one
another.

28. They shall also keep up a proper correspondence with one another in regard to all matters in which the various wards have a common interest, and shall moreover endeavour, in all matters concerning the furtherance of the prosperity of the Republic, to give each other the necessary information and to render each other all possible assistance.

Settlement of
disputes.

29. The Field-Cornets and Assistant Field-Cornets shall, as far as possible, settle all private disputes between the inhabitants of their divisions and prevent litigation. For this purpose any person shall be entitled to summon the person with whom he has any dispute before the Field-Cornet or Assistant Field-Cornet at a time to be fixed by the latter.

Must be
impartial.

30. The Field-Cornet or Assistant Field-Cornet shall never allow himself to be influenced in the performance of his duties by favour or disfavour, friendship or enmity, by prosperity or adversity. They render themselves thereby unworthy of their position, and are even guilty of a crime, and are liable to punishment should any consequences result therefrom.

Commando
service.

31. The Field-Cornets and Assistant Field-Cornets shall, in calling up burghers for service, be bound to pay strict attention to the provisions of the laws thereanent.

32. All Field-Cornets and Assistant Field-Cornets shall be bound to answer as speedily as possible the official letters received by them, and to comply with the contents thereof. Answering
official letters.

33. It shall be the duty of Field-Cornets and Assistant Field-Cornets to pay strict attention to the administration of the Law according to which persons who are guilty of unlawfully removing, exporting or importing coloured persons or their children across the boundaries of the Republic, or who trade in or sell such young coloured persons as aforesaid, are liable to be punished, whether they are buyers or sellers, with deprivation of such coloured persons and a fine of from £100 to £500, or, in the event of their being unable to pay the fine, with imprisonment. Exporting
natives.

34. The Field-Cornets and Assistant Field-Cornets shall be bound, as soon as any deaths occur in their wards, to act in accordance with the provisions of the Orphan Chamber Law. Notice of
deaths.

35. Every Field-Cornet and Assistant Field-Cornet shall, in the execution of his official duties, keep within the limits of his ward, and every inhabitant of such ward shall obey the authority of such Field-Cornet or Assistant Field-Cornet. The Field-Cornet shall be entitled to deal with disputes between masters and servants, and shall, *ex officio*, be a Justice of the Peace within his ward. Must keep to
limits of ward.

Ex-officio
Justice of the
Peace.

36. Field-Cornets and Assistant Field-Cornets shall, before undertaking the duties of their office, take the oath before such persons as shall be appointed by the Government. Oath.

37. Their oath shall be as follows:—

“ I promise and solemnly swear that I shall be faithful to the people of this Republic, and that I shall act in my office in accordance with law and equity, according to the best of my knowledge and conscience, without respect of persons; that I shall accept from no one any gift or favour if I have reason to suspect the same to have been made or bestowed in order to influence me in my office in favour of the donor or person bestowing the favour; that I shall obey the orders of those placed in authority over me; that I shall strictly observe the maintenance of the laws and that my only object shall be the prosperity and the welfare and the independence of the land and people of this Republic.” Form of

38. All Laws, instructions and Volksraad Resolutions in conflict with these instructions are hereby repealed. Repeal.

39. These Instructions shall come into operation immediately after publication in the *Staatscourant*. Operation.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office,
Pretoria, 3rd June, 1885.

LAW No. 3, 1885.

COOLIES, ARABS AND OTHER ASIATICS.

(Approved and enacted by Resolution of the Volksraad, Art. 255, dated June 1st, 1885.)

To whom law applies.

1. This Law shall apply to the persons belonging to any of the native races of Asia, including the so-called Coolies, Arabs, Malays and Mohammedan subjects of the Turkish Dominion.

Burgher rights.

2. With regard to the persons mentioned in Art. 1 the following provisions shall apply :

(a.) They shall not be capable of obtaining burgher rights of the South African Republic.

Owners of fixed property.

(b.) They shall not be capable of being owners of fixed property in the Republic.

This provision shall not be retrospective.

Registration.

(c.) Those who settle in the Republic for the purpose of carrying on any trade or otherwise shall be bound to have their names entered in a register to be separately kept for the purpose by the Landdrosts of the various districts, in accordance with a form to be prescribed by the Government.[¹]

On such registration, which shall be effected within eight days after arrival, a sum of £25 sterling shall be paid.[²]

Penalty.

Contravention of the provision contained in subsection "C" above shall be punished with a fine of from 10 to 100 pounds sterling, or in default of payment with imprisonment for a period of from 14 days to 6 months.

Time for registration.

The above-mentioned registration shall be effected free of charge in the case of those persons who settled in the Republic before the coming into operation of this Law, provided they report themselves to the Landdrost, in the case of those living in the district of Pretoria, within eight days, and in the case of those living in the other districts within thirty days, after the coming into operation of this Law.

Locations, &c.

(d.) The Government shall have the right to point out certain streets, wards and locations for them to live in.

Exception.

This provision shall not apply to those who live with their employers.

Operation.

3. This Law shall come into operation immediately after publication in the *Staatscourant* in accordance with Art. 12 of the Grondwet.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
June 10th, 1885.

¹ See V.R.R. 16-5-1890, Art. 128, p. 141.

² See amendment of this Law by V.R.R. 12-8-1886, Art. 1419 in Proclamation dated 24th January, 1887, in Appendix p. 472.

LAW No. 4, 1885.

(TO PROVIDE FOR THE BETTER MANAGEMENT OF AND THE BETTER ADMINISTRATION OF JUSTICE AMONG THE NATIVE POPULATION OF THIS REPUBLIC.)

(Approved and enacted by Resolution of the Volksraad, Art. 479, dated June 19th, 1885.)

WHEREAS the ignorance and the habits and customs of the native population of this Republic render them unfit for the duties and the responsibilities of civilised life, and, further, whereas it is necessary and desirable to provide for their better treatment and management by placing them under special supervision, and for the proper administration of justice among them, until they shall be able to understand and appreciate such duties and responsibilities as they may reasonably be deemed capable of undertaking in obedience to the general law of the Republic. Be it therefore enacted by the Volksraad of the South African Republic :

1. Articles 37 to 51 inclusive, and Articles 56, 57 and 58 of the Field-Cornets' Instructions, approved and enacted by Volksraad Resolution of September 17th, 1858, Article 19; Law No. 9 of 1870, entitled "Law for the prevention of vagrancy, theft and other irregularities among Kaffirs, for the protection of persons, property and possessions, for the better regulation and management of Kaffir Tribes, and for the levying of a tax on Kaffirs and other coloured persons," approved and enacted by Volksraad Resolution of June 3rd, 1870, Article 154; Law No. 4 of 1873, entitled "For the taking out of passes by natives in the South African Republic," approved and enacted by Volksraad Resolutions of August 5th and 6th, 1872, Articles 184 and 189, and amended by Volksraad Resolution of March 10th, 1873, Article 33, and Law No. 3 of 1876, entitled "Law relating to Natives," approved and enacted by Volksraad Resolution of June 9th, 1876, Article 143, shall be and are hereby repealed, save and except only in so far as concerns any contraventions of the said articles of the Field-Cornets' Instructions and the above-mentioned Laws, and the penalties and fines imposed under such provisions; and the above-mentioned Laws and all proceedings taken and begun before the coming into operation of this Law shall be given effect to and prosecuted, and all penalties and fines imposed, and all such proceedings shall be just as valid and shall be prosecuted, imposed and carried out in the same way as though this Law had not been passed; provided, however, that nothing therein contained shall be inconsistent with the authority at present exercised by the chiefs and headmen of the natives in the different districts of this Republic, until the appointments provided for in this Law shall have been made.

Repeal.

2. The laws, habits and customs hitherto observed among the natives shall continue to remain in force in this Republic as long as they have not appeared to be inconsistent with the general principles of civilization recognised in the civilised world.

Native laws, &c., remain in force.

Native Commissioners.

3. The State President shall be entitled to appoint Commissioners over the natives in those districts in which it is considered necessary by the Volksraad to do so, in order to carry out all things mentioned in this Law and all such orders or instructions as may from time to time be given by the Government. In districts where the Volksraad considers that the appointment of a Native Commissioner is not necessary or required, the Landdrosts shall be *ex-officio* Commissioners for Natives to superintend the work of Field-Cornets as Sub-Commissioners.^[1]

Jurisdiction.

4. Every Commissioner or Sub-Commissioner for Natives or Native Chief appointed by the Government shall have the power to inquire into and decide all civil disputes between native and native belonging to the tribe or to the district over which he has been appointed, and also all civil matters referred to him by white persons against any native belonging to a large savage tribe within his district or division. In dealing with such last-mentioned matters the Commissioner or Sub-Commissioner shall proceed as far as possible in accordance with the laws of the land enacted for the civilised population, provided, however, that in all cases decided by any Chief or Sub-Commissioner in the event of appeal a new inquiry may be held before the Native Commissioner of his district. For a final decision in appeal both parties shall have recourse to the Superintendent of Natives, provided that no judgment of such official shall be effective or be executable until it has been approved and confirmed by the Government.

Appeal.

What law applicable.

5. All matters and disputes of a civil nature between natives shall be dealt with according to the provisions of this Law and not otherwise, and in accordance with native laws, at present in use and for the time being in force, in so far as the same shall not occasion evident injustice or be in conflict with the accepted principles of natural justice.

Jurisdiction over what crimes.

6. The Commissioners for Natives shall have jurisdiction in the case of all minor crimes and offences specified in the Schedule attached to this Law, committed by natives, within their respective districts, provided, however, that no such Commissioner for Natives shall have the right to punish any native offender with any higher or severer punishment than a fine up to £10 or imprisonment with or without hard labour and with or without spare diet for a period not exceeding three months, or lashes up to 25 in number.^[2]

Maximum penalties.

President may review decisions.

7. In the case of all civil and criminal cases decided in pursuance of this Law the State President, with the advice and consent of the Executive Council, shall have full power, right and authority to review the proceedings in any case, and if necessary to annul or to amend the judgment.

President shall make

8. The State President shall from time to time, with the advice and consent of the Executive Council, make rules and provisions

¹ The following par. was added by F.V.R.R., 24-8-1894, Art. 1480: "The Government shall be entitled to appoint all Field-Cornets as Sub-Commissioners, with such jurisdiction to try and decide all causes between whites and natives and subject to such instructions as the Government and the Superintendent of Natives shall deem desirable."

² See F.V.R.R., 25-8-1894, Arts. 1,481, 1488, 1489 on p. 225.

for the conduct of cases in the Courts for Native cases, and shall fix and determine fines, payments, costs and disbursements for witness expenses, to be allowed in the said Courts, which rules and provisions thus made shall have the force of law after publication in the *Staatscourant*. rules, &c., for Courts of Native Affairs.

9. All cases of homicide, assault, or other injury caused to the person or property of a native, occasioned by sedition among natives or in consequence thereof or by fights between parties of natives or in which a tribe or portion thereof has taken part, and which in the opinion of the State Attorney, after consultation with the Superintendent of Native Affairs, can be more properly dealt with by the Commissioner for Natives, may be inquired into and decided by the Commissioner for the district in which the crime was committed. Homicide, &c.

10. Where a homicide, assault or other injury to person or property has been committed, and it is sufficiently clear to the State President that such homicide, assault, or other injury as aforesaid, has been committed by natives, and that there exists a conspiracy in any tribe or section of the natives to evade the giving of the necessary evidence in such case, or to prevent the offender from becoming known, or otherwise, by passive resistance to the lawful authority, to encourage the repetition of such crime or offence, the State President shall have the right to impose a fine on such tribe or portion thereof of not more than £5 per head on the adult male population for every offence, recoverable in such manner as the State President shall order, and to cause such fine or portion thereof to be returned if the circumstances justify it. President may impose a fine on the tribe.

11. In the case of all crimes between natives which the Courts of the Native Commissioners have not been given jurisdiction by this Law to try, the offenders shall be liable to prosecution and may be tried in the ordinary Courts of Justice in this Republic, in the same manner as if such crimes had been committed by persons of European descent. When the ordinary Courts have jurisdiction.

12. All fines and office charges provided for in this Law shall be paid into the public treasury. Fines.

13. The State President as paramount chief shall exercise over all chiefs and natives in the Republic all power and authority which in accordance with native laws, habits and customs, are given to any paramount chief. He is hereby empowered, with the advice and consent of the Executive Council, to depose from his chieftaincy any chief found guilty of an act whereby the peace of the Republic is endangered, to remove him from the place where he has resided, to place him under such supervision and in such safe custody as may appear expedient and to appoint some other suitable person in his place. A decision of this nature shall not be capable of revision in any Court in this Republic. President paramount Chief.

14. The State President shall have the power, with the advice and consent of the Executive Council, to make and frame such regulations and such orders as he may from time to time deem Power of President.

14. The State President shall have the power, with the advice and consent of the Executive Council, to make and frame such regulations and such orders as he may from time to time deem President may make regulations for the ad-

ministration of this Law. necessary and advisable for the better working and maintenance of this Law ; and all such rules, regulations and orders shall have the same force and effect as if they had been enacted and formed part of this Law.

Repeal. 15. Law No. 11, 1881, providing for the better management of administration of justice among the native population shall be and is hereby repealed.

Operation. 16. This Law shall come into operation immediately after publication in the *Staatscourant* in accordance with Article 12 of the Grondwet.

SCHEDULE.

Minor assaults, petty thefts, crimes of the same nature and such crimes as the Commissioner for Natives, acting on instructions from the State Attorney, shall inquire into and decide. [1]

S. J. P. KRUGER,
State President.
W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
July 1st, 1885.

GOVERNMENT NOTICE No. 212.

WHEREAS it has been found necessary to more clearly define the functions of the Beacon Commission, now therefore, the general instructions for the Beacon Commission, dated December 15th, 1884, are hereby made clear and more fully set out in order to prevent any further misunderstanding.

By Order,
W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
October 20th, 1885.

GENERAL INSTRUCTIONS FOR THE BEACON COMMISSION.

Appointment of Beacon Commission.

1. A Commission which shall be styled "The Beacon Commission" shall be appointed by the Government for every ward, in pursuance of Art. 18 of Law No. 2, 1884, which reads as follows:—"The Government shall appoint commissions in each ward and provide them with instructions, in order to regulate all matters relating to beacons and boundaries preparatory to the general survey." [2]

How constituted.

2. The Beacon Commission shall consist of three members of whom the Field-Cornet shall be *ex-officio* chairman.

Duty.

3. It shall be the duty of the Beacon Commission merely to inspect open ground, or to re-erect as nearly as possible in accordance with the inspection reports farm beacons which have disappeared, provided always that in no case shall any existing established beacons be interfered with. The Beacon Commission shall not have the power to cite witnesses; only the Arbitration Commission shall have that power. See Volksraad resolution, Art. 989, published in the *Staatscourant* No. 237, August 5th, 1885.

No power to cite witnesses.

1 See Ord. 44, 1902.
2 See Law No. 9, 1891.

In the event of disputes relative to beacons the Beacon Commission shall have no power to decide thereon, but the procedure specified by Art. 8 of these instructions shall be adopted.

No power to
decide
disputes.

4. The Beacon Commission shall, where the beacons of a farm are unknown or have disappeared, re-inspect such farm and erect the beacons, always bearing in mind that, if the owners of adjoining farms shall be in a position to point out their beacons and to establish the same through the old inspectors, or by means of affidavits of persons who have been acquainted with such beacons, everything being in conformity with the inspection report, such beacons shall in any case be respected, and shall not be interfered with.

New
inspection.

According to Art. 22 of Law No. 2, 1884, the Beacon Commission shall, in cases where several farms adjoin each other, the beacons whereof cannot be proved, inspect such farms anew as nearly as possible in accordance with the old inspection reports.

5. No farm shall upon being inspected be allowed to be of greater size than 3,750 morgen, or one hour this way and that; but if the farm cannot be made square, its dimensions shall be equal to those of a farm of the above extent, that is to say, farms which have not already been inspected and been given a greater extent by the inspection report.

Size of farm.

6. The Beacon Commission shall in no case interfere with the beacons of any farm, unless called upon by the owner to put up beacons which have disappeared, or unless it be suspected that there is still open Government ground between the farms, provided always that due regard be had to Art. 3 of these instructions.

Existing
Beacons.

7. In no case shall the Beacon Commission in any way interfere with the beacons of farms surveyed by duly admitted surveyors.

Surveyed
farms.

8. All disputes as to beacons between owners shall first of all be submitted to the mediation of the Field-Cornet. If that cannot be done, the procedure shall be in terms of Art. 26 of Law No. 2, 1884, reading as follows:—[These provisions are superseded by Arts. 23 and 24 of Law No. 9, 1891.]

Field-Cornets
mediate in
disputes.

9. All open ground, found by the Field-Cornet to exist in between already inspected farms, shall be inspected for the Government by the Commission.

Government
Grounds.

10. No farm shall be inspected so as to be of a greater length than 45 minutes' riding reckoned from the centre point mentioned in the application, unless such farm be a remnant or strip of ground left open between other farms.

Farm of an
irregular
shape.

11. The Commission shall at the time of the inspection point out the beacons of the farm to the owner or his representative. If by reason of any insurmountable obstacle it shall be found impossible to ride off the distance in any direction, the beacons may be

Beacons.

approximately located. Such beacons shall in any case be erected according to law.

Centre point.

12. It shall not in every case be necessary to take as the centre point of the farm the local feature by which the farm is characterised in the extract securing the right to such farm; the centre point may be taken to be anywhere within a distance of six hundred yards of such local feature.

The spot applied for shall in any case be made to fall within the boundaries of the farm.

Inspection Reports.

13. The members of the Commission shall fill in the forms of the reports of the Beacon Commission, which forms shall be supplied them.

Pointing out beacons to Surveyor.

14. The Commission shall be required to point out and hand over the beacons erected and located by them to the Surveyor, after having received at least 14 days' previous notice from him.

Number of farms pointed out to Surveyor.

15. The Surveyor shall not be obliged to take over the beacons of less than 10 or more than 20 farms at the same time.

Beacons—
Position of

16. The beacons of farms to be inspected shall as far as possible be placed in conspicuous places, and the boundary lines of farms as much as possible along the highest portions of the ground.

Kaffir kraals.

17. According to Volksraad Resolution, Art. 124, 1853, all land on which large Kaffir kraals are, belongs to the Government and shall accordingly be inspected for the Government.

Fees of Beacon Commission.

18. Every Member of the Beacon Commission shall for pointing out the beacons of a farm, receive from the owner of the farm a sum of £1 for personal allowance and 15s. for travelling expenses; and the whole Commission shall for the inspection of open ground receive from the owner £1. 3s. for each farm inspected and 10s. for a sketch thereof, besides 15s. for each person for travelling expenses.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
15th October, 1885.

LAW No. 3, 1886.

VALIDITY OF SERVITUDES.

(Approved and enacted by Resolution of the Volksraad, Art. 516, dated June 12th, 1886.)

Registration of servitudes.

1. If before the coming into operation of this Law a servitude has been granted in any contract of purchase or other written document such servitude shall be valid, provided the document or a copy thereof, duly certified by the Registrar of Deeds, be registered

or attached to the deed of transfer of the property on which the servitude exists in the registry office within the period of two years, even if the deed of transfer itself makes no mention of the said servitude. [1]

Oral contracts whereby servitudes have been granted shall, within the above-mentioned period, be put into writing and filed at the registry office. Oral contracts.

2. No servitude granted after publication of this Law shall be valid as against third persons unless, in the deed of transfer of the property on which the servitude exists, such servitude is duly mentioned and described. Servitude to be mentioned in transfer deed.

3. This Law, which shall be applicable only to servitudes created by contracts, shall come into operation six months after publication in the *Staatscourant*. Operation.

S. J. P. KRUGER,
State President.

W. EDUARD BOK.
State Secretary.

Government Office, Pretoria,
June 19th, 1886.

LAW No. 5, 1886.

(TO AMEND THE EXISTING TARIFFS FOR THE COURTS OF THE SOUTH AFRICAN REPUBLIC.)

(Approved and enacted by Resolution of the Volksraad, Art. 594, dated June 21st, 1886.)

WHEREAS it is desirable and necessary to amend the existing tariffs, as provided by Law No. 8, 1883, under which the bills of costs in cases heard in different Courts of the South African Republic are taxed, it is hereby enacted and provided as follows:—

1. Superseded by Law No. 19, 1894.

2. The provision in Law No. 8, 1883, under the heading "Witness expenses in Civil Cases," Art. 1, is hereby repealed. Witness expenses. Every white witness shall be entitled to 10s. per day; coloured persons to 1s. 6d. per day.

3, 4, 5, and 6, superseded by Law 19, 1894.

This Law shall come into operation from the date of publication in the *Staatscourant*. Operation.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
June 30th, 1886.

¹ See V.R.R. 27-5-1890, Art. 184 on p. 142.

LAW No. 12, 1886. [1]

(TO MAKE PROVISION FOR THE ADMISSION OF DULY QUALIFIED PERSONS TO PRACTISE IN THIS REPUBLIC AS PHYSICIANS, SURGEONS, ACCOUCHEURS, APOTHECARIES, CHEMISTS AND DRUGGISTS, AND FOR THE BETTER REGULATION OF THE SALE OF DRUGS AND MEDICINES.)

(Approved and enacted by Resolution of the Volksraad, Article 1,313, dated 5th August, 1886.)

Preamble.

WHEREAS it is desirable that persons requiring medical assistance shall be enabled to distinguish between qualified and not qualified medical practitioners, and that for the safety of the inhabitants provision should be made for the sale of poison in the Republic, and also for the admission of duly qualified persons in this Republic to practise as physicians, surgeons, accoucheurs, apothecaries, chemists and druggists, and for the better regulation of the sale of drugs and medicines. And whereas it is further desirable to repeal Schedule No. 18, (Physicians and Surgeons)—of the Ordinance No. 2 of 1871 called “Determination of and provisions for Licences, Stamp Dues, Office and other Fees, to which the various persons and professional bodies appointed or admitted on behalf of the Government are entitled, enacted by Resolution of the Volksraad, Art. 305, dated 8th November, 1871.”

Be it therefore enacted as follows:—

Repeal of
Schedule 18,
Ordinance
No. 2, 1871.

1. The Schedule numbered:—“Eighteen—Physicians and Surgeons,” of the Ordinance No. 2 of 1871, entitled:

“Determination of and provisions for Licences, Stamp Dues, Office and other Fees to which the various persons and professional bodies appointed or admitted on behalf of the Government are entitled, enacted by Resolution of the Volksraad, Art. 305, dated 8th November, 1871, by which certain moneys, costs and fees for Physicians and Surgeons are provided for and determined shall be and is hereby repealed, provided that such repeal shall not affect any act done or permitted or any right or privilege obtained, or duty or responsibility imposed or caused, or remuneration assured before the passing of this Law, under and by virtue of the Schedule hereby repealed.

Medical
Board.

2. The State President shall have the right to appoint a board, consisting of three or more persons properly qualified to practise medicine or to dispense medicines, to be called “Medical Board of the South African Republic,” which shall have the supervision of the civil medical interests in the Republic, and shall be subject to the provisions hereinafter set forth; and the State President shall have the power at his discretion to dismiss any members of such board, and in the case of the resignation, removal, absence, incompetence or death of one or more of them, to appoint another or others in his or their places.

Power of
State
President
regarding
same.

¹ See P. 1, 1902.

- 3.** Any person hereafter desiring admission to practise as physician, surgeon or accoucheur, or to dispense or sell medicines or drugs as apothecary, chemist or druggist, shall for that purpose obtain a licence from the State President. Any person desiring to practise as above shall, for the purpose of obtaining such licence, produce his diploma or other certificate for examination and approval by the said board, in order to prove that he is really qualified, as he states, in the branch or branches of the medical profession which he desires to practise.
- Medical men and apothecaries must be licensed.
Production of certificate or diploma.
- 4.** Any person rendering medical aid as physician, surgeon or accoucheur without being in possession of a licence, who demands payment for his or her services, shall not have the right to claim the protection of the law for the recovery of his or her fee.
- Unlicensed person cannot recover fee for services.
- 5.** Any person having served not less than four years as apprentice to a duly licensed apothecary in this State shall be able to obtain a licence to practise as apothecary after passing an examination before the said board to the satisfaction of the members thereof.
- Examination and admission of apprentices as apothecaries.
- 6.** It shall be the duty of the Medical Board of the South African Republic as soon as possible after the passing of this Law to compile a list of all persons who have before the coming into operation of this Law been admitted to practise as physicians, surgeons or accoucheurs or to dispense or sell medicines or drugs as apothecaries, chemists or druggists in this State. It shall also be the duty of the said Medical Board to keep a register of all persons who have been admitted under the provisions of this Law to practise any branch of the medical profession, and to prepare a copy of the said list for publication in the *Staatscourant* at least once during the month of January in every year.
- List of medical men and apothecaries already admitted, compiled by medical board.
Register of medical men and apothecaries admitted under this Law. Annual publication in *Staatscourant*.
- Such list or register shall be framed and kept as far as possible in accordance with the form given in the Schedule annexed to this Law, or to the same effect.
- 7.** Any person wilfully causing himself to be admitted and registered under this Law or attempting to do so by making or producing false or fraudulent representations either orally or in writing, and any person helping or assisting him therein, shall for such offence be deemed guilty of a misdemeanor or offence, punishable by fine or imprisonment, and upon conviction shall be sentenced to a fine not exceeding Twenty-five pounds sterling, and in default of payment to imprisonment with or without hard labour for a period not exceeding six months.
- Penal regulations regarding persons making false representations in order to be admitted or registered as medical men, apothecaries, &c.
- 3.** If a registered practising medical man, duly admitted under the provisions of this or any previous Law to practise any branch of the medical profession, shall be found guilty of any misdemeanor or crime, or if he shall be found guilty, upon due inquiry by the Medical Board appointed by law, of dishonourable conduct in his capacity of medical practitioner, the Board shall recommend to the State President that the licence issued to such
- Licenses already granted may be withdrawn.

Notice in the
Staatscourant.

person be withdrawn and cancelled. The State President shall thereupon have the power to withdraw and cancel the said licence if he shall deem it advisable, and give notice thereof in the *Staatscourant*. The name of such medical practitioner shall thereupon be struck off the register.

Bottles or
packages
containing
poison must
be marked
as such.
Storage and
sale of poison.

9. Every apothecary, chemist, druggist and seller of medicine shall properly mark all bottles or packages containing ratsbane, opium or such like powerful medicine, commonly called poison, with the name of the contents and the word *Poison*, and shall keep the same in a safe place, under lock and key, and he shall take care that the same is not sold in any dangerous quantity or measure without the written permission of the Landdrost or the prescription of a recognised medical practitioner. If it should appear that an apothecary or seller of medicine leaves such poisonous or dangerous substance without taking due precautions, or sells the same in dangerous measure or quantity, without a written permit or prescription as aforesaid, or keeps spoiled medicine or drugs with the intention of selling the same, he shall upon conviction be punished with a fine of not less than five pounds sterling, and not exceeding twenty-five pounds sterling, and in default of payment he shall be imprisoned with or without hard labour for a period not exceeding six months.

Penalty.

Penalty for
supplying
poison to
children
under 10 years
of age.

10. An apothecary, chemist, druggist or seller of medicines, who shall sell any preparation of ratsbane, opium or other powerful and therefore dangerous medicine, commonly called poison, to a child under ten years of age, or shall give to such child such preparation to carry, shall forfeit a fine not exceeding ten pounds sterling, and of not less than one pound sterling, for each offence.

Book to be
kept of sale of
poison.

11. Every apothecary, chemist, druggist or seller of medicines, shall keep a special book, in which he shall record the name of any person to whom poison has been sold or supplied in a quantity or of a kind dangerous to life, and also the name and quantity of the poison, and the date of sale; in default of which he shall upon conviction be punished with a fine not exceeding ten pounds sterling, and of not less than five pounds sterling.

Penalty.

Which phar-
macopœia to
be used.

12. All apothecaries, chemists and druggists, and sellers of medicines shall prepare their medicines according to the Pharmacopœia prescribed by the medical practitioner in his prescription.

Collection
of fines.

13. Fines imposed under this Law shall be recovered in the Landdrost Court of the district in which the offence has been committed.

Informant to
receive half
the fine.

14. Any person giving information of any contravention of the provisions of this Law shall be entitled to one half of the recovered fine; the other half shall be paid into the public treasury, and shall, if not refunded, be at the disposal of the Government.

Law not
retrospective.

15. No provision of this Law shall have the effect of disqualifying any person who has been hitherto practising medicine

under a licence or permit granted under the provisions of any Law in force in this State.

16. This Law shall for all purposes be cited as the "Law regarding the Medical Profession, 1886." Title.

17. All Laws and Resolutions of the Volksraad incompatible with the provisions of this Law shall be and they are hereby repealed. Repeal.

18. This Law shall commence and come in operation after the date of promulgation in the *Staatscourant*. Operation.

SCHEDULE.

Name.	Residence.	Qualification.	Remarks.
A. B. .	Potchefstroom .	Member of the Royal College of Surgeons	
C. D. .	Pretoria . .	Graduate in Medicine of the University of	

S. J. P. KRUGER,
State President.

Government Office, Pretoria,
25th August, 1886.

W. EDUARD BOK,
State Secretary.

VOLKSRAAD RESOLUTION, 12th August, 1886.

1422. The Raad approves Executive Council Resolution, Art. 157, dated 9th August, 1886, reading as follows:—

"That all agreements with regard to the grant of rights to mine, which do not comply with the conditions mentioned in the first paragraph of Art. 14 of Law No. 7, 1883, shall be *ab initio* void, and that no person shall have any action whatever on such agreement."

Grant of rights to minerals must be notariially drawn.

LAW, No. 2, 1887.

COPYRIGHT LAW.

(Approved and enacted by Resolution of the Volksraad, Article 283, dated May 23rd, 1887.)

Definition and scope of Copyright.

[¹] 1. The right to publish writings, engravings, charts, musical works, plays, and oral lectures, by means of printing, as also the right to perform or exhibit dramatic-musical works and plays in public shall belong exclusively to the author and those obtaining their rights from or through him.

Right of author to writing, etc.

¹ See First Volksraad Resolution, dated June 20th, 1895, Article 420 on p. 304.

What amounts to performance or exhibition.

Every performance or exhibition, to which access is once or oftener obtainable upon payment of a certain sum or any other valuable consideration, shall be deemed to be a performance or exhibition in public, even in cases where, in addition to such price or consideration for admission, a ballot is required.

Who deemed to be on the same footing as authors.

2. The following shall be deemed to be and are placed on the same footing as authors :—

- (a.) Those who undertake any of the works mentioned in Article 1, comprised of contributions from different collaborators.
- (b.) Public institutions, associations, establishments and partnerships in respect of the works published by them.
- (c.) Translators in respect of the translations made by them.

In the case of works comprised of contributions from different collaborators, each such collaborator shall moreover, in so far as no stipulation to the contrary exists, retain the copyright of that part which is contributed by him.

Anonymous works, and works under an assumed name.

3. In the case of works published without mention of the author's name, or under an assumed name, the publisher, or, if his name does not appear on the title page, or in default thereof on the cover, the printer, shall be deemed to be the author until another person shall have made himself known as the person entitled thereto in the manner determined by Articles 10 and 11 save as to the term of filing as per Article 10.

No copyright in respect of Laws, etc.

4. Except in the special instances that may be determined on by the Government with advice and consent of the Executive Council, there shall not be any copyright of Laws, resolutions, ordinances and whatsoever further orally or in writing is brought to the public notice by or on behalf of any public authority.

What included in copyright.

5. Copyright shall secure to an author the exclusive right to publish by means of printing translations of :—

- (a.) His works not yet published by means of printing, his oral lectures being included thereunder.
- (b.) His works already published by means of printing, provided that he has with the first issue on the title page, or in default thereof on the cover of the work, reserved to himself the sole right in respect of one or more specially mentioned languages and within three years after the first issue shall have published or caused to be published his translation by means of printing.

In the case of works which consist of separate volumes or numbers this term shall be reckoned to run separately in respect of each volume or number.

Simultaneous issue in different languages.

6. In the case of the issue of the same work at the same time in different languages only one such issue shall be deemed to be the original work and all the others shall be deemed to be translations.

The author shall be entitled to point out on the title page, or in default thereof on the cover, which issue he considers to be the original.

If he fail to do so the issue which is in the mother language of the author shall be deemed to be the original work.

7. The copyright of works published by printing shall not operate to prevent quotations being made therefrom in other works for the purposes of announcements or reviews.

Quotations by others no infringement of copyright.

Provided the source from which they are derived is mentioned it shall further be lawful to publish by means of printing reports and articles taken from daily, weekly, and monthly papers, except in cases where the copyright is specially reserved at the head of such report or article and the further steps are taken in terms of Art. 10.

8. The copyright of oral lectures shall not preclude the giving of a report of whatever has taken place at a public meeting.

As also is not the publishing of reports of meetings.

9. The copyright shall be deemed to be movable property.

It may be wholly or in part ceded, and shall pass by way of succession to the author's heirs.

Copyright is *res mobilis*.

It cannot be taken in execution.

Conditions under which the copyright in respect of works published by printing is to be exercised.

10. The copyright in respect of a work published by means of printing shall lapse if the author (or his assign), the publisher or printer, do not file with the Registrar of Deeds, within two months after the issue thereof, three copies of the work, all bearing the autograph of the author or his assign, or the printer or publisher, mentioning his residence and the date of issue, due regard being had in so far as translations are concerned to the term mentioned in Art. 5 (b.)

When copyright lapses.

Upon lodging of the copies aforesaid a sworn declaration made by the printer to the effect that the "work" has been printed at his printing house in this Republic shall be produced.

Affidavit by printer.

11. The Registrar of Deeds shall give the person filing the copies of the books a duly dated certificate of the receipt thereof.

Certificate of Registrar of Deeds.

Of these certificates duplicates shall be kept in his department in a register which each member of the public may inspect free of charge, and of which he may at his own cost obtain an extract or copy.

The form of certificate and register shall be determined by the Government.

A monthly statement of works and translations sent in shall be published in the *Staatscourant*.

Monthly statement in *Staatscourant*.

12. The exclusive right to perform or exhibit dramatic-musical works or plays shall lapse as soon as these works are published by

Copyright of play ceases on publication

unless specially reserved.

printing, unless the author in the original issue on the title page, or in default thereof on the cover, expressly reserves to himself this right.

Duration of Copyright.

Copyright lasts for 50 years.

13. The copyright of works published by means of printing shall last for fifty years after the first issue, to be reckoned from the date of certificate mentioned in Art. 11.

When for lifetime.

Should the author outlive this term and not at any time have ceded his right to another he shall retain his copyright during the term of his natural life.

This provision shall not apply in respect of the persons enumerated in paragraph 2, sections A and B.

Copyright of unpublished works.

14. The copyright of works not published by means of printing, oral lectures being included thereunder, shall last during the term of the natural life of the author, and for thirty years after his decease.

Dramatic works, &c.

15. The exclusive right to perform or exhibit dramatic-musical works or plays shall last :—

1st. In respect of works not published by means of printing during the lifetime of the author and thirty years thereafter.

2nd. In respect of works published by means of printing, where such exclusive right was reserved, during a term of ten years reckoned from the date of the certificate referred to in Art. 11.

Translations.

16. The exclusive right to publish translations of any work by means of printing shall last :—

1st. In respect of works not already published by means of printing, oral lectures being included thereunder, for so long as the copyright exists.

2nd. In respect of works published by means of printing, during five years reckoned from the date of the certificate mentioned in Art. 11.

Works issued in different parts.

17. In the case of works, consisting of different volumes or numbers, the term of the copyright shall be separately reckoned in respect of each volume or number.

Proceedings in vindication of the Copyright.

Civil action for infringement of copyright.

18. Any person who infringes the copyright of another, or who sells, imports, distributes, publicly offers for sale, or has in his possession for the purposes of selling, a work, whereby an infringement is made upon the copyright of another, shall be held liable in a civil action for damages to be instituted by the author or his assigns.

Right to attach pirated editions.

19. Authors or their assigns may seize copies of works which, in contravention of their exclusive right, are published by means

of printing, and may claim that such copies be delivered to them or destroyed.

This right of taking possession shall however not be exercised in respect of a single copy of a work which may be in possession of a person, who does not trade in such articles, and who has obtained such copy for his own use.

Miscellaneous provisions.

20. No copyright of any work, published by means of printing before this Law shall have come into operation shall be exercised, unless the author (or his assign), publisher or printer, within six months after this Law shall have come into operation, shall lodge with the Registrar of Deeds three copies, all of them signed in original on the title page, or in default thereof on the cover, mentioning his dwelling place and the date of the original publication.

How to act in regard to works published before the passing of this Law.

The last-mentioned date shall, subject to proof to the contrary, be taken as the point from which the duration of the copyright is to be calculated.

A declaration as mentioned in the second paragraph of Art. 10 shall also in this case be sent in.

21. The Registrar of Deeds shall give the depositors a dated certificate of receipt.

Certificate by Registrar of Deeds.

A duplicate of such certificate shall be kept in his department in a register which each member of the public may inspect free of charge, and of which he may at his own charge obtain extracts or copies.

The Government shall determine the form of certificate and register.

A monthly statement shall be published in the *Staatscourant* of the declarations and works sent in, mentioning the date stated by the depositors to be the date of the original issue of the work sent in.

Monthly returns in Gazette.

Concluding Provisions.

22. Of the three copies to be sent in to the Registrar of Deeds in terms of Arts. 10 and 20, one shall remain in his office and one shall be placed in the State Library.

Destination of copies of works filed.

The Government shall decide what is to be done with the third copy.

[¹] **23.** This Law shall come into operation three months after publication in the *Staatscourant*.

Taking effect.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
31st May, 1887.

¹ See First Volksraad Resolution dated June 20th, 1895, Art. 420, on p. 304.

LAW No. 3, 1887.

(APPOINTING A SPECIAL COMMISSION FOR THE DISTRICT OF WATERBERG.)

(Approved and enacted by Resolution of the Volksraad, Art. 379, dated May 27th, 1887).

WHEREAS some inspections in the district of Waterberg have not been made either wholly or in part with such precision as to give sufficient security as regards situation, extent and boundaries of all farms; and whereas in some instances different inspections do not agree with one another: and whereas, further, some of the beaconing off has not been done according to the reports, in consequence of which overlapping has occurred. It is hereby enacted and provided as follows:—

Special
Commission.

1. A Special Commission shall be appointed by the Government consisting of three persons whose duty it shall be to put in order the inspections made for the district of Waterberg, that is to say, to locate on the ground described the farms for which title deeds have been issued, in so far as such is practicable; to fix, determine or assign the situation, extent and boundaries of such farms, when the same cannot, according to the old inspection reports, be clearly made out, or are not consistent with one another; to erect beacons; to frame, if necessary, new inspection reports, and in general to do everything which may be necessary or advisable to put an end to all uncertainty and confusion as regards situation, extent and boundaries of the said farms.

Duties.

2. The Special Commission shall, as far as possible, follow the old inspection reports and recognise lawful beacons. It shall also take into consideration approved diagrams.

This shall not, however, deprive the Commission of the right to set aside such reports and diagrams and to substitute for them new inspection reports if the old reports and diagrams are incorrect either in themselves or in relation to others or do not agree with one another, or wholly or in part refer to the same piece of land, or if a report and the corresponding diagram indicate different pieces of land.

Old reports
followed
where
possible.

Further
Commissions.

3. The Government shall, if necessary, appoint more than one such Special Commission. In such case all the provisions in this Law relating to the Commission shall apply to all such Commissions.

Surveyor.

On every Commission there shall be at least one qualified and sworn surveyor.

Field-Cornet.

Every Field-Cornet of the district of Waterberg shall also have a seat on every Commission engaged in his ward.

One or more of the old inspectors shall, if possible, be put on the Commission to assist in its work in so far as their respective inspections are concerned.

Old
inspectors.

4. Old inspections of the district of Waterberg may be wholly or in part withdrawn from the scope of the Special Commission by the State President, with the advice and consent of the Executive Council.

Old
inspections
may be
unaffected.

5. The Special Commission shall have the right, for the purposes of this Law, to summon witnesses and examine them under oath, and, in the event of their not appearing, to impose a fine of from five to fifty pounds sterling, according to the nature of the case, and such fines shall be recoverable by the respective Landdrosts. The witnesses shall be entitled to remuneration in accordance with the tariff for witnesses in civil cases.

Witnesses.

6. The expenses of the special inspection shall be advanced by the Government, but shall be repaid *pro rata* by the owners of the farms.

Expenses.

Such monies shall be recoverable in the same manner as the district taxes.

On payment of such monies the new inspection report, if one is made, shall be issued to the owner.

New
inspection
report.

7. Every owner shall be entitled, in accordance with regulations to be hereafter made by virtue of Art. 12, to lay his case or cause it to be laid before the Commission either orally or in writing.

Owner
entitled to
state case.

8. All open land shall be divided into farms and inspected for the Government by the Commission.

Unoccupied
land.

9. The Commission shall frame for the Government a general compilation plan, showing the situation of the farms, mountains, rivers, roads, etc., and giving their respective names.

General
compilation
plan.

10. From the decision of the Commission there shall be an appeal only to the Executive Council, whose decision shall be final.

Appeal to
Executive
Council.

The judgments, decisions and findings of the Commission, or, in case of appeal, of the Executive Council, shall hold good in law.

11. No diagrams of farms included in the inspections mentioned in this Law shall be approved and signed until the State President shall have announced by proclamation in the *Staatscourant* that the labours of the Commission have ended.

When
diagrams
approved.

12. The State President is hereby empowered and authorised, with the advice and consent of the Executive Council, to take such measures, to make such provisions and to issue such regulations (with regard to costs or otherwise) as may appear to him to be necessary or useful for the carrying out of this Law.

State
President
may make
regulations.

Operation.

13. This Law shall come into operation immediately after publication in the *Staatscourant*, and shall be made applicable to such other districts as it may be required for.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
May 28th, 1887.

LAW No. 17, 1887.

(REGULATIONS FOR THE FARMS ON SCHOONSPRUIT AND INSTRUCTIONS FOR THE WATER-FISCAL.)

(Approved and enacted by Resolution of the Volksraad, Art. 696, dated June 25th, 1887.)

Confirmation
of arrange-
ment *re*
Schoonspruit.

1. The regulations and settlement framed and agreed to on January 13th, 1887, by the delegates of the Government, C. J. Joubert and J. H. M. Kock, and the Committee chosen by the interested parties, consisting of P. A. Cronje, B. H. Swart, S. J. Ijssel and P. L. Bezuidenhout, which regulations and settlement are attached hereto as Schedule A, are hereby fixed and confirmed.

Constructions
on the
Schoonspruit.

2. All cultivated land along the Schoonspruit, with all water furrows in existence leading out of the Schoonspruit, may remain exactly as it is in its present condition, provided that the water shall be used in accordance with the regulations and settlement mentioned in Art. 1.

Schoonspruit
to be kept
open by
owners.

3. The source of the Schoonspruit and the whole course thereof up to its junction with the Vaal River shall always be kept properly opened and kept open by all owners of or persons interested in arable lands which are irrigated from the Schoonspruit, due regard being had to the regulations and settlement mentioned in Art. 1, and more especially Art. 5 thereof.

Changing
course.

If it shall be necessary to change the course of the Schoonspruit on any farm, this shall be effected with the help of the same persons and in means as above provided.

Maintenance
of dams and
furrows.

4. All owners of and persons interested in farms and arable lands along the Schoonspruit shall be bound to put their dams and water furrows into proper order and to maintain them in that condition.

The dams shall not be too high. They shall be constructed in such a way as to prevent the water from flowing out of the spruit

or the water furrows into marshes and in such a way that the free flow of the water in the stream may not be obstructed.

The furrows shall be kept properly watertight so that no leakage of any importance may take place. Leakage.

In connection with every water furrow the owners of or persons interested in the arable land, &c., for which the water furrow is used shall be bound to construct a proper discharge water furrow leading to the channel of the stream and to maintain it in proper order so that the surplus water may flow without obstruction into the channel of the stream. Discharge water furrow.

The night and Sunday water shall always be duly returned to the stream along these discharge water furrows in accordance with Art. 3 of the regulations and settlement mentioned in Art. 1.

The night shall in this connection be taken to mean the time from sundown to sunrise.

5. Contravention of Art. 2 (that is to say, use of water in conflict with the therein mentioned regulations and settlement) shall be punished with a fine of at least 5 shillings and not more than £2. 10s. Penalties.

Contravention of Art. 3 shall be punished with a fine of 5 shillings for every working day per workman.

Contravention of Art. 4 shall be punished with a fine of at least 5 shillings and not more than £2. 10s.

Half of all fines shall go to the State Treasury, while the other half may be used for the hire of labourers or for the purchase of the necessary implements for opening and keeping open the Schoonspruit. Destination of.

6. A Water-Fiscal shall be appointed by the Government for Schoonspruit at a yearly salary of £150. Water-Fiscal.

7. The rights and duties of the Water-Fiscal for Schoonspruit shall be as follows :— Rights and duties.

- (a.) He shall see that the water of the Schoonspruit is used in a proper manner and that these regulations and the regulations and settlement mentioned in Art. 1 are strictly complied with.

He shall have the power to inspect the water furrows of Ventersdorp and Klerksdorp, in order to secure the observance by the Water-Fiscal of both towns of the said regulations and settlement.

- (b.) He shall at least once every two months visit and inspect all water furrows and discharge water furrows and dams along the whole course of the stream and at least twice every year the whole course of the stream. He shall moreover, whenever a complaint is lodged with him, inquire into and decide such complaint.

(c.) The Water-Fiscal shall inflict all the fines provided in this Law, and from his decision an appeal may, within eight days, be made to the Landdrost of Potchefstroom. The Water-Fiscal shall monthly deposit all fines received by him with the Landdrost of Potchefstroom and shall moreover forward a proper account thereof to the Auditor-General.

The half of the fines recovered under Art. 5 which can be used for the payment of hired labourers or the purchase of necessary implements may be drawn by the Water-Fiscal, if required for the said purposes, from the Treasurer-General. The Water-Fiscal shall be bound to render a proper account of such monies.

The Water-Fiscal shall give notice to the Landdrost of Potchefstroom of every case of unwillingness or neglect to pay any fine inflicted by him.

The Landdrost shall, on the expiration of the time fixed for appeal, summarily recover the fine.

(d.) The Water-Fiscal shall, as soon as these regulations come into force, call upon all interested parties to open the Schoonspruit and to put it in order.

(e.) Once every year the Water-Fiscal may call upon the inhabitants to maintain the channel of the stream in good order in accordance with these regulations, and besides this he may do so whenever he discovers any obstruction to the free flow of the water.

(f.) The Water-Fiscal shall have the supervision of the whole stream and shall also fine offenders without any form of process after giving such offenders written notice of the nature of the offence and after giving them an opportunity of redressing the grievance.

Operation.

8. These regulations shall come in operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
September 5th, 1887.

SCHEDULE "A."

MINUTES OF THE MEETING of the Committee representing the owners of and persons interested in farms on the Schoonspruit, and the Members of the Commission, on Thursday, January 13th, 1887.

Present: Messrs. P. A. Cronje, B. H. Swart, Sarel Ijssel, and P. L. Bezuidenhout, representing the owners of and persons interested in Schoonspruit, and C. J. Joubert and J. H. M. Kock, Members of the Commission.

The Committee, having considered the regulation of the water in the Schoonspruit stream, proceeds in accordance with instructions, and after consultation in the matter, to discuss the best way in which this can be effected. After mature consideration, the following regulations and settlement are framed:—

1. On farms where there are five furrows all the furrows may be used for leading water at the same time, provided, however, that more water shall not be diverted into the furrows than is reasonably, regard being had to the rights of others, necessary for the irrigation of the arable lands. Where there are five furrows.
2. On farms where there are not more than three furrows the same provision shall apply as in Article 1. Three furrows.
3. On all farms the night and Sunday water shall be returned to the stream by means of proper discharge water furrows. Night and Sunday water.
4. The source of the Schoonspruit shall be properly opened, so as to increase the supply of water, and in places where there are marshes a new channel shall be made, either through the marsh or by a circuitous course, so that the free flow of the water may not be obstructed. Source to be opened.
5. Every interested person shall be bound to do his share of such work subject to the following provisions:— Duty of owners, &c.
 - (a.) The persons interested in and owners of farms on Schoonspruit, below Sterkstroom, shall co-operate in the work of opening and cleaning the course of the stream, as provided in Article 4, beginning at Klerksdorp, or such other place as may be deemed necessary.
 - (b.) The persons interested in Boven Sterkstroom shall do the work on the stream from that farm to the source, as provided in Article 4, provided that all the work on Schoonspruit up to and including the source of the stream shall be done jointly by the persons interested.
6. Ventersdorp shall be entitled to water from the stream under the same conditions as are set out in Article 1. Ventersdorp.
7. Klerksdorp shall be entitled to three-quarters of the water flowing in the stream. Klerksdorp.
8. On the farm "Het Oog van Schoonspruit," the furrow at present in existence shall remain, but the quantity of water allowed to flow along such furrow shall not, however, exceed the quantity required for the irrigation of the arable lands at present under cultivation. Furrow on "Oog van Schoonspruit."
Where cleaning of the source interferes with water supply of the owner.
9. If, through the cleaning or opening of the source, the water in the furrow of the owner thereof is interfered with, his interests in the matter shall be considered as equity demands.
10. This document shall operate as a settlement between the owners of and persons interested in farms on Schoonspruit from the source to its junction with the Vaal River, and for this purpose it has been signed by the four Members of the Committee chosen by the owners and interested persons. Settlement between the owners.

Thus done and agreed on the farm Palmietfontein, ward Schoonspruit, district Potchefstroom, on the date above mentioned.

P. A. CRONJE.
B. H. SWART.
S. J. IJSSEL.
P. L. BEZUIDENHOUT.

Done with our co-operation—

C. J. JOUBERT.
J. H. M. KOCK.

G. H. J. VAN DAM, *Secretary*

VOLKSRAAD RESOLUTION, MAY 4TH, 1887

Compensation
for farms.
London
Convention.

30. Fixes a period for the filing of claims for compensation for farms which, in consequence of the London Convention of 1884, fell outside the limits of the S. A. Republic. It also recognises titles to land granted by the Government of Stellaland in so far as such land falls within the limits of the S. A. Republic.

VOLKSRAAD RESOLUTION, MAY 4TH, 1887.

Theodor
Doms.

35. Declares that Theodor Doms shall not be entitled to certain farms in the district of Bloemhof or to compensation therefor.

VOLKSRAAD RESOLUTION, JUNE 16TH, 1887.

Destruction of
dogs on farms,
&c.

567. The Volksraad, considering the great trouble and damage in many cases caused by dogs, resolves as follows:—"If dogs, belonging to white or coloured persons living on a farm, location or place, do harm or cause damage to stock or other property of the owner or the occupier of such farm or the adjoining or neighbouring farms or to the game on such farms, the person who suffers any damage or harm from such dogs shall have the right, after having once called upon the owner or the holder, if he can find him, of such dogs to abate the nuisance, in the event of a repetition thereof, to give the Field-Cornet notice of the fact. The Field-Cornet shall then have the right to kill such dogs or cause them to be killed."

LAW No. 3, 1888.

CONTAINING PROVISIONS AGAINST THE ILLTREATMENT OF ANIMALS.^[1]

(Approved and enacted by Volksraad Resolution, Art. 268, dated May 29th, 1888.)

WHEREAS it is desirable to prevent the illtreatment of animals and to provide penalties in respect thereof, it is hereby provided and enacted as follows:—

1. Any person who wilfully treats any animal in a cruel manner shall be punished by imprisonment with or without hard labour

Penalty for
cruelty to
animals.

¹ See V.R.R. 8th May, 1889, Art. 44, in Appendix, on p. 473.

for a period not exceeding three months or a fine not exceeding twenty-five pounds sterling.

If the offence has been committed in public, imprisonment with or without hard labour for a period not exceeding four months or a fine not exceeding forty pounds sterling may be inflicted.

Imprisonment with or without hard labour may be inflicted as an alternative in the event of a fine not being paid.

2. The following persons shall be punished by imprisonment for a period not exceeding one month or by a fine not exceeding ten pounds sterling, to wit:— Further penalties.

- (a.) Any person who shall cause any animal to pull or draw a burden which is obviously in excess of its powers.
- (b.) Any person who shall cause any conveyance by means of draught animals or beasts of burden to take place in an unnecessarily painful or vexatious manner
- (c.) Any person who shall convey cattle or stock in a needlessly painful or vexatious manner.

Imprisonment may be alternatively inflicted in the event of non-payment of the fine.

3. This Law shall come into operation immediately after publication in the *Staatscourant*. Operation.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
11th June, 1888.

LAW No. 5, 1888.

(PROVIDING PENALTIES FOR CERTAIN OFFENCES AND MIS-
DEMEANOURS.)

(Approved and enacted by Resolution of the First Volksraad, Art.
302. dd. 30th May, 1888.)

WHEREAS it has appeared desirable to make certain acts punishable, or to establish beyond question the fact that they are punishable, it is hereby enacted and provided as follows:—

1. Any person who shall wrongfully intrude in or upon any dwelling or any enclosed place, erf, stand or werf (grounds about a homestead) which is in the use of another person or who shall wrongfully remain there and not immediately take himself off upon request made by or on behalf of the person entitled to the Penalty for Intrusion in private houses, &c.

property intruded upon, shall be punished by imprisonment with or without hard labour for a period not exceeding six months, or by fine not exceeding £75 sterling.

In addition to such imprisonment lashes to a number not exceeding twenty-five, may be inflicted.

Definition of
Intruder.

Any person who shall have effected such entrance, by means of breaking or climbing in, or by means of skeleton or false keys or other implements not intended for the opening of the dwelling, place or erf, the stand or werf, or by means of a forged order or disguise, or who without the previous knowledge of the person entitled to the property intruded upon or in any way other than as the result of mistake, shall have entered upon and be found therein or thereon during the time intended for the night's rest, shall be deemed to be an intruder.

Use of
Threats.

If he shall have uttered threats, or have availed himself of means calculated to intimidate, he shall be punished by imprisonment for a period not exceeding one year with or without hard labour, and with or without lashes to a number not exceeding twenty-five.

The penalties provided in the first and third paragraphs may be increased by one-third, where two or more associated persons have committed the offence.

Intrusion in
public places.

2. Any person who shall wrongfully intrude in, on or upon any place appointed for the public service, or wrongfully remaining there, shall not at once upon request of or on behalf of any competent official take himself off, shall be punished by imprisonment with or without hard labour for a period not exceeding three months, or a fine not exceeding seventy-five pounds sterling.

In addition to such imprisonment, lashes to a number not exceeding twenty-five may be inflicted.

Any person who shall have effected such entrance by means of breaking or climbing in, or by means of skeleton or false keys or other implements not intended for the opening of the place, or by means of a forged order or any disguise, or who without knowledge of the official and otherwise than as the result of mistake shall have entered into and be found in or on such place during the time intended for the night's rest, shall be deemed to be an intruder.

If he shall have uttered threats, or have availed himself of means calculated to intimidate, he shall be punished by imprisonment for a period not exceeding one year with or without hard labour and with or without lashes to a number not exceeding twenty-five.

The punishments provided in the first and third paragraphs may be increased by one-third where two or more associated persons have committed the offence.

Name of
Offence.

3. The offences mentioned in Arts. 1 and 2 shall be referred to under the name of "Trespass or Intrusion with Breach of the Peace."

4. The onus of proving the previous consent of the person entitled to the property intruded upon or of the competent official or that a pure mistake was made shall lie on the accused. Onus.

5. The term "climbing in" shall include cases where the means of entrance is by "undermining," as also where trenches, canals, or water furrows serving as a partition, are crossed. Term
"Climbing
in."

6. The following persons shall be punished by a fine not exceeding twenty-five pounds stg. or in default of payment thereof by imprisonment with or without hard labour for a period not exceeding three months, viz. :— Further
penalties.

(a.) Any person who shall have in his possession or custody without lawful excuse (the onus of proving which shall lie on the accused) any implement or instrument intended or suitable for burglary. Burgling
implements.

(b.) Any person who shall be found during the time intended for the night's rest with his face blackened or painted, or disguised in any other way, with criminal intent. Disguises.

(c.) Any person who shall be found during the time set aside for the night's rest armed with a gun, pistol, dagger or other weapon, with criminal intent, or who shall not be able to give a valid and satisfactory explanation of his being so armed. Arms.

7. This Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Offices, Pretoria,
18th June, 1888.

NOTE TO ART. 1, LAW NO. 5, 1888.

See Criminal procedure 1866, Art. 6, Lawbook 1849-1885, page 272; Law No. 14, 1880, Art. 14; also Volksraad besluit, dd. 30th May, 1888, which reads as follows:—Art. 304. "The Raad, having regard to the memorials V.R.R. 147/88, V.R.R. 254/88, 243/88, resolves whilst sending memorialists a copy of Law No. 5, 1888, to inform them that the Raad, especially with regard to the present circumstances of the country, has considered it inadvisable to erase from the Law the punishment by lashes, and further that the

Law makes a sufficient provision, and upon being strictly applied will leave no opening, for the infliction of lashes, where not absolutely required.”

(See Judgment of Judge E. J. P. Jorissen in *re State vs. Venter*, delivered January, 1891.)

LAW No. 7, 1888.

TRAVELLING AND PERSONAL EXPENSES FOR WITNESSES IN
CRIMINAL CASES.

(Approved and enacted by resolution of the First Volksraad,
Art. 296, dated 30th May, 1888.)

WHEREAS it is desirable to establish a proper tariff for the payment of travelling and personal expenses to witnesses in criminal cases, it is hereby enacted as follows :—

Witnesses' fees in criminal cases.

1. Witnesses in criminal cases shall be entitled to a personal allowance of

- (a.) For white witnesses (10s.) per diem. [1]
- (b.) For coloured witnesses (2s.) per diem.

The witness shall receive this allowance :—

- (a.) For the days that his presence is required at the place where the Court shall be sitting ; and
- (b.) For each day's travelling there and back.

A distance of 36 miles or six hours on horseback shall be reckoned to be one day's travelling.

For distances less than 36 miles but over 18 miles, the personal allowance as and for the whole day shall be paid.

Travelling expenses.

2. White witnesses in criminal cases shall be entitled to travelling expenses at the rate of four shillings for every six miles or hour on horseback.

Witnesses, who reside within a distance of six miles, or one hour on horseback, from the place where the Court is sitting, shall not be entitled to any travelling expenses.

Witnesses who make use of the mail coach, or any other public means of conveyance, shall in lieu of the travelling expenses afore-said, upon production of a receipt receive a refund of the fare paid by them.

Coloured witnesses shall receive two shillings per diem as travelling expenses.

3. Officials living at the place where the Court sits, or within six miles thereof, shall not be entitled to the allowance mentioned in Art. 1. Civil servants.

4. The Government shall have the power to make special arrangements for the payment of travelling and personal expenses of witnesses who reside abroad. Foreign witnesses.

5. This Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Offices, Pretoria,
18th June, 1888.

LAW No. 8, 1888.

MARKETS.

(Approved by Volksraad Resolution, Art. 358, dated 16th June, 1883, as amended by Volksraad Resolution, Art. 481, dated 15th June, 1888.)

1. Market shall be held on the Market square of every town by the Market-master appointed by the Government, except in cases where a Town Council has been established, in which case the appointment shall be made by the Town Council. Holding of Market.

2. Market shall be held one hour after sunrise every day of the year, with the exception of Sundays and Church holidays. The first bell shall be rung half-an-hour after sunrise. Hours.

The market shall continue until everything that is brought to market shall have been offered for sale.

3. It shall not be lawful for any person during the market hours to ride about amongst, and to the hindrance of those who are attending the market, or amongst the goods which are being sold. No riding about on Market square allowed to the inconvenience of persons attending market.

4. Repealed by Proclamation 34 of 1901. Dutch language.

5. The Market-master personally shall neither bid nor purchase for himself, nor for any other person. Market-master.

6. The entries made of the sale as well as the market notes shall be written in ink. Entries.

7. The Market-master shall sell all goods brought to the market by public auction, to the highest bidder. The sales shall be for cash. Highest bidder.

Market note.

8. The Market-master shall hand the seller a market note, which shall set out in columns :—The name of the seller, the name of the purchaser, the articles purchased and the price; and one column shall be left open on such market note in which column upon delivery of the article purchased, the purchaser or person who receives the same for him, shall sign his name.

Upon exhibition of the market note so signed the seller shall be entitled to receive the amount from the Market-master.

(See Form "A" of market note annexed hereto.)

Purchasers.

9. Purchasers shall pay the Market-master on the day of sale before 12 o'clock noon, at his office; in default whereof they shall pay 5 per cent. for collection.

The Market-master shall see that payment for the purchases is made (to him) in the ordinary course.

And it shall be lawful for him, to decline to accept a bid from any purchaser who has refused to pay.

10. The Market-master shall keep proper books (in such form as may be prescribed for him) of all Government dues to be paid in by him, payable upon the articles sold on the market, which dues shall amount to $2\frac{1}{2}$ per cent., except in respect of wines, spirituous liquors, &c., which come from beyond the limit of this State. (See Art. 15, par. *m.*)

Unsold articles.

11. Where an article which is put up for sale is not sold, the owner or person acting in his stead shall pay a sum of 2s. 6d. to the Market-master on behalf of the Government on every wagon, or vehicle, or otherwise upon the article put up.

Owner's consent.

The Market-master shall not knock down to the bidder the article put up, without obtaining the consent of the seller thereto; and in the event of a dispute between purchasers, the Market-master shall again put up the article.

Government dues.

12. The Market-master shall weekly pay in to the Landdrost of the district, all monies which shall accrue to the Government from the proceeds of the market, and shall at the same time submit his books for examination and approval.

13. The Market-master shall as far as possible prohibit all sales which are not permissible in terms of this Law.

Restrictions upon out of hand selling.

14. No person, after having brought his products on to the market square, shall have the right to sell the same, before he shall first have put the same up to auction on the market, and until he shall have done so, no person shall have the right to purchase the same.

How articles are sold.

15. Products, &c., shall be sold as follows :—

- (a.) Meal, wheat, per muid of 200 pounds.
- (b.) Mealies, bread mealies, pan salt, barley, oats, rye, kaffircorn, beans, lentils, lime: per bag of 8 buckets.
- (c.) Potatoes, sweet potatoes, onions: per bag of 8 buckets or submultiple thereof.

- (d.) Wool, ivory, ostrich feathers, butter, pork and salt meat, dry fruits, &c. per pound.
- (e.) Oats and green forage, per bundle, chaff, per bale or bag.
- (f.) Firewood, per load.
- (g.) Coal, per 100 pounds or submultiple thereof.
- (h.) Yellow-wood planks, beams and all sorts of timber, also wood for wagons, doors, windows, lintels and testers or hoods by the foot, per piece or by the lot; spars per piece; poles, Spanish reeds per 100; thatching, per 100 bundles, with a diameter of 6 inches.
- (i.) Oranges, apples, &c. per 100.
- (k.) Vegetables, in batches as the seller may desire.
- (l.) Eggs by the dozen.
- (m.) Wine and spirituous liquors, per gallon. Import duty shall be paid on such liquors if imported from abroad, unless they are products of the Orange Free State. Such liquors may not be sold on the market before such import duty shall have been paid.
- (n.) Horses, large stock (cattle), sheep, goats, pigs, poultry, &c., per head.
- (o.) Any articles not mentioned here shall be sold as the Market-master may elect.

16. Every person who shall bring meal, grain, oats, butter, sweet potatoes, wool, vinegar, potatoes, wine, spirituous liquors, &c., to market, shall if required before the sale furnish the Market-master with a sample for comparison with what is offered for sale. Samples.

This sample need not be larger or greater than is required to enable a judgment to be formed of the quality of that particular kind.

No purchaser shall be obliged to take delivery of what is sold if it is worse than the sample.

In the event of dispute the Market-master shall decide, the losing party shall pay the Market-master's costs therein not exceeding 10s. (ten shillings).

An appeal may be made to the Landdrost, who shall summarily decide.

17. All products or things sold on the market shall be delivered by the seller at the house of the purchaser or at his place of business within the town. Immediately after the purchase, the purchaser shall be obliged and bound to point out in clear terms or cause to be pointed out to the seller the house or place within the town, where the products or goods are to be off-loaded or delivered. Delivery

Should the purchaser not be present to take delivery of what is sold, it shall be off-loaded in the presence of competent witnesses or off-loaded at the market house for account of the purchaser.

18. The Market-master shall be entitled to decline to sell if he has reasonable grounds to suspect that what is brought to market is not the property of the person who offers it for sale.

The sale may however be effected upon condition that the proceeds shall remain for a certain time in the hands of the Market-master, or otherwise as the Landdrost shall deem fit.

He shall in such case immediately give written notice to the Landdrost, who shall without delay institute the necessary enquiry.

Salary of
Market-
master.

19. The Market-master shall receive a fixed salary from the Government, and shall give security for the due fulfilment of his duties.

He shall over and above the salary receive 2 per cent. of the market money.

Spoilt wares.

20. Spoilt wares or wares deleterious to health, sick live stock, or horses with glanders brought to market, shall upon complaint of the Market-master or any other person be immediately removed from the market by the owner or person in charge thereof, and in the event of refusal or negligence, such person shall be punishable according to the provisions of this Law.

Certificates to
be produced
by sellers not
being land-
owners.

21. All persons not being landowners bringing articles to market and more especially firewood and lime, shall be obliged to exhibit a written pass from the owners of the farms, from which the said articles come, and upon non-compliance therewith the articles shall be declared forfeited.

Penalty.

22. Any person who shall contravene one or more of the articles of this Law shall be liable to a fine not less than 7s. 6d. and not exceeding seven pounds ten shillings sterling, to be imposed by the Landdrost according to the nature of the case or in default of payment to imprisonment for a period not exceeding one month.

If delivery
cannot be
pointed out.

23. If the purchaser shall not duly point out the place of delivery in terms of Article 17 to the seller and the latter cannot find the purchaser, the seller shall be entitled to bring back the products or goods sold and not received to the market house; and if the purchaser shall not put in an appearance before 1 o'clock p.m., the Market-master shall receive the goods sold from the seller, and pay out the value thereof to the seller, who shall then be entitled to off-load the products or goods sold at the market house for account and risk of the purchaser, in presence of the Market-master, or his lawful representative.

In such case the market-master shall again offer the goods for sale the first ensuing market day, and the difference (if any) between the first and second sale and all damages and further costs thereby occasioned or connected therewith shall be made good by the first purchaser.

24. All laws and provisions in conflict with this Law are hereby repealed.

25. This Law shall come into operation immediately after publication.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Offices, Pretoria,
21st June, 1888.

FORM "A."

MARKET BRIEF.

No.	No.			
Date	Town	Date		
Seller	Seller			
	Purchaser.	Article.	Price.	Received by.
Purchaser				
Article				
Amount				

VOLKSRAAD RESOLUTION, dated 9th May, 1888

Art. 41.

Re proposed Coolie Law and Alteration of Convention with Great Britain.

(See pages 37 and 38 L.L. 1888.)

VOLKSRAAD RESOLUTION, 8th June, 1888.

418. Refusal of request made by Coolies to be allowed in the Coolies. Street after nine o'clock at night.

(Page 50 L.L., 1888.)

VOLKSRAAD RESOLUTION, 5th July, 1888.

899. The Raad having regard to Art. 4 of the Report of the Coolies. Estimates Commission now on the order; to V.R. Resolution, Art.

415, dated 8th June, 1888; to V.R. Resolution dated 9th May 1888, Art. 41; having regard to the object of Law No. 3, 1885, as amended by Art. 1419, of the Volksraad Resolutions of the year 1886 and to the instructions and provisions therein contained, the Raad feeling that it in all respects conflicts with the maintenance of proper sanitary measures, that the races referred to in Law No. 3, 1885 should be permitted to live in business places, which do not happen to be in the locations; having good reasons to believe that this rule is not given effect to, and being of opinion that not doing so is in conflict with the spirit and the letter of the said law, resolves:—

To instruct the Government to institute an enquiry, and if possible, to prohibit the living in such business places.

The Raad further instructs the Government, should it appear after enquiry has to that end been made, that the further dealing and mode of life of the said races conflict with the interests of the white inhabitants, especially in so far as the maintenance of the sanitary condition in the towns is concerned, in such case to take steps to have the law amended in all such respects as may be necessitated.

VOLKSRAAD RESOLUTION, 24th July, 1888.

Australian
Bug.

1094. The Volksraad resolves to authorise the Executive Council to frame regulations and provisions for the chopping down and destruction by the owner of trees and plants, infected by the Australian bug or other noxious insects, and if the owner is negligent the Government shall do such chopping or destroying at the cost of the owner; the owner shall in none of these cases be entitled to claim compensation.

LAW No. 6, 1889.

GAMING.

(Approved and enacted by First Volksraad Resolution, Article 304, dated 31st May, 1889.)

WHEREAS it is necessary in the interest of public morality, to suppress the keeping and visiting of gambling houses and gaming tables, and also to suppress gambling itself; it is hereby provided and enacted as follows:—

It is unlawful
to keep any
gaming-
house.

Right to enter
and search
houses, &c.

1. It shall be unlawful to keep or visit a gambling house or gaming table within the South African Republic.

2. It shall be lawful for any Public Prosecutor, Justice of the Peace, Field-Cornet, Assistant Field-Cornet, or white constable, or any person duly authorised under signature of the Public Prosecutor,

with such assistance as he shall deem necessary at all times, to enter and search any house, tent, room, vehicle or other place of meeting, which he has good reason to believe is a gambling house, and if, upon request made by such Public Prosecutor, Justice of the Peace, Field-Cornet, Assistant Field-Cornet, or constable or other person so authorised, specifying his name, capacity, and the reasons why he wishes to be admitted into such house or other place, such house or other place is not forthwith opened, it shall be lawful for such officer or constable to break open such house or other place or cause it to be broken open, and to enter and search the same by force, and the owner or occupier of such house or other place, who, for whatever reason shall not open or shall refuse to open such house or other place, upon request made in the manner prescribed, by such officer, or constable or other person so authorised as aforesaid, may upon conviction thereof, be punished by a fine not exceeding £100, or imprisonment with or without hard labour for a period not exceeding six months, in addition to any further punishment which such person may be liable to undergo, as is by this law provided.

3. Every house, tent, room, vehicle or other place of meeting shall be deemed to be a gambling house, in which, and every article or thing shall be deemed to be a gaming table, on which gaming appliances shall be found, or in which or whereon it shall appear that a bank is being kept, that is to say, in which or whereon the players stake money against the money of the occupier or owner of the house or the table or against money supplied by any person, bank or firm or mutual association, as a fund or as capital for the purpose of gambling, or in which or on which Rouge et Noir, Roulette, Faro or any other game is being played, by which the owner or occupier of the house or the table of any person, or bank or firm, or partnership with shares, stakes money against the money of the players.

Term,
gambling
house, &c.

4. Every holder of a gambling house, whether as owner, holder, attendant, or in any other capacity whatsoever; every person charged with the supervision or the direction of the play, or acting as banker, dealer, croupier, or in any other capacity, and every person acting as porter, doorkeeper, or servant, or filling any other office in any gambling house, or at any gaming table, shall be deemed and taken to be the keeper of a gambling house or gaming table.

Who is
deemed to be
a keeper of a
gambling
house.

5. Every person found in a gambling house or at a gaming table, and who is not the holder of a gambling house or gaming table, shall be deemed and held to be visiting such gambling house or gaming table with the object of playing.

Visitors.

6. It shall be lawful for the police or for persons duly authorised by the Landdrost of any district or the Special Landdrost, Assistant Landdrost, or Mining Commissioner, of any public

Powers of
arrest.

diggings (see Law 7, 1894, Art. 15, for words inserted here), to arrest, without warrant, all persons, whomsoever, found in any gambling house or at any gaming table, and to seize all cards, dice or other gambling requisites and monies found in any gambling house or on any gaming table.

Penalties
against keeper
of a gambling
house.

7. Any person who shall be convicted of keeping a gambling house or a gaming table shall be punished for the first offence by forfeiture of all monies, gaming tables, implements and appliances found in such playhouse or in the possession of any keeper thereof, "besides a fine of £5 or in default of payment by imprisonment for a period not exceeding one month" (the portion in inverted commas is repealed by Law No. 1, 1892, q.v.); for the second offence by imprisonment with hard labour for a period not less than three nor exceeding twelve months, in addition to the forfeiture hereinabove described; for a third or subsequent offence by imprisonment for a period not exceeding three years with hard labour, in addition to the forfeiture hereinabove described.^[1]

Penalties on
persons visit-
ing gambling
house.

8. Any person who shall be shown to have visited a gambling house or gaming table with the object of playing shall be liable to the following fines:—

For the first offence £5 or in default of payment one week's imprisonment; for the second offence a fine of £10 and in default of payment two weeks' imprisonment; for a third or subsequent offence a fine of £20 and in default of payment imprisonment for six weeks, with or without hard labour.

9. Superseded by Law No. 1, 1892, Art. 3.

Jurisdiction.

10. The Landdrosts, Special Landdrosts or, where such are appointed, the Assistant Landdrosts and the Mining Commissioners on the public diggings where no special Landdrosts have been appointed, shall in their respective districts or public diggings have special jurisdiction in all cases falling under this Law.

Informant.

11. Any person who gives such information as shall lead to conviction and to the infliction of any fine or forfeiture under the provisions of this Law, shall be entitled to receive the half of the monies forfeited or fines inflicted and received.

12. This Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
4th June, 1889.

¹ See Law 1, 1892.

LAW No. 7, 1889.

ON THE MAKING AND MAINTENANCE OF ROADS.

(Approved and enacted by Resolution of the Volksraad, Art. 485, dated 21st June, 1889.)

1. The Government shall have the right to take from every farm or piece of land or to cause to be taken therefrom, any stones, ground and gravel required for making and maintaining the roads within the limits of such farm or piece of land.

Right to take materials for road repairs.

2. If a farm or piece of land does not contain a sufficient supply of materials, the Government shall be entitled to take and bring over such materials from the adjoining or any other farm, on which the same shall be obtainable in sufficient quantity.

3. The owner or occupier of a farm or piece of land shall have the right to point out a place where the materials mentioned in Arts. 1 and 2 shall be taken from, provided such place is equally suitable and as easily accessible as regards distance as that which has been selected by or on behalf of the Government. In the event of dispute, the nearest official, who is not concerned in the case, and two impartial persons to be appointed by him shall decide the matter.

Owner may point out a suitable place.

4. The Government shall not be entitled to take possession of any material, on which the owner has expended any manual labour, except in exceptional cases, and in such case for reasonable consideration to be previously fixed by mutual agreement, with the owner or lessee.

In the event of a difference of opinion in such case between the owner or lessee and the Government, the compensation shall be assessed by arbitrators.

Differences.

5. The Government shall however in no case have the right to take stones from house, kraal or boundary walls.

6. Any person who wrongfully prevents, obstructs or opposes the making, repairing or maintaining of ways or roads, by refusing to allow the use of materials or otherwise, shall be responsible for all cost which may be incurred in respect thereof.

Penalty for obstructing repairs, &c.

7. This Law shall come into operation immediately after publication in the *Staatscourant*.^[1]

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

¹ See F.V.R.R. 14-5-1891, Art. 55 on p. 174.

LAW No. 2, 1890.

TO COMPEL RESIDENTS OF THIS REPUBLIC TO APPEAR AS WITNESSES IN THE COURTS OF LAW OF THE ORANGE FREE STATE.

(Approved and enacted by resolution of the Volksraad, Art. 132, dated 17th May, 1890.)

WHEREAS the testimony of persons residing in the South African Republic is frequently required in the Courts (of Law) of the Orange Free State.

And whereas there exists no power to compel the attendance of such persons before the said Courts, in consequence whereof the ends of justice are sometimes defeated.

And whereas it is desirable to make the attendance of such persons before such Courts compulsory.

It is hereby provided and enacted as follows:—

Subpœna to be endorsed by Landdrost and served by messenger, &c.

1. Where a subpœna purporting to be issued by the proper officer of any competent Court in the Orange Free State for the purpose of securing the attendance of any person resident in this Republic as a witness before such Court, shall be transmitted by such officer to the Landdrost of the district within which the person, whose attendance is so required shall be residing, it shall be the duty of the said Landdrost to endorse on such subpœna his order that the same shall be served on the person therein named; and the subpœna so endorsed shall thereupon be handed to the messenger of the said Landdrost's Court, or to his lawful substitute, or such other person as the said Landdrost shall specially appoint for the purpose, whose duty it shall be to serve the same as soon as practicable on the person designated therein.

Conduct money.

Provided always that the necessary expenses of such service and the necessary expenses to be incurred by the person subpœnaed, in going to and returning from the Court named in such subpœna, and to be incurred during his detention at the place where his evidence has to be given, according to such tariff as shall, from time to time, be framed by the Executive Authority, shall be transmitted to the said Landdrost, together with the said subpœna, and the portion of such expenses assigned to the person named in the said subpœna shall be paid to him by the officer serving the same.

Penalty.

2. Every person who shall have been served with a subpœna as in the previous section mentioned shall be bound to attend on the day and at the place therein named; and in case he shall fail so to do and shall also fail to prove any lawful and valid excuse for

such non-attendance he shall be liable to a penalty not exceeding one hundred pounds sterling, which shall be recoverable in the Court of the Landdrost of the district in which he shall be residing, at the instance of the State Attorney.

The fact that in addition to the time fixed by law for the appearance of witnesses in this State, the subpoena was not served on the witness at least fourteen days prior to the time the said witness would have to leave home, shall be deemed to be such legal and valid excuse as is referred to in this article.

3. The return of the person authorised to serve such subpoena as in the first section of this Act provided, showing that such service has been duly made, and a certificate under the hand and seal of the presiding Judge or Landdrost of the Court from which the said subpoena was issued, that the person so served did not attend when called upon and did not establish any valid or legal 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.

How penalty recovered.

4. No person resident in the Orange Free State who may be summoned as a witness before any Court of this Republic, and whose attendance before such Court shall be enforced by any legislative enactment of the Orange Free State, shall be liable, while so attending, to be arrested upon any civil or criminal process for any debt formerly due or any offence formerly committed by him in this Republic.

Witnesses free from arrests for other causes.

5. This Law shall come into operation and take effect as soon as the State President shall, by proclamation in the *Staatscourant*, declare and make known that the Orange Free State has made due provision to compel the attendance as witnesses before the Courts of this Republic of persons resident in the Orange Free State.

This Act to be proclaimed of force upon reciprocity legislation.

6. All enactments in conflict herewith are hereby repealed.

S. J. P. KRUGER,

State President.

Dr. W. J. LEYDS,

State Secretary.

Government Offices,
Pretoria, 25th May, 1892.

(For tariff of witnesses subpoenaed under this law, see Government Notice published in L.L., 1891, page 369.)

LAW No. 7, 1890.

(AGAINST THE HOLDING OF LOTTERIES.)

(Approved and enacted by Resolution of the First Volksraad, Art. 593, dated 5th July, 1890.)

WHEREAS it is desirable to prevent and enact penalties against the holding of lotteries. Be it hereby provided and enacted as follows :—

Penalty
against
lotteries.

1. Any person who, either personally or by his duly authorised representative, or as the representative of some other person or persons, whether known or unknown, shall

- (a.) Establish or start a lottery, or be concerned therein as a participator in the profits thereof, whether as a partner or in any other way.
- (b.) Manage, conduct, or in any way whatsoever help in the management or conduct thereof.
- (c.) Sell or dispose of any ticket in a lottery, or offer to sell or dispose of or take or purchase or have any share therein.
- (d.) Knowingly permit any house, room or other place under his supervision to be used for the management or conduct of a lottery, or for any object in connection therewith, shall be guilty of a contravention of this Law, and shall upon conviction be punished for the first offence by a fine not exceeding two hundred pounds sterling, or, in default of payment, by imprisonment with or without hard labour for a period not exceeding six months, and for every repetition of the offence by a fine not exceeding five hundred pounds sterling, or by imprisonment with or without hard labour for a period not exceeding twelve months, or by both such fine and imprisonment.

Lotteries may
not be
advertised.

2. It shall not be lawful for any publisher or owner, or other person, who has the control and administration of a newspaper or public print, or for the owner, or other person, who has the management or control of a printing press, to print or publish as an advertisement, or in any other manner, either in such newspaper or public print or otherwise, any notice of a lottery to be held in this Republic or elsewhere.

Contravention of this article shall be punished by a fine not exceeding fifty pounds sterling, or, in default of payment, by imprisonment with or without hard labour for a period not exceeding one month.

3. Any person who, personally or by a servant or agent, shall circulate, or deliver, or cause to be circulated or delivered, in this

Republic, any bills or other documents which contain, either in print, writing, or in any other way, a notice of or information concerning any lottery, shall be punished by a fine not exceeding fifty pounds for each offence, or, in default of payment, by imprisonment with or without hard labour for a period not exceeding one month.

4. A subscriber to a lottery shall not be entitled to take any legal steps for the obtaining of transfer, delivery or payment of any prize, and no transfer of immovable property won as a prize at a lottery shall be lawful or be permitted by the Registrar of Deeds.

Subscriber has no action in law.

5. No person shall, by reason merely of the fact that such lottery is held either wholly or partially beyond the limits of this Republic, be deemed to be exempted from liability in any proceeding, whether criminal or civil, under the provisions of this law, in respect of any act or deed done by him, or which he may have caused to be done, with reference to or in connection with any lottery.

Responsibility.

6. In this law the following terms shall have the following meanings, to wit :—

Interpretation of term lottery.

“Lottery” shall mean any lottery in the general and accepted meaning of that word, which is founded on subscription, and more especially any scheme, institution, system, plan or design by means of which a prize or prizes shall or may be won, or drawn, or awarded according to what may be determined by lot, or by a throwing of dice, or by any other method of selection by chance, irrespective whether the happening of any accidental occurrence other than the result of the application or use of such dice, or other methods of selection by chance, be an element in determining such award or selection, or not.

“Prize” shall mean money or any other matter, object or thing, including land, houses, goods, wares or other property movable or immovable, and including any right to claim money and any right to property, user, usufruct or occupation of lands, houses, goods, wares or other properties.

Prize.

“To subscribe” shall mean to pay or deliver, whether through the intervention of any agent or not, to any person whomsoever, any sum of money or any article, matter or thing, movable or immovable, whether such article or thing has any money value or not, for and in consideration of and with the object of obtaining from any person or persons whomsoever, any right or the acknowledgment of any right to participate in or to secure any chance of winning any prize in a lottery.

To subscribe to.

“Subscription” shall mean the money, article or thing so subscribed, including the proceeds of such article or thing if sold or

Subscription.

disposed of for money, and including any other article or thing received in exchange therefor or otherwise.

Exemption.

7. Lotteries of erven or ground held by the Government, as also lotteries by means of which the exercise and fitness of horses determines the result, shall not fall under the provisions of this Law, so long as they do not partake of the nature of a gamble.^[1]

8. The Courts of Landdrost, special and assistant Landdrosts shall have special jurisdiction in all cases falling under this Law.

9. A third of all fines recovered under this Law shall be paid over to the informant.

10. This Law shall come into operation three months after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria,
19th July, 1890.

VOLKSRAAD RESOLUTION, dated 10th May, 1890.

Art. 58, relating to Boxing.

The Volksraad resolves as follows :—

Boxing
contests
prohibited.

1. Boxing contests, whether for money, for prizes or otherwise, shall be prohibited.

Penalty.

2. Any person who participates in any such match as is mentioned in Art. 1, whether as one of the fighters or as a second or spectator, shall be punished by a fine not exceeding £100 or imprisonment with or without hard labour for a period not exceeding twelve months, or both fine and imprisonment.

Jurisdiction.

3. The Courts of Landdrost, special and assistant Landdrosts and Mining Commissioners, shall have special jurisdiction for the infliction of penalties under this Law.

Arrest.

4. Police Agents, Field-Cornets, Justices of the Peace, and other officials charged with the administration of justice, shall have the right without any writ or warrant to apprehend offenders caught

¹ See p. 33, 1901.

red-handed, and to bring them to the nearest Court to be dealt with according to law.

5. This resolution shall have the force of law immediately after publication in the *Staatscourant*.

By VOLKSRAAD RESOLUTION, Art. 58, dated
10th May, 1890.

The following resolutions of the Executive Council obtained the force of law in the South African Republic, viz. :—

1. Executive Council Resolution, Art. 786, dated 18th December, 1889.

The Executive Council resolves :

That no registration of inland companies shall take place when the articles of association have reference to the erection or institution of mints, railways, tramways, telegraph lines, etc., and further that no registration of any inland company shall take place otherwise than subject to this special condition, that there shall be no carrying into effect of such of the articles of association as may appear to be opposed to the interests of the country. This resolution shall not derogate from any of the other provisions of Law No. 5 of 1874.

No registration of inland companies in certain cases.

2. Executive Council Resolution No. 746, dated 29th November, 1889.

Resolved that :—

As and from this date no foreign company shall be registered in this Republic unless it be incorporated in manner as provided in Law No. 6 of 1874.

No registration of foreign companies unless incorporated under Law 6 of 1874.

VOLKSRAAD RESOLUTION, dated 16th May, 1890.

Art. 128. Amendment of Art. 2, par. 1, letter *c*, of Law No. 3, 1885.

(Asiatics.)

The said Art. 2, par. 1, letter *c*, of Law No. 3, 1885, shall be amended as follows :—

Such coolies, Asiatics, etc., as establish themselves in the Republic to carry on business or otherwise, shall be enregistered in a separate register, to be kept therefor by the Landdrosts of the respective districts or other officials who may be thereto appointed by the Government, according to a model to be prescribed by the Government.

Coolies.

VOLKSRAAD RESOLUTION, Art. 145, dated 19th May, 1890.

Resolves as an Amendment of Art. 2, par. 2, of Law No. 2, 1882, as follows:—

Pounds.

It is hereby further provided: That pounds shall not be established at a less distance from each other than 18 miles, unless the Executive Council for special reason should deem it necessary either in any public diggings or in towns to allow such pounds to be established within a less distance from each other.

VOLKSRAAD RESOLUTION, Art. 150, dated 20th May, 1890.

Resolved as follows:—

Railways and tramways.

1. That no person, whomsoever, shall have the right to construct and exploit within the limits of this State any rail or tramways propelled by other than animal power, without having thereto obtained the express consent of the Volksraad or the Executive Council or the Government thereto authorised by the Volksraad.

2. That the Government be authorised, with advice and consent of the Executive Council, to frame such regulations (imposing penalties) and to take such measures as may be necessary and desirable in order to carry into effect and maintain the provisions of Art 1.

VOLKSRAAD RESOLUTION, *re* Construction of Railways.
(See Art. 150, p. 54, L.L. 1890.)

VOLKSRAAD RESOLUTION, Art. 184, dated 27th May, 1890.

Servitudes.

Resolved: In all cases where a servitude shall have been tendered to and noted by the Registrar of Deeds within the two years mentioned in Law No. 3, 1886, in terms of Art. 1 of the said Law, but not registered against the transfer deed of the servient tenement as provided by the said Art. 1, the Registrar shall be and is hereby empowered *suo motu* or upon request of the parties interested to insert such servitude in or register it against the transfer deed of the servient tenement provided that such property has not yet been transferred away to third persons, free from such servitude.

Attestation of wills.

FIRST VOLKSRAAD RESOLUTION, Art. 1222, 8th August, 1890. [1]

¹ See Appendix, p. 474.

LAW No. 1, 1891.

BEING A SUPPLEMENT TO LAW NO. 5 OF 1874.

LIMITING THE LIABILITY OF MEMBERS OF CERTAIN COMPANIES.

(Dealt with by Second Volksraad Resolution, Arts. 67, 70 and 72, dated 14th May, 1891; Art. 76, dated 15th May, 1891; Art. 142, dated 20th May, 1891; and amended and enacted by First Volksraad Resolution, Art. 134, dated 25th May, 1891.)

WHEREAS it is desirable that Law No. 5 of 1874 should be supplemented: Preamble.

It is hereby enacted and provided as follows:—

1. The following new articles shall be inserted after Art. 1 of the said Law, to wit:

1. (a.) Where, after the passing of this amended law, the public shall be requested by means of any prospectus or notice to subscribe for shares in, or debentures or securities of, any Company, every person who is a director of the Company at the time of the issue of such prospectus or notice, and every person who, having authorised his nomination as such, is named in the prospectus or notice as a director of the Company, or as having consented to become a director of the Company, whether immediately or after the lapse of a certain time, and every promoter of the Company, and every person who has authorised the issue of the prospectus or notice, and every person who has made any untrue report or memorandum which is attached to such prospectus or notice, shall be answerable to all persons who, on the faith of the statements contained in such prospectus or notice, may have obtained any shares, debentures, or securities, and shall be liable for any damage or loss which such persons may have sustained by reason of any untrue statement in the prospectus or notice, or in any report or memorandum attached thereto, endorsed thereon, or by way of reference forming part thereof, or issued therewith, unless it can be shown that:

Civil Liability of directors, &c., for damage suffered by third parties in consequence of false representations in prospectus

- (a.) With reference to every such untrue statement, not purporting to have been made upon the authority of an expert or upon that of an official public document or statement that, after a reasonable and proper enquiry, he had reasonable grounds to believe, and until the time of the allotting of the shares, debentures or securities, as the case may be, verily believed that the statement was true, and
- (b.) With reference to every such untrue statement, purporting to be a statement made by or purporting to be contained in what purports to be a copy of, or extract from a report or estimate of an engineer, appraiser, accountant or other expert, that such statement actually represents the statements made by such engineer, appraiser, accountant, or other expert, or that it was a true and
- Exceptions

faithful copy of or extract from such report or estimate, provided always that notwithstanding that such untrue statement may correctly reproduce the statement made by such engineer, appraiser, accountant or other expert, or that it may be a true and faithful copy of, or extract from the report or estimate, such director, or person named as such in the prospectus as aforesaid, promoter or other person or persons who may have authorised the issue of such prospectus or notice aforesaid, shall be liable to make compensation as aforesaid, if it can be shown that he had no reasonable grounds to believe that the persons making such statements, reports, or giving such estimate were competent to make or give the same.

- (c.) With reference to every such untrue representation purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from an official public document that it is a true and faithful reproduction of such statement or copy of or extract from such document, or unless it can be shown that, having consented to become a director of the Company, he withdrew his consent prior to the issue of the prospectus or notice, and that the prospectus or notice was issued without his authority or consent, or that the prospectus or notice was issued without his knowledge or consent, and that upon becoming cognisant of such issue he immediately thereafter gave reasonable public notice that it had been issued without his knowledge and consent, or that after the issue of such a prospectus or notice and before the allotment thereunder he, becoming cognisant of any untrue statement therein contained, withdrew his consent and gave reasonable public notice of such withdrawal and the reasons therefor.

What is understood by "promoter."

1. (b.) A person shall be deemed and taken to be a promoter in terms of this section, who was a party to the drawing of the prospectus or notice, or any portion thereof containing such untrue statement, provided always that this definition shall not be held to include the case of a person who acted in his professional capacity for other persons engaged in effecting the flotation of the Company.

No director of any Company existing at the time of the passing of this Law is responsible for any prospectus issued unless he authorised or approved of it.

1. (c.) Where any Company already existed at the time of the passing of this amendment of the law, which Company shall have issued shares or stock and shall be desirous of raising further capital by subscription for shares or stocks and to that end shall issue a prospectus or notice, no director of such Company shall be responsible with reference to any statement therein contained, unless he shall have authorised or approved of the issue of such prospectus or notice, or have ratified the same.

1. (d.) The word "expert" shall include any person whose profession lends authority to a statement made by him. What is understood by "expert."

1. (e.) Where any prospectus or notice as aforesaid shall set out the name of any person as a director of the Company, or as one who has agreed to become a director thereof, and if such person has not thereto consented or shall withdraw before the issue of such a prospectus or notice, and has not consented to or authorised the issue thereof, the directors of the Company, with the exception of those without whose knowledge or consent the prospectus or notice was issued. and any other person who has authorised such issue shall be answerable and held liable to make good to the person so named as director of the Company, or as having agreed to become a director as aforesaid, all damage, costs, and losses for which he may be held or be liable, by reason of his name being placed in the prospectus or notice, or in respect of the defence of any action or lawsuit brought against him concerning the same. Liability of directors of Company towards person who has incorrectly been put down as a director, or who has not authorised or approved of the issue of any prospectus.

1. (f.) Any person who is a director, or nominated to be director, or who, having agreed to become a director or having consented to the issue of a prospectus or notice, shall have become responsible for any payment under this amended Law, shall be entitled as in the case of contracts to recover his contribution from any other person who, if he had been separately sued, would have been responsible for the same payment. A director who has been called upon to make any payment has recourse against others who are also liable.

2. The words "and a prospectus (if there be one) as to how and what the Company is floated on," shall be added to Art. 2, par. 1, after the word "liability." Addition to Art. 2, par. 1.

3. To Art. 8 shall be added the following:—"A statement mentioning in full the names of the directors, trustees and secretary who on the date of filing thereof are in office or service of the Company and who shall be deemed to be in such service or office until the names of the newly elected directors, trustees or secretaries are properly registered at the Registration Office. Compulsory return of names of directors and secretary.

The directors of a Company shall further be obliged forthwith upon any Company entering into liquidation, or upon its being dissolved or amalgamated with others, and at latest within three months thereof, to give notice thereof to the Registrar of Companies. Compulsory notification of liquidation and amalgamation

For contraventions of this article (Art. 8.) the directors and each of them separately shall be liable to a fine of from £15 to £100 sterling (not exceeding £100), or to imprisonment for a term not exceeding six months, according to the nature of the case, and any Court of this Republic shall have jurisdiction therein." Penalty for contravention.

4. At the end of Art. 15 c, under par. (d), following shall be added:—
"Any Company registered in this Republic or incorporated under some definite name may be cited by such name in any Summonses against Companies and service thereof.

Court of Law, notwithstanding any stipulations to the contrary in the articles of association of such Company or other provisions therein contained, with this proviso, that all summonses or orders of Court shall be properly served on the person representing the Company, or at the registered office of the Company or in such other manner as the Court may direct."

Registrar of
Companies.

5. In any articles of Law 5 of 1874, where the words "Registrar of Deeds" appear, there shall be read, in lieu of these words, the following "Registrar of Companies and Patents at the office of the Registrar of Deeds."

6. The amendment of this Law shall come into operation three months after publication in the *Staatscourant*.

S. J. P. KRUGER,

State President.

Dr. W. J. LEYDS,

State Secretary.

Government Offices,
Pretoria, 25th May, 1891.

LAW No. 2, 1891.

ON MASKS, FALSE BEARDS OR OTHER DISGUISES.

(Approved and enacted by Second Volksraad Resolution, Art. 263, dated 29th May, 1891; noted and accepted by First Volksraad Resolution, Art. 302, dated 5th June, 1891.)

WHEREAS it has appeared that by the use of masks, false beards or other disguises, fraud has more than once been committed, the public being thereby led to believe that it has to deal with another person than is actually the case, and

Whereas disguises are also made use of by fugitives, who by such means endeavour to escape prosecution :

Be it hereby enacted and provided as follows :—

1. The wearing or use of masks, false beards or other means whereby disguises are effected, in public roads or other public places is forbidden.

2. Disguises at theatrical displays or other diversions, the holding of masked balls at places to which the public have access, shall not fall under this Law. The masked or disguised persons may, however, not show themselves in the public streets, except in special cases as in the case of processions and such-like proceedings where the Landdrost or any other competent official in the district, where such procession occurs, has granted permission thereto.

3. Any contravention of this law shall be punished by a fine not exceeding £5 or, in default of payment, by imprisonment for a period not exceeding fourteen days.

4. This law shall come into operation three months after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

Dr. J. W. LEYDS,
State Secretary.

Government Offices,
Pretoria, 16th June, 1891.

LAW No. 3, 1891.

DOG TAX.

(Approved and enacted by Resolution of the First Volksraad, Art. 313, dated 6th June, 1891)

WHEREAS it appears that the amount of game, large and small, in the South African Republic yearly diminishes, and that this is attributable principally to the large number of kaffir dogs which roam about in the veldt.

The Volksraad deems it necessary to enact as follows :—

1. A coloured person shall pay 10s. per year for every dog owned by him or in his possession. Tax on dogs of natives.

2. Tin badges bearing the name of the kraal or of the chief, location, or mission station where the owner of the dog or dogs resides, shall be supplied to Field-Cornets, Native Commissioners and Sub-Commissioners in order to be by them issued to the natives upon payment of the tax.

Each badge shall be stamped with a distinctive number, and the number of the year. Badges to have distinctive numbers.

3. The said officials shall be furnished with a stamp by means of which they may be able to print the numbers on the badges. Die.

4. The said officials and all other persons shall have the right to kill, or to cause to be killed, any stray dogs running about without a badge; dogs which are doing any damage may also be killed although they carry badges. Killing of stray dogs.

5. A coloured person found with a dog not bearing a badge shall be fined 10s., or, in default of payment, sentenced to ten lashes, and such coloured person shall have the right, after payment of the fine, or receipt of the lashes, to take out a ticket for his dog upon payment of 10s., in default whereof such dog shall be killed. [1] Penalty on coloured person found with dog not having a badge.

6. The said officials shall be obliged to give such coloured person, upon payment for each dog, a receipt on the prescribed printed form. Receipts.

¹ See F.V.R.R., 29-6-1898, Art. 688, p. 438.

These forms shall be bound together in books, and provided with counterfoils, which shall be of the same tenor as the receipts.

White house-
holders.

7. Each white person residing on a farm, or in a town, and being a householder, shall be entitled to keep one dog free of payment, where such dog is used as a watch-dog, for each additional dog 10s. per annum shall be paid.

Tin badges, bearing the name of the town and the number of the year, shall be supplied to Landdrosts, Mining Commissioners and Resident Justices of the Peace, and at places where a Civil Commissioner is, also to such official, in order that the same may be issued to the owner of the dog upon payment of the tax.

[¹] Each badge shall bear a distinctive number.

Free badges
in certain
cases.

8. The badges for dogs, which are free from the tax in terms of Art. 7, shall be supplied by the officials mentioned in paragraph 2 of Art. 7 of this Law, upon payment of one shilling sterling for each badge. Such badge shall be permanently valid and of effect.

Die.

9. The officials shall be provided with a stamp, by means of which they may imprint the numbers.

Receipt.

10. The said officials shall be obliged, upon payment for each dog, to give the owner a receipt in the prescribed printed form.

Paragraph 2 of Art. 6 shall apply.

Stray dogs
in town.

11. Dogs found roaming about in the towns without being provided with a badge, shall be caught by the police or killed, and the dogs so caught shall, two days thereafter, be publicly sold on the market.

The owner of a dog so caught, may, within two days, get back the dog upon payment of a fine of 10s., and taking out a badge for it.

Killing of
stray dogs on
farms.

12. The owner, lessee or occupier of a farm who finds a dog thereon, which is not provided with a badge in terms of Art. 2, shall have the right to kill such dog; he may also kill dogs bearing a badge if they do damage.

False badges.

13. If a dog is provided with a false badge, the owner shall be punished by a fine of from £10 to £37. 10s. for each offence, and, in default of payment, by imprisonment with hard labour for a period not exceeding six months.

13a. Any person manufacturing or selling false badges shall be punished by imprisonment with hard labour for a period of from 12 months to three years. [²]

¹ First Volksraad Resolution, Art. 1257, dated 23rd August, 1892. Resolves: That the words "Both male and female" be inserted after the word "person" in Art. 7 of Law No. 3, 1891.

² (See First Volksraad Resolution, Art. 114, dated 17th May, 1893, p. 190.)

14. All laws and resolutions conflicting with this Law are hereby repealed.

15. This Law shall come into operation as soon as the Government shall notify by proclamation that the said badges are obtainable.

(See proclamation, dated 28th March, 1893, R. 1090a/91.)

The Raad resolves further that this Law shall not be brought in operation before the 1st January, 1893.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 20th June, 1891.

LAW No. 4, 1891.

FOR THE PREVENTION OF STOCK THEFTS AND THE PROTECTION
OF OWNERS OF CATTLE.

(Approved and enacted by Art. 505, dated 24th June, 1891, of
the First Volksraad.)

The Volksraad of the South African Republic, taking into consideration that, especially in latter times, stock thefts are greatly on the increase in the country parts, and the owners of such stock have had to suffer much inconvenience and damage, provides and enacts as follows:—

1. No cattle or stock shall be sold on any market or at any public auction, unless one or other of the following conditions shall have been complied with. Conditions to be observed in selling stock.

No market master or auctioneer shall sell any cattle or stock, and no butcher shall buy any cattle or stock, unless there shall have been handed over to him:—

(a.) A certificate from the Field-Cornet or two burghers of substantial means of the ward, where the person, who offers the cattle or stock for sale lives, showing that the possessor of such cattle is the lawful owner thereof, (see Schedule I.) or has the right to sell or cause such cattle or stock to be sold.

(b.) A deed of security signed by two burghers of substantial means, who declare, that such seller is the owner of, or is entitled to sell or cause such cattle or stock to be sold. (see Schedule II.), or,

(c.) A deed of security signed by two other persons, known to and approved of by the auctioneer or market master, who shall declare and bind themselves to be responsible as against the owner of, or person who has a right in such

cattle or stock, for the full value thereof, in case it should subsequently appear, that the seller of such cattle or stock had stolen the same, or was not entitled to sell the same.

(see Schedule III.).

2. If the above-mentioned conditions cannot be complied with the auctioneer or market-master shall not have the right to sell such cattle.

Responsibility
of auctioneer.

3. If any auctioneer or market-master sells cattle without the above condition being complied with, he shall be personally responsible to the owner of, or person who has any right in such cattle or stock for the full value thereof, besides damages, and he shall besides be subject to a fine not exceeding £50, or in default of payment, to imprisonment, with or without hard labour, for a period not exceeding six months.

Stock buyers
and traders.

3a. Any person, travelling about and buying up or bartering for cattle, shall be obliged to obtain a certificate from every person from whom he buys or exchanges cattle, specifying the sort of cattle or stock, the colour, the mark and number, and the seller shall be obliged to furnish him with such a certificate, which the purchaser shall exhibit to the Field-Cornet, whenever he leaves the ward, in order by means thereof to get from the Field-Cornet a certificate as to the total number of cattle and stock in his possession.

Natives.

No one may buy or barter for cattle or stock from coloured or unknown persons without a certificate from a Field-Cornet or two burghers of substantial means. This provision shall not apply to burghers who reside permanently in their districts in respect of exchanges or sales amongst themselves.

Stolen stock.

4. If cattle or stock are stolen from any person, he shall have the right to take the same wherever he may find the same, with this proviso, that such person shall be bound, immediately after taking such cattle or stock, to proceed to establish his right of property in the court of the nearest Landdrost or Field-Cornet.

5. All laws and provisions in conflict herewith are hereby repealed.

6. This Law shall come into operation from 1st January, 1892.

S. J. P. KRUGER,

State President.

Dr. W. J. LEYDS,

State Secretary.

Government Offices,

Pretoria, 3rd July, 1891.

SCHEDULE I.

The undersigned hereby certifies that
residing at _____ is the lawful owner (or is entitled to sell)
"cattle, horses, mules, sheep, goats," of the following description:—

(Name)
Field-Cornet of _____
Asst. „ _____
or two burghers of _____
substantial means.
(See Art. 1, sub. sec. a.)

Residence
District.

SCHEDULE II.

Appeared before me, M.M. _____ (market-
master or auctioneer) at _____ A.B. personally, (fill in
calling and place of residence), who declared that he was the lawful owner
of (or is entitled to sell) _____ of the following description,
and to bind himself in the sum of £ _____ in favour of me
(the market-master or auctioneer.)

And further appeared before me C.D. and E.F., burghers of this State,
residing at _____ who declared that they bind themselves
together with the said A.B., as sureties and co-principal debtors *in solidum*
in the aforesaid amount of £ _____

The condition of this obligation is, that if within six months from this
date it should appear that the said oxen, &c., were not the property of the
said A.B., or that he was not entitled to sell the same, this obligation shall
remain of full force, but otherwise be null and of no value.

Thus done and signed at _____ this
in presence of the subscribing witnesses:—

G.H.,
Market-master.

(Signed) A.B.,
C.D.,
E.F.,

as witnesses.

SCHEDULE III.

Appeared before me, N.N. (market-master or auctioneer) at
A.B. personally, (calling and place of residence to be filled in) who declared
that he was the lawful owner of (or entitled to sell)

described as follows _____ and that he bound himself
in the sum of £ _____ in favour of me, (the market-master or
auctioneer).

And further appeared before me C.D. and E.F., residing at
respectively known to me and approved of by me as sureties *in solidum*, who
declared that they bound themselves together with the said A.B. as sureties
and co-principal debtors *in solidum* for the said amount of £ _____

The condition of this obligation is, that if within six months from this
date it should appear that the said "oxen, &c.," were not the property of
the said A.B., or that he was not entitled to sell the same, this obligation
shall be of full force and effect, but otherwise shall be null and of no value.

Thus done and signed at _____ on this
the _____ in presence of the undersigned witnesses.

G.H.,
Market-master.

Witnesses:—
A.B.
C.D.
E.F.

LAW No. 9, 1891.

AMENDMENT OF LAW No. 2, 1884.

(General Survey.)

Revised by the Commission appointed by Volksraad Resolution, Art. 441, dated 19th June, 1891.

Approved and enacted by Resolution of the First Volksraad, Art. 1,075, dated 23rd July, 1891.

General
survey.

1. An immediate commencement shall be made with the General Survey of this Republic under Government supervision.

Appointment
of surveyors.

2. The Surveyor-General shall, with the approval of the Government, appoint the surveyors for the general survey, give them the necessary instructions for the due execution of their work, and see to the examination of the general plans or diagrams and field work handed in by them.

Distribution
of work.

3. In order that the survey may be effected in the fairest manner possible, a separate portion of country shall be pointed out to each land surveyor employed, which shall be surveyed by him, and called a survey division.

4. (This Article is superseded, see Law 7 of 1897.)

Inspectors of
farms.

5. Inspectors of farms shall be obliged at all times, when such is required of them, to point out the beacons and boundaries of the farms inspected by them, and if they do not comply with a proper summons so to do shall be liable for costs and damages.

Acknowledged
beacons are
inviolable.

6. All beacons acknowledged as lawful shall be inviolable.

A diagram shall in all cases conform to these beacons. If at any survey it should appear that the diagram does not accurately locate the said beacons such diagram shall be amended, in order to bring it into agreement with the beacons, at the cost of the surveyor by whom the farm was surveyed and the faulty diagram prepared, should it appear that he is responsible for the fault.

7. (This Article is superseded, see Law 7, 1897.)

Cape measure.

8. At each survey, and in the framing of each diagram, the Cape or existing measure shall be used.

Right to enter
on farms, &c.

9. The Surveyor-General or persons appointed by him, or their employees, shall be entitled in the carrying out of this Law to enter on any farm or piece of land with their wagons, horses, draught cattle, &c.

They shall at the same time have the right to make use of the materials found on the land for the erection of beacons, or for other purposes of this Law. It is, however, not the intention of this provision that the said persons should be entitled to damage any artificial works of whatsoever kind, or to cause any damage thereby.

10. Anyone who intentionally obstructs or hinders the Surveyor-General, or any person or persons mentioned in Art. 9, in the carrying out of their duties, or prohibits them from having access to any land, which access it is necessary that they should have for the purposes of this Law, shall be punished by a fine not exceeding the sum of £20, or, in default of payment, by imprisonment, with or without hard labour, for a period not exceeding two months. Penalties for obstruction.

11. Anyone who wilfully damages or destroys either a beacon or a surveyor's flag or trigonometrical station, shall be punished by a fine not exceeding £100 sterling, or, in default of payment, by imprisonment, with or without hard labour, for a period not exceeding twelve months. Wilful damage.

12. As soon as the surveyor has prepared the diagram and the Surveyor-General has approved of it, the owner shall be obliged at once to deposit the half of the survey money with the Government, or any official to be thereto appointed by the Government, which deposited monies shall, upon order of the Government, be paid out to the Surveyor. The second half shall be paid by the owner as soon as the diagram has been signed by the State President, and shall thereafter be paid out in the same manner as the first half to the surveyor. [1] Payment of costs.

13. Owners of farms who do not in due time pay up the costs of the survey of their farm or farms in accordance with the provisions of this Law, shall, if they reside beyond the limits of this State, be summoned by Government notice in the *Staatscourant*, and, if resident within the State, a demand shall be directed to them in either case to pay up the costs of survey within a period to be fixed by the Government. Should such costs not be paid within the appointed time, a writ of summary (*parate*) execution shall be issued in terms of Law No. 10, 1885, and Law No. 6, 1886. Costs of survey.

14. Each surveyor shall be obliged to erect in his survey district, in consultation with the Surveyor-General, such survey stations or beacons at fixed points as may thenceforth serve the purposes of a trigonometrical survey, and he shall at the same time be obliged to use them as bases of connection in his surveys. Trigonometrical stations.

15. No land surveyor shall be permitted to survey any grounds or farms, unless he has been duly admitted as such by the Government. Only admitted land-surveyors may survey.

¹ See F.V.R.R., 21-7-1891, Art. 1040, p. 175.

Contravention of this Article shall be punished by a fine not exceeding £100, and, in default of payment, by imprisonment for a period not exceeding twelve months, with or without hard labour.

Beacon
Commission.

16. The Government shall appoint a beacon commission in each ward, and frame instructions for its guidance, in order to regulate all matters relating to the beacons and boundaries preparatory to the general survey.

Owners to
erect beacons
3 feet high.

17. All owners of surveyed as well as unsurveyed farms, shall be obliged, without delay, as and from the date of publication of this Law, to erect or cause the beacons of their farms to be erected and raised to a height of at least three feet, under penalty, in case of default, of a fine of £1 sterling in respect of each beacon which shall not have been so erected and kept in repair.

This fine shall be repeated as often as after the lapse of a month the erection or repair above referred to shall not have been effected.

8. Owners of unsurveyed farms, the beacons of which are unknown to them, shall be obliged as soon as possible to call in the services of the Beacon or Special Commission in order that they may get their beacons erected.

Owners to
point out
beacons.

19. Every owner of land shall be obliged to point out his beacons or pegs to any person thereto appointed by the Government.

New in-
spection in
certain cases.

20. Where several farms adjoin each other, the beacons of which farms are unknown, the Beacon Commission shall inspect the same anew and define the beacons thereof, with the exception of cases in which provision is made by Law No. 3, 1887, in which case the owners shall be obliged to apply to the Special Commission.

(See Law No. 3, 1887.)

Penalty for
breaking, &c.
beacons.

21. Any person who is guilty of destroying, breaking down or removing any beacon of an unsurveyed farm, referred to in Arts. 16 and 17, shall forfeit a fine of £10, or, in default of payment, be punished by imprisonment for a period not exceeding one month.

Arbitration.

22. (Superseded by Law No. 7, 1897.)

23. Should differences regarding beacons and lines arise between owners of adjoining farms, which differences can not be amicably adjusted, the parties concerned on each side may nominate an arbitrator, and also an umpire, in order to have such dispute decided by them, after a Deed of Submission shall have been signed in the presence of two witnesses.

Deed of
Submission.

A form of Deed of Submission shall be prepared by the State Attorney, approved of by the Government and printed at the latter's expense.

24. If one of the parties concerned is desirous of electing an arbitrator, and of proceeding in terms of Art. 23, the other party shall be obliged to arbitrate, and should he refuse to do so, the Beacon Commission shall appoint an arbitrator in accordance with what is provided with reference thereto in Volksraad Resolution, Art. 184, dated 21st May, 1885, and such other party shall be obliged to submit thereto.

If, however, the Beacon Commission, or one of the members thereof, is concerned or interested in the dispute, the Executive Council shall act instead of the Beacon Commission, in so far as the appointment of arbitrators referred to in the previous paragraph is concerned.

(Executive Council Resolution, Art. 373, dated 21st June, 1889, Volksraad Resolution, Art. 481, dated 21st June, 1889.)

25. If the arbitrators, appointed in terms of Art. 23 aforesaid, shall agree in their award concerning the dispute submitted to them by the Deed of Submission, such decision shall be final and binding on the parties concerned, who shall not be entitled to appeal therefrom. Award.

26. If the arbitrators, appointed by the parties, do not agree in their award, the person named in the Deed of Submission as umpire shall give the final decision, from which there shall be no appeal. Umpirage.

27. If both parties decline to proceed in terms of what is provided in Arts. 23, 24 and 25, but desire to have their case heard in any Court in this State, they shall be entitled so to do, provided that both parties declare in writing that such is their desire, and at the same time state which Court they wish their case to be tried before. When the matter may be referred to a Law Court.

28. Farms, which have not yet been inspected, or the beacons of which are unknown, shall not, when inspected, be made greater in extent than 3,750 morgen. Size of farms inspected again.

28a. No private surveys shall be permitted during the general survey, as and from the date of the publication of this Law. Private surveys.

The Government may grant leave, but only in urgent cases, to the owners of farms, or their agents, to survey or have their farms surveyed by private survey.

29. All previous Laws and Volksraad Resolutions conflicting herewith are hereby repealed.

30. This Law shall be of force immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 20th July, 1891.

ANNEXURE No. 1 TO LAW No. 9, 1891.

TARIFF FOR THE GENERAL SURVEY.

Surveyors'
tariff.

	£	s.	d.
For the survey of each separate piece of 1 and less than 10 morgen in extent - - - - -	3	0	0
For the subdivision of any piece of land into separate portions of less than 10 morgen each—			
For two lots together - - - - -	3	15	0
" three „ „ - - - - -	4	10	0
" four „ „ - - - - -	5	5	0
" five „ „ - - - - -	6	0	0
" each further lot not being a square lot - - -	0	10	0
" " 5 to " 50 lots - - - - -	0	9	0
50 „ 100 „ - - - - -	0	7	6
100 „ 200 „ - - - - -	0	6	0
200 upwards - - - - -	0	5	0
For each piece of land of from 10 to 25 morgen -	4	0	0
" " " " " " " 25 „ 75 „ - - - - -	5	0	0
For each piece of land of 100 morgen - - - - -	5	4	0
" " " " " " 125 „ - - - - -	5	8	0
" " " " " " 150 „ - - - - -	5	12	0
" " " " " " 175 „ - - - - -	5	16	0
" " " " " " 200 „ - - - - -	6	0	0
" " " " " " 225 „ - - - - -	6	4	0
" " " " " " 250 „ - - - - -	6	7	0
" " " " " " 275 „ - - - - -	6	10	0
" " " " " " 300 „ - - - - -	6	13	0
" " " " " " 325 „ - - - - -	6	16	0
" " " " " " 350 „ - - - - -	6	19	0
" " " " " " 375 „ - - - - -	7	2	0
" " " " " " 400 „ - - - - -	7	5	0
" " " " " " 425 „ - - - - -	7	8	0
" " " " " " 450 „ - - - - -	7	11	0
" " " " " " 475 „ - - - - -	7	14	0
" " " " " " 500 „ - - - - -	7	17	0
" " " " " " 525 „ - - - - -	8	1	0
" " " " " " 550 „ - - - - -	8	4	0
" " " " " " 575 „ - - - - -	8	8	0
" " " " " " 600 „ - - - - -	8	12	0
" " " " " " 625 „ - - - - -	8	15	0
" " " " " " 650 „ - - - - -	8	19	0
" " " " " " 675 „ - - - - -	9	2	0
" " " " " " 700 „ - - - - -	9	5	0
" " " " " " 725 „ - - - - -	9	9	0
" " " " " " 750 „ - - - - -	9	12	0
" " " " " " 775 „ - - - - -	9	15	0
" " " " " " 800 „ - - - - -	9	18	0
" " " " " " 825 „ - - - - -	10	1	0
" " " " " " 850 „ - - - - -	10	4	0

For each piece of land of						875 morgen	-	-	-	£	s.	d.
						900				10	7	0
"	"	"	"	"	"	925				10	13	0
"	"	"	"	"	"	950				10	16	0
"	"	"	"	"	"	975				10	19	0
"	"	"	"	"	"	1,000				11	2	0
"	"	"	"	"	"	1,050				11	7	0
"	"	"	"	"	"	1,100				11	12	0
"	"	"	"	"	"	1,150				11	18	0
"	"	"	"	"	"	1,200				12	3	0
"	"	"	"	"	"	1,250				12	8	0
"	"	"	"	"	"	1,300				12	13	0
"	"	"	"	"	"	1,350				12	18	0
"	"	"	"	"	"	1,400				13	2	0
"	"	"	"	"	"	1,450				13	7	0
"	"	"	"	"	"	1,500				13	11	0
"	"	"	"	"	"	1,550				13	16	0
"	"	"	"	"	"	1,600				14	0	0
"	"	"	"	"	"	1,650				14	5	0
"	"	"	"	"	"	1,700				14	9	0
"	"	"	"	"	"	1,750				14	13	0
"	"	"	"	"	"	1,800				14	17	0
"	"	"	"	"	"	1,850				15	2	0
"	"	"	"	"	"	1,900				15	6	0
"	"	"	"	"	"	1,950				15	10	0
"	"	"	"	"	"	2,000				15	13	0
"	"	"	"	"	"	2,050				15	17	0
"	"	"	"	"	"	2,100				16	1	0
"	"	"	"	"	"	2,150				16	5	0
"	"	"	"	"	"	2,200				16	9	0
"	"	"	"	"	"	2,250				16	13	0
"	"	"	"	"	"	2,300				16	16	0
"	"	"	"	"	"	2,350				17	0	0
"	"	"	"	"	"	2,400				17	3	0
"	"	"	"	"	"	2,450				17	7	0
"	"	"	"	"	"	2,500				17	11	0
"	"	"	"	"	"	2,550				17	14	0
"	"	"	"	"	"	2,600				17	17	0
"	"	"	"	"	"	2,650				18	1	0
"	"	"	"	"	"	2,700				18	4	0
"	"	"	"	"	"	2,750				18	8	0
"	"	"	"	"	"	2,800				18	11	0
"	"	"	"	"	"	2,850				18	14	0
"	"	"	"	"	"	2,900				18	18	0
"	"	"	"	"	"	2,950				19	1	0
"	"	"	"	"	"	3,000				19	4	0
"	"	"	"	"	"	3,100				19	10	0
"	"	"	"	"	"	3,200				19	17	0
"	"	"	"	"	"	3,300				20	3	0
"	"	"	"	"	"	3,400				20	9	0

						£	s.	d.
For each piece of land of	3,500	morgen	-	-	-	20	15	0
”	3,600	”	-	-	-	21	1	0
”	3,700	”	-	-	-	21	6	0
”	3,800	”	-	-	-	21	12	0
”	3,900	”	-	-	-	21	18	0
”	4,000	”	-	-	-	22	3	0
”	4,100	”	-	-	-	22	9	0
”	4,200	”	-	-	-	22	14	0
”	4,300	”	-	-	-	23	0	0
”	4,400	”	-	-	-	23	5	0
”	4,500	”	-	-	-	23	10	0
”	4,600	”	-	-	-	23	15	0
”	4,700	”	-	-	-	24	1	0
”	4,800	”	-	-	-	24	6	0
”	4,900	”	-	-	-	24	11	0
”	5,000	”	-	-	-	24	16	0
”	5,100	”	-	-	-	25	1	0
”	5,200	”	-	-	-	25	6	0
”	5,300	”	-	-	-	25	10	0
”	5,400	”	-	-	-	25	15	0
”	5,500	”	-	-	-	26	0	0
”	5,600	”	-	-	-	26	5	0
”	5,700	”	-	-	-	26	9	0
”	5,800	”	-	-	-	26	14	0
”	5,900	”	-	-	-	26	18	0
”	6,000	”	-	-	-	27	3	0
”	6,100	”	-	-	-	27	8	0
”	6,200	”	-	-	-	27	12	0
”	6,300	”	-	-	-	27	16	0
”	6,400	”	-	-	-	28	1	0
”	6,500	”	-	-	-	28	5	0
”	6,600	”	-	-	-	28	10	0
”	6,700	”	-	-	-	28	14	0
”	6,800	”	-	-	-	28	18	0
”	6,900	”	-	-	-	29	2	0
”	7,000	”	-	-	-	29	7	0
”	7,100	”	-	-	-	29	11	0
”	7,200	”	-	-	-	29	15	0
”	7,300	”	-	-	-	29	19	0
”	7,400	”	-	-	-	30	3	0
”	7,500	”	-	-	-	30	7	0
”	7,600	”	-	-	-	30	11	0
”	7,700	”	-	-	-	30	15	0
”	7,800	”	-	-	-	30	19	0
”	7,900	”	-	-	-	31	2	0
”	8,000	”	-	-	-	31	7	0
”	8,100	”	-	-	-	31	11	0
”	8,200	”	-	-	-	31	15	0
”	8,300	”	-	-	-	31	19	0
”	8,400	”	-	-	-	32	2	0

	£	s.	d.
For each piece of land of 8,500 morgen -	32	6	0
” ” ” ” ” ” 8,600 ” -	32	10	0
” ” ” ” ” ” 8,700 ” -	32	14	0
” ” ” ” ” ” 8,800 ” -	32	18	0
” ” ” ” ” ” 8,900 ” -	33	1	0
” ” ” ” ” ” 9,000 ” -	33	5	0
” ” ” ” ” ” 9,100 ” -	33	9	0
” ” ” ” ” ” 9,200 ” -	33	12	0
” ” ” ” ” ” 9,300 ” -	33	16	0
” ” ” ” ” ” 9,400 ” -	34	0	0
” ” ” ” ” ” 9,500 ” -	34	3	0
” ” ” ” ” ” 9,600 ” -	34	7	0
” ” ” ” ” ” 9,700 ” -	34	10	0
” ” ” ” ” ” 9,800 ” -	34	14	0
” ” ” ” ” ” 9,900 ” -	34	17	0
” ” ” ” ” ” 10,000 ” -	35	1	0

For any number of morgen between 75 and 10,000, for which the aforesaid tariff does not fix a price, the price fixed in the tariff for the number of morgen nearest in number to the amount actually surveyed shall be paid.

For any number of morgen in excess of 10,000 the price shall be computed by multiplying the square root of the number of morgen by 0·3505. The product will constitute the amount in pounds, shillings, &c., to be paid.

SCHEDULE “A.”

(FOR FIGURES OF MORE THAN 4 SIDES.)

[This Schedule is repealed by F.V.R.R., Art. 892, dated 18th July, 1894, which adopts a Commission report, reading as follows:—^[1]

“Your Commission recommends:—

“1. That Schedule ‘A’ of (Annexure to) Law No. 9, 1891, be declared lapsed.

“Surveyors shall accordingly be obliged to survey according to the existing tariff, without being entitled to claim any extra payment *pro rata* to the number of sides of the figure on the diagram.

“2. That it be provided, in conjunction with the commission report, approved by F.V.R.R., Art. 441, dated 14th June, 1892, that the Surveyor shall be obliged, if thereto requested by the owner or his representative prior to or at the time of the survey, to point out to such owner some mark on each boundary line about halfway between each two corner beacons; and the Surveyor shall be obliged at such distances or places as the owner or his representative may, prior to or at the time of the survey have requested, to point out further marks along each line upon payment as follows:—

“For the first extra mark along any line, £1, and for each following mark along the same line, 5s. less, with a minimum of 5s. per mark for the fourth and following marks along the same line.

“Further, that, should such extra marks be pointed out at the request of the owners of two adjoining farms or pieces of land, the cost thereof shall be borne by the owners, each paying one-half thereof.”

[F.V.R.R., Art. 441, 1892, above referred to, reads as follows:—“At the survey of a farm, the Surveyor shall be obliged to point out each line to the owner or his representative, if requested so to do.”]

Surveyors' tariff not affected by number of sides surveyed.

Line beacons.

Tariff for line beacons.

¹ See p. 225.

SCHEDULE "B."

(FOR IRREGULAR BOUNDARIES.)

Irregular
boundaries.

[As amended F.V.R.R., Art. 439, dated 14th June, 1892.]

For a distance of 200 roods (=800 yards), £1, calculated according to an imaginary straight line.

SCHEDULE "C."

(FOR DIAGRAMS AND GENERAL PLANS.)

		£	s.	d.
Surveyor's	For each diagram of a "lot" of less than 10 morgen - - -	0	6	0
tariff for	" " " " " " from 10 to 75 " - - -	0	15	0
diagrams and	" " " " " " exceeding 75 " - - -	1	1	0
general plans.	For a general plan of "lots" of less than 10 morgen each:—			
	For each lot from 1-10 morgen - - - - -	0	4	0
	" " " " 10-50 " - - - - -	0	3	0
	" " " " 50-100 " - - - - -	0	2	0
	" " " " over 100 " - - - - -	0	1	0
	For each general plan of "lots" of 10 morgen and upwards:—			
	For each figure of 10 morgen and upwards - - -	0	5	0
	" " " " 75 " " " - - - - -	0	7	0

SCHEDULE "D."

(ERECTION OF BEACONS.)

Tariff for
erection of
beacons.

For the erection of beacons on any "lot" less than 10 morgen				
per beacon - - - - -		0	2	6
Ditto for each "lot" of 10 morgen and upwards - - - - -		0	15	0

Where several "lots" are surveyed together and adjoin each other, the cost of the erection of beacons shall be proportionately distributed.

ANNEXURE No. 2.

INSTRUCTIONS FOR THE SURVEYOR GENERAL.

Surveyor-
General's
department.

1. There shall be a Surveyor General, and Assistant Surveyor General and as many surveyors as shall be admitted by the Government upon recommendation of the Surveyor General.

2. The Surveyor General shall be responsible to the Government and shall receive his instructions from the Government.

Duty of
Surveyor-
General.

3. The Surveyor General is charged with the regulation of everything appertaining to the surveying and charting of land, and the surveyors shall be obliged to follow the instructions of the Surveyor General.

Examination
of diagrams.

4. The Surveyor General is charged with the duty of examining all inspection reports and general plans sent in to the Executive Council, and shall report thereon to the Executive Council.

5. In every survey, and in the framing of each diagram, the Cape or existing standard measure shall be used, and the standard shall be deposited and always kept at the office of the Surveyor General. Cape measure.

6. The Surveyor General shall report yearly in the month of February to the Executive Council concerning the survey and whatever appertains thereto. Yearly reports.

7. The Surveyor General and all surveyors shall each of them give security to the satisfaction of the Government in the sum of £500, and be sworn in according to the Law of this Republic. Security

8. The time for the survey of any farm shall, in terms of Art. 7 of the Beacon Law, be made known to the owners of the adjoining farms. If all the owners cannot be found the surveyor shall give due notice at least fourteen days prior to the time of survey, both by publication in the *Staatscourant* and by posting on the door of the Landdrost Office in the district where the farm is situate. Notice of survey.

9. Where any farm or piece of land is surveyed by a surveyor, the diagrams thereof shall be sent in triplicate to the Surveyor General. How diagrams sent in.

The Surveyor General shall then examine these diagrams and, if found correct, they shall be signed by him; thereafter he shall cause a notice to be inserted in the *Staatscourant* to the effect that such diagrams have been approved by him, and that, if within three months after such publication no protest shall have come in against the said diagrams, the same will be signed by the State President.

The diagrams signed by the State President shall be deemed to be a lawful and unimpeachable document.

10. In every case of a protest against a diagram such protest shall be valid if, within three months after the date of publication, it shall be followed up by the taking out of a summons. Protest.

If such summons is not taken out the protest shall lapse, and upon a certificate from the Landdrost of the district in which the farm is situate, or of the Registrar of the High Court, that no such summons has been taken out, the diagram shall be signed and thereafter issued by the State President.

11. The Surveyor General shall take care that the diagrams be so framed as to accord with judicial decree affecting the same, which shall be final. Judicial decree.

It shall be the duty of the Surveyor General to show the deduction of all sub-divisional diagrams of such farms upon the original diagrams of farms, as well as upon the owner's original copy as upon the original copy which is in the possession of the Government, and for such deduction a stamp duty shall be paid according to the tariff hereinunder stated.

The diagrams of these sub-divisions shall be signed only by the Surveyor General after he has examined and approved of the same, and need not be published.

Cape measure. **12.** All surveys of grounds shall be made in the Cape measure, and the diagrams be scaled in morgen, square roods, &c.

The Surveyor General shall not confirm any diagrams which are framed on the survey of land surveyors, who have not, upon his recommendation, been admitted by the Government.

Regulations. **13.** The Surveyor General shall be instructed to lay down regulations regarding dividing lines of districts, wards and farms, and the condition or capacity of the farms, particulars of which the surveyor's diagrams sent in from time to time shall specify.

It shall be noted on the diagram how far the farm surveyed is situate from the nearest town, or from any well-known place.

If only one portion of a farm is being surveyed, or different portions of two or more farms, and it is intended to form such portion or portions into a new farm with a new name, the names of the adjoining farms shall be so specified or referred to that the diagram shall in itself explain what has taken place: Provided always that such separate portions of two or more farms shall not when taken together, be greater in extent than a full farm of 3,750 morgen, unless in cases where the portions of ground referred to originally formed part of one farm granted under a single burgher-right, in which case the provisions of Volksraad Resolution, Art. 739, dated 6th July, 1882, shall apply, or the special approval of the Government shall have to be obtained.

S. J. P. KRUGER,

State President.

Dr. W. J. LEYDS,

State Secretary.

Government Offices,

Pretoria, 18th August, 1891.

SCHEDULE TO ANNEXURE No. 2.

(INSTRUCTIONS TO SURVEYOR GENERAL.)

TARIFF OF STAMP DUTY ON DIAGRAMS.

(Note.—See tariff in Instructions to Surveyors.)

The following Stamp Duty shall be paid:—

For examining any diagram in order to test the calculation of the extent, angles, sides, &c.

	£	s.	d.
For each diagram, containing 3 angles	0	15	0
” ” ” ” 4 ”	1	0	0
” ” ” ” 5 ”	1	5	0
” ” ” ” more than 5 angles, for each additional angle	0	2	6
” each certificate endorsed on any diagram	0	2	6
” each other certificate	0	1	6
” a copy of a diagram of any farm-	1	1	0
” ” ” ” erf	0	6	0
” inspection of any Surveyor's diagram for the purposes of any lawsuit	0	2	6

The stamps for the examination of any diagram, on which two or more farms or portions thereof, or also two or more pieces of land are shown, the dividing lines between which are shown, and with regard to which separate data are furnished, shall be equal in amount to what would have had to be paid if each such farm or portion of land had been represented on a separate diagram.

If any diagram shall be found to represent more than 8,000 morgen, and not show any subdivision into farms, the charge for examination of every 1,000 morgen shall be increased by 2s. 6d.

	£	s.	d.
For careful examination of the inspection reports of each farm			
or piece of land - - - - -	0	1	6
„ stamp on surveyors' diagram of any farm or portion thereof	1	0	0
„ stamp on surveyors' diagram of any erf or portion thereof -	0	10	0
„ publication of any diagram - - - - -	1	0	0
„ deduction from „ „ - - - - -	0	15	0
„ publication of any protest - - - - -	2	0	0
„ stamp on any protest - - - - -	0	5	0

ANNEXURE No. 3 TO LAW No. 9, 1891.

INSTRUCTIONS FOR SURVEYORS IN THE SOUTH AFRICAN REPUBLIC.

1. It shall not be lawful for any person to act as a surveyor or to make any survey in this Republic unless he shall have been admitted as a surveyor by the Government and have furnished approved security in the sum of £500. Surveyor must be an admitted surveyor.

2. No diagram shall be approved at the Surveyor General's office which has not been signed by a duly admitted surveyor, who shall have taken out a licence for the year during which such farm was surveyed. Licence.

The surveyor shall, as soon as he has taken out a licence, notify the Surveyor General thereof and furnish him with a copy of such licence.

Should such licence not have been taken out the diagrams shall be returned to the surveyor.

3. No diagram shall be confirmed unless the farm or piece of land thereby represented was actually surveyed according to the beacons as erected by the surveyor who has signed the diagram. Beacons.

4. It shall be the duty of every surveyor employed by private persons to give written notice of the survey at least eight days prior to the commencement of the survey to all neighbouring owners, and if it be not possible to communicate with such owners, the surveyor shall publish a notice of such survey in the *Staatscourant*, and shall also affix such notice to the door of the Landdrost Office of the district where the farm is situate at least fourteen days prior to the commencement of the survey. Notice of survey.

The diagrams shall not be confirmed unless it be certified thereon that the provisions of this article have been complied with.

Should such surveyor be employed by the Government he shall arrange with the Surveyor General as to the date on which the survey is to commence, and the Surveyor General shall give notice thereof in the *Staatscourant*.

Field-Cornet's certificate.

5. The surveyor shall, upon commencing any survey, obtain from the Field-Cornet of the ward a certificate that there are no disputes existing as to the beacons of such farm.

It shall be the duty of the Field-Cornet to grant such certificate.

Inspection report.

6. It shall be the duty of the surveyor at the survey of any farm or piece of land to provide himself with a copy of the inspection report, and to compare the position of beacons pointed out to him with that of the beacons indicated in the inspection report, and to report to the Surveyor General with regard to any discrepancy observed by him.

A copy of the inspection report used by him shall be attached to the diagrams sent in by him.

Title deeds.

7. It shall be the duty of the surveyor to inspect at the time of the survey the title deeds of the land.

No farm or piece of land shall be surveyed except for the owner or owners thereof.

Sub-division.

8. Should a farm or portion thereof belong to more owners than one in undivided portions the surveyor shall survey such farm or such portion thereof in its entirety

Should the owners desire to subdivide, the diagrams of such subdivision shall be accompanied by a proper deed of division entered into in the presence of witnesses by all the parties interested therein.

In the case of a surveyed farm belonging to different owners being subdivided according to existing beacons, the diagrams shall be accompanied by a certificate, signed by all the parties interested, in which they shall declare that they are satisfied with the beacons as pointed out to the surveyor or erected by him.

Pointing out of beacons.

9. It shall be the duty of the surveyors in the survey of farms or pieces of land to have the beacons pointed out to them by persons acquainted with such beacons; as far as practicable, by the old inspectors.

Cases in which the surveyor has to cut off pieces of land of a defined size, and has himself to erect the beacons accordingly, shall be excluded from the operation of the rule aforesaid.

Should any such farm be greater in extent than 3,750 morgen, it shall be a definite requirement that the beacons shall have been pointed out by one or more of the old inspectors, or by other impartial persons, who shall declare under oath that the beacons pointed out are the actual inspection beacons.

An affidavit, to the effect that the beacons pointed out to the surveyor are the actual inspection beacons of the farm, shall accompany the diagrams, failing which such diagrams shall not be confirmed.

It shall be the duty of the inspectors at all times to point out the beacons of a farm.

10. No other measure shall be used for the purposes of surveys in the South African Republic than the Cape measure. Cape measure.

Before commencing any survey the surveyor shall compare his chain with the standard measure, obtainable for that purpose upon application at the Surveyor General's office.

11. Each base shall be surveyed at least twice, and should a difference of more than 1 in 7,500 result, the surveyor shall re-survey such base. Base of survey.

The base for the survey of a single farm shall not be less in length than 150 roods, and that for the survey of two or more adjoining farms shall not be less than 250 roods.

In addition thereto it shall be requisite that in the survey of large blocks, a test-base not less in length than 200 roods shall be surveyed.

12. The apexes of all triangles used in any survey for the purpose of calculating any points, shall not be less than 30° , nor greater than 150° . Triangulations.

The apex of a triangle used for testing purposes may indeed be less, but the co-ordinates obtained from such triangles may not be used for the purposes of the computations.

13. It shall be the duty of the surveyors to erect or see to the erection of the beacons of farms or pieces of land surveyed by them, which beacons have not already been erected. Erection of beacons.

Such beacons shall be made three feet high, and built of stone or brick.

No diagram shall be approved, unless it be certified thereon that all the beacons have been properly erected according to law.

14. Should one or more boundary lines of a farm about to be surveyed adjoin a previously surveyed farm or farms, the surveyor shall at the survey obtain inspection of the diagrams of such farm or farms, or shall obtain certified copies thereof, in order that he may compare his survey therewith; and should he discover any discrepancy of more than 1 in 1,000 between the results of the two surveys, or in the case of a survey of an irregular boundary, a difference of more than 10 roods in the position of the lines, he shall report such discrepancy to the Surveyor General.

15. All diagrams of original surveys of farms or portions thereof shall be draughted on good draughting paper of a size of about 20 inches by 14 inches. Diagrams. Paper.

Diagrams of erven in towns shall be draughted in triplicate on good paper of foolscap size.

16. All diagrams of original surveys of farms or portions thereof, or of erven or pieces of land, shall be draughted in triplicate. Farm diagrams.

Diagrams of portions of farms, pieces of land, or even already surveyed, shall be drafted in duplicate.

Scale.

17. The scale, according to which diagrams shall be framed, shall be the following, save in cases where, with consent of the Surveyor General, some other scale shall, for some good reason, have been adopted by the surveyor:—

Town erven 100 feet to 1 English inch.

” plans 200 ” ” ” ”
Pieces of land, less in size than 10 morgen, 200 feet to 1 English inch.

Pieces of land—

(a.) 10 to 500 morgen, 100 Cape roods to 1 English inch.

(b.) 500 to 5,000 morgen, 200 roods to 1 English inch.

Pieces of land of a greater size than 5,000 morgen, 400 roods to 1 English inch.

Data.

18. The following data shall be furnished on the diagrams:—

(a.) The length of the lines from beacon to beacon.

(b.) The size of all interior angles.

(c.) The length of the imaginary line connecting two beacons, if the boundary between such two beacons is not a straight line; as also the angles formed by such imaginary line with the other boundary lines.

(d.) The extent of land included within the boundaries. In case the boundary line between any two or more beacons is an irregular line, the extent included between the straight line, connecting such beacons (and the other boundary lines), and also the extent within the actual boundaries.

(e.) The co-ordinates of all beacons obtained from the survey.

Where data written.

19. Such data shall not be inscribed within the figure itself, but shall be specified in a separate place on the diagram.

Angles and sides.

20. The angles shall be stated on the diagram within 10”.

The length of the lines shall be calculated to two points of decimals, and stated in Cape roods or feet, according to the scale used in framing the diagram, viz. :—

If the piece of land is of less extent than 10 morgen, the lengths aforesaid shall be stated in Cape feet, but if the land is of greater extent, such lengths shall be stated in Cape roods.

Extent.

The extent of pieces of land of less extent than 10 morgen shall be stated in morgen, square roods, and square feet, and that of pieces of land of greater extent only in morgen and square roods.

Colouring.

21. Each figure, representing a surveyed piece of land or farm, shall be coloured some uniform light colour.

Topography.

The topography (roads, spruits, houses, &c.) shall be shown on the diagram in colours different from that of the figure.

22. The topography of the land shall be shown on the diagrams Topography.
neatly and accurately.

The true position of the more conspicuous mountains or mountain ranges, and of the houses, fountains, and any conspicuous natural objects, the situation of the principal rivers, spruits, roads, telegraph lines, &c., &c., shall be defined by actual survey in the field.

Should a river, kloof, precipice, wagonroad or footpath, &c., form part of the boundary of a farm, it (such river, &c.) shall be carefully surveyed at all points, and clearly marked upon the diagram.

The topography, especially in the vicinity of the beacons, shall be given as correctly as practicable.

All special landmarks which may serve to designate the place and position of a beacon shall be shown on the diagram.

It shall not be allowable for the purposes of topography, rivers, spruits, roads, &c., to prick through any diagram, but this means of determining a position on any diagram or plan may be applied in the case of beacons or stations.

23. The true north, the direction of the lines of the adjoining farms, where known, the names of the adjoining farms, as also the names of rivers, spruits, mountains, hills, &c., within the limits of the farm, or in the immediate vicinity thereof; the names of the ward and the district in which the farm is situate, of the person by whom the beacons were pointed out, the registered number of the farm, the names of the registered owners and date of survey shall appear upon the diagram and if the diagram represents a portion of a surveyed farm the Surveyor shall fill in the prescribed form. Information to be supplied by diagram.

24. Should any river, road, wall, &c., constitute the boundary of any farm or piece of land, it shall be clearly stated on the diagram whether it is the outer or inner side or the middle line thereof which forms the boundary of the farm or piece of land. Rivers, boundaries, &c.

25. No portion of a surveyed farm may be so surveyed as to extend beyond the limits of the original diagram. Sub-divisional diagrams.

The data on the new diagram shall accord in all respects with the data of the original diagram (the figures of the data of the new survey may be marked in red ink on the diagram).

In cases in which the discrepancy between the old and the new survey exceeds 1 in 1,000, or if in the case of an irregular boundary line, the discrepancy between the position of such line as shown by the old and that shown by the new line shall amount to more than 10 roods, such discrepancy shall be reported to the Surveyor-General.

26. The plotting of each diagram shall be carefully done, and must accord with the figures given for the sides and angles. Plotting.

All boundaries shall be shown only by a clear broken^[1] line.

The imaginary lines referred to in Art. 18, letter C, shall be shown by dotted or spaced lines.

¹ Probably "continuous" was meant.

Portions of
several farms.

27. Should a diagram represent portions of more than one farm the different portions of each farm shall be clearly shown.

The extent and all other data with regard to each portion shall likewise be given.

The different portions taken together shall not be greater in extent than a full farm of 3,750 morgen, unless they shall be portions of farms which are themselves greater in extent than 3,750 morgen (*sic*).

Connections
shown.

28. In framing a diagram of a subdivisational portion of a farm or piece of land not having some portion of its boundary common to the boundary of the whole farm, the Surveyor besides stating on such diagram the data already specified (see Art. 18) shall also furnish the data of a quadrilateral figure formed by two beacons of the piece of land surveyed, and two beacons as shown in the original diagram from which the deduction has to be made.

Should one of the sides of a subdivisational portion form part of the common boundary lines of the original survey, only the distance between the ends of such two sides need be stated.

The data may be stated at the corners and along the lines.

A separate
diagram for
each deed of
Grant.

29. A separate diagram shall be sent in for each farm or piece of land for which a separate Deed of Grant was issued.

Portions of two or more farms (see Art. 27) may be draughted on one diagram, provided they do not together exceed the extent of a full farm (3,750 morgen).

Erasures.

30. No erasures shall be allowed in any diagram.

General
plans.

31. A general plan of all surveys of more than one farm, portions of a surveyed or unsurveyed farm or pieces of land made at the same time, shall be filed at the Surveyor General's Office, duly signed by the Surveyor, and framed on a scale of 400 roods to an English inch, and giving the points of triangulation.

Such general plans shall be neatly executed on good canvas-backed drawing paper.

In addition to the sides, angles and size of the various farms or pieces of land such general plans shall give the rectangular co-ordinates of all points used in the survey.

Topography.

The topography shall be given in such plans in the same manner as in the case of ordinary diagrams.

A general plan or tracing, of all surveys or portions of surveyed farms, showing the situation of the portion or portions surveyed, in relation to the whole farm, shall accompany the separate diagrams of such portions and shall be framed according to the same scale as the original diagram. No topography shall be required in such plan and merely a copy thereof will suffice.

No diagram of any portion of land so surveyed shall be confirmed until such general plan shall have been filed.

General plan,
town surveys.

A general plan of the Surveys of Towns shall be filed in triplicate, on a scale of 200 feet per English inch, and shall be

confirmed before the diagram of any erf so surveyed may be passed.

32. The following rules shall apply with regard to the tabulation of the co-ordinates on diagrams and general plans:—

- (a.) The co-ordinates stated on one and the same document shall consistently refer to the same axes.
- (b.) They shall be expressed in Cape Measures, and in the same units of Cape Measure in which the sides are expressed.
- (c.) The Algebraic signs + or — shall be written in front of each “Y” and “X,” and it shall be clearly stated which co-ordinates are “y” s and which are “x” s.
In tabulating the co-ordinates the “y” s shall always appear in the left, and the “x” s in the right-hand column.
- (d.) The “y” axis shall always be the true north.
In surveys of blocks, farms or pieces of land, the true north shall be defined by astronomical observations, and it is recommended that this should also as far as possible be done in the case of surveys of single farms.
- (e.) The positive directions of the axes, to which the co-ordinates stated on any document are referred, shall be such that the positive angles subtend in the same direction as that in which the angles on horizontal theodolite circles of from 0° to 36° subtend.

33. All diagrams shall before being signed by the Surveyor-General be examined as to their consistency by the Examiner of Diagrams. Inconsistency.

Except in the case of a diagram of a triangular, parallelogram-shaped, or quadrilateral figure with two parallel sides, a diagram shall not be returned by the Examiner of Diagrams as inconsistent, unless such inconsistency shall exceed the following maxima:—

A. Reciprocal inconsistency of sides and angles.

The sides and angles of any diagram shall be deemed reciprocally inconsistent, if they make it possible for any beacon on the ground represented by such diagram to be located in two different positions; the extent of such inconsistency shall be denoted by the length of the line which would connect the two different positions, and shall be called the line of displacement. Sides and angles.

$$l = \frac{\frac{1}{2} p + 200 n}{10,000}.$$

where

p = perimeter of the diagram which is being examined.

n = the number of sides shown on the diagram which is being examined, and which shall be calculated in roods or feet according as the lengths of the sides of the diagram are expressed in roods or feet.

Extent.

B. *Inconsistency of extent as stated in the case of rectilinear figures, with the figures as formed by the sides and angles stated for such figure.*

Should the sides and angles of a diagram be inconsistent the application of such diagram to the ground would give a figure which would have $(n + l)$ sides, of which the extra side, will be the line of displacement above referred to, and inasmuch as this line could be adjoined to any one of the beacons, various figures of $(n + l)$ sides will be obtained.

These “ n ” figures will have an equal number of different extents, the differences between which will have a limit or maximum size of $\frac{1}{2} p.l'$, in which “ l' ” shall be the line of displacement and p be the perimeter.

Therefore by inconsistency in regard to the extent of a surveyor's diagram, shall be understood the various differences between it and the “ n ” extents above referred to, and the diagram shall be returned for amendment, should any one of these differences exceed “ s ” as well as s' in the following formula

$$s = \frac{1}{6} pl + n$$

$$s' = \frac{1}{2} pl' + n$$

where

p = perimeter of the diagram being examined.

l = maximum inconsistency of sides and angles permissible as above.

l' = the actual inconsistency of the sides and angles of the special diagram which is being examined.

n = the number of sides shown on the diagram, and computed as square rods and square feet, according as the lengths of the sides of the diagram shall have been expressed in Cape rods or in Cape feet.

Description of diagram of farm.

34. The following forms shall be used for the description of diagrams :—

“The above Figure A to _____ represents
 containing _____ No.
 _____ morgen _____ square
 rods. Situate in the district _____
 Ward _____ South African Republic, and
 extending as hereinabove set out.

The beacons were pointed out by _____
 and have been properly erected according to law.

Notice of this survey has been given according to law to all neighbouring land owners.

Distance from the town _____
 about _____ miles.

Surveyed for the _____ owner
 in _____ 18 .
 By me, _____

Surveyor.

“B.”

(UPON SURVEY OF A PORTION OF AN ALREADY SURVEYED FARM OR PIECE OF LAND.)

“The above figure A to represents a
 portion Description of
 No. sub-divisional
 district diagram.
 South African Republic, and contains
 morgan Ward,
 square roods, and extends as hereinabove
 shown.

The whole farm was originally granted
 { in eigendom (freehold) }
 { in leening (as a loan farm) } to according to
 { Deed of Grant }
 { Deed of Transfer } . No. dd.
 The beacons were pointed out by and
 have been properly erected according to law.
 Surveyed in 18 .
 By me,

Surveyor.

I Registrar of Deeds hereby
 certify that this diagram belongs to { the Deed of Grant }
 dd. 18 { Deed of Transfer }
 favour of this day issued (or passed) in
 Deeds Registry Office 18

Registrar of Deeds.

“C.”

(UPON SURVEY OF TOWN ERVEN OR PIECES OF LAND SITUATE IN TOWNS.)

The above figure A to represents
 Erf No. Description of
 in extent diagram of
 square roods Erven.
 town square feet, situate in the
 district Extending
 as above set out.

Surveyed by me in 18

Surveyor.

35. It shall be the duty of every Surveyor in respect of all surveys made by him to preserve the following documents in a clear and intelligible form, and to produce the same to the Surveyor General, upon the latter's request, to wit:—

Surveyors' records.

(a.) His original Field book or certified true copy thereof.

- (b.) His original working plan or a certified true copy thereof, on which, in addition to beacons, boundaries and topography, the base, test base (if such a base has been surveyed), and all stations, triangulations and traverse lines used by him for the purpose of fixing the position of the beacons and irregular boundaries, shall be shown; The same names, letters or numbers shall be given to the stations and beacons on the working plan as are given in such field book.
- (c.) The surveyed and reduced length of each base and test base (and the computed length of the latter), besides that of all surveyed lines.
- (d.) A list of the average angular readings, used for ascertaining the positions of beacons and the angles of each triangle used in the computation.
- (e.) The co-ordinates of all stations used for determining the position of beacons, where a survey has been done by means of triangulation.
- (f.) His original calculations or certified true copies thereof.

Stamps on
diagrams.

36. No diagrams shall be confirmed at the office of the Surveyor General, unless the following Government charges be paid thereon in revenue stamps affixed thereto:—

	£	s.	d.
(a.) Examination and publication of a diagram of a farm or portion of a farm, figure with 3 sides	3	2	6
(b.) Do. do. " " 4 "	3	7	6
(c.) Do. do. " " 5 "	3	12	6
(d.) For each additional side over and above 5 "	0	2	6
(e.) Examination and deduction of a sub-divisional portion from a surveyed farm, figure with 3 sides	2	15	0
(f.) Do. do. figure with 4 sides	3	0	0
(g.) Do. do. " " 5 "	3	5	0
(h.) For each additional side over and above 5 "	0	2	6
(i.) Government charges, &c. On diagrams of erven at Pretoria, Heidelberg, Lydenburg, Middelburg, Marthinus Wesselstroom, Utrecht and Christiana	1	12	0
(k.) On erven in other towns	1	2	6
(l.) Examination and deduction of portions of surveyed erven	1	13	0
(m.) Certificate on diagram	0	2	6
(n.) For each other certificate	0	1	6
(o.) For inspection of any surveyor's diagram	0	2	6
(p.) Where a diagram represents more ground than 8,000 morgen, and does not show any sub-division into farms, the Government charges for every 1,000 morgen shall be increased by	0	2	6
(q.) For any diagram representing two or more portions of farms, showing the lines of			

division between such farm, the Government charges shall be paid as if each such portion were draughted into a separate diagram.

Existing lawful beacons.

37. Diagrams which do not accord with existing lawful beacons recognised as such, may be cancelled upon written request of the owner or his agent in terms of Art. 7 of Law No. 9, 1891.

Cancellation of faulty diagram.

The new diagrams which are to replace the faulty ones shall be accompanied by a declaration and consent paper signed by the neighbouring proprietors.

New diagram.

FORM OF DECLARATION AND CONSENT.

I the undersigned, owner of the farm
declare that the beacons as pointed out on the
18 , to the surveyor

hereby
day of

Declaration for new diagram.

are the lawful beacons existing between my aforesaid farm and the farm , and are acknowledged by me as such.

I further consent to the cancellation of the existing diagram of the farm and to the framing of a new diagram in lieu thereof in accordance with the aforesaid beacons.

Owner.

Witnesses :—

38. These instructions are brought into effect by virtue of Art. 3 of the Instructions to the Surveyor General and shall be observed in all surveys, made after all previous instructions are hereby repealed.

Authority for these instructions.

G. R. VON WEILLIGH,
Surveyor General.

Surveyor General's Office,
10th August, 1891.

ANNEXURE No. 4 TO LAW No. 9, 1891.

First Volksraad Resolution, Art. 1,314, dated 29th August, 1892.
(page 631, L.L. 1892).

Resolved—

It shall be the duty of the surveyor who, in the course of the general survey, shall be surveying any farm, registered in the name of two or more proprietors, but which farm has not yet been subdivided, to subdivide such farm in the course of such general survey, should he be requested so to do, by one or more of the owners of such farm.

Sub-divisions of farms in the course of the general survey.

SECOND VOLKSRAAD RESOLUTION, Art. 38, dated
11th May, 1891.

Noted and accepted by First Volksraad Resolution, Art. 55,
dated 14th May, 1891.

Resolved that the following be added as supplementary articles
to Law No. 7, 1889 :—

Public roads-
liability.

1. The Government shall not be responsible for any damage, injury or loss arising from the tumbling or falling of persons, animals or vehicles or other things into or by reason of drainage furrows or the prolonged open portion of uncovered sluices, or drains, or into any excavations of whatsoever kind, made at the side of or outside the road, for leading off water or for draining roads or obtaining materials.

Cases in which
Government
is responsible.

2. The Government shall not be responsible for any damage, injury or loss, occasioned by or suffered on public roads, unless it be by reason of holes made in such roads on behalf of the Government and left without protection or warning signs.

3. This Resolution shall come into operation immediately after publication in the *Staatscourant*.

FIRST VOLKSRAAD RESOLUTION, 22nd May, 1891.

Beer
breweries.

109. It is resolved that it shall not be permitted to erect beer breweries in towns, except only with the special consent of the Executive Council, and as much as possible in the outskirts of the town, and subject to such conditions as the Executive Council may deem necessary and serviceable.

REGULATIONS OF JOHANNESBURG TRAMWAY
COMPANY.

(See Local Laws, 1891, p. 281.)

FIRST VOLKSRAAD RESOLUTION, 10th June, 1891.

Natives not to
squat on
Government
farms.

359. Resolved to instruct the Government to instruct the Commissioners and Sub-commissioners for Natives through the Superintendent of Natives to see that henceforth no natives shall reside on Government ground which is not intended for location purposes, on pain of such fines and penalties as the Government may deem necessary.

FIRST VOLKSRAAD RESOLUTION, 21st July, 1891.

1040. Resolution with regard to Arts. 12 and 13 of Law No. 9, 1891, as follows:—

Costs of
general
survey.

Resolved, in case it should appear to the Government that the owner of a farm or any piece of land is not able to pay the cost of survey at the time, and in accordance with the provisions of Law No. 9 of 1891, the Government is authorised in such case to assist such owner temporarily, if the State finances permit of it, by finding the money upon security of the farm or piece of land of such owner, and in such manner as the Government may deem of service to him.

(TARIFF FOR WITNESS SUMMONED TO APPEAR BEFORE THE FREE STATE COURTS IN TERMS OF LAW No. 2, 1890.)

(See p. 369, Local Laws, 1891.)

LAW No. 1, 1892.)

(AMENDMENT OF LAW No. 6, 1889.)

“GAMES OF CHANCE.”

As dealt with by Resolutions of the First Volksraad, Arts. 86 to 97 inclusive, dated 11th May, 1892, and accepted and ratified, unaltered by Art. 147, dated 14th May, 1892, of the said Raad.

1. In Art. 7 of Law No. 6, 1889, the words “in addition to a fine of £5, or in default of payment, imprisonment for a period not exceeding one month,” shall be superseded by the words “in addition to a fine of not less than £5, and not exceeding £50, according to the nature of the case, or in default of payment of the fine, by imprisonment for a period not exceeding three months, with or without hard labour.”

Amendment
of Art. 7, *re*
penalty.

2. Two new Articles, 7a and 7b, of the following tenour, shall be inserted between Articles 7 and 8 to wit:—

“Art. 7a: Any person, who by fraud or any illegal trick, pretext or artifice of whatsoever kind, with cards, tables or any other game, shall win any money or any article of value from any person or persons; or any person who shall, in any way whatsoever, conspire with others to induce another person or persons to commence play, in order by so doing to win their money or articles of value, by any sort of illegal game, shall be deemed to have committed the offence of obtaining money or goods under false

Penalty for
fraudulent
artifices.

State
evidence.

“pretences, and shall be sentenced, for the first offence, to three months’ imprisonment with hard labour; for the second offence, to six months’ imprisonment with hard labour, and for the third offence, to two years’ imprisonment with hard labour, with this proviso, that the State Attorney or his lawful representative, shall, at all times, have the right to take the person, who has lost at such play, or one or more of the accomplices, as State evidence, in terms of Art. 120 of the Criminal procedure, although they may have joined in the play.”

Games of
skill.

“Art. 7b: It is hereby expressly enacted that it shall, in every case, be left to the competent Courts to decide whether the game, with reference to which complaint is made, is a game of chance, or one to be decided by science or skill, and where it shall appear that a game of science or skill is played in such a manner that the amount played for is unreasonably high, the Court shall declare such games illegal, and deem the same in all respects to be a game of chance for the purposes of this law.”

[1] 5. This amendment of law shall come into operation three months after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

Government Offices,
Pretoria, 21st May, 1892.

DR. W. J. LEYDS,
State Secretary.

LAW No. 3, 1892.

TO OBLIGE RESIDENTS OF THIS REPUBLIC TO APPEAR AS
WITNESSES IN THE COURTS OF LAW OF ZULULAND.

(Approved and enacted by Resolution of the First Volksraad,
Art. 149, dated 14th May, 1892.)

Whereas the testimony of persons residing in the South African Republic is frequently required in the Courts “of Law” of Zululand.

And whereas there exists no power to compel the attendance of such persons before the said Courts, in consequence whereof the ends of justice are sometimes defeated:

And whereas it is desirable to make the attendance of such persons before such Courts compulsory: It is hereby provided and enacted as follows:—

Subpcena to
be endorsed
by Landdrost
and served by
messenger, &c.

1. Where a subpcena, purporting to be issued by the proper officer of any competent Court in Zululand, for the purpose of securing the attendance of any person resident in this Republic as a witness before such Court, shall be transmitted by such officer to

¹ Arts. 3 & 4 repealed by Ord. 32, 1902.

the Landdrost of the district within which the person whose attendance is so required shall be residing, it shall be the duty of the said Landdrost to endorse on such subpoena his order that the same shall be served on the person therein named; and the subpoena so endorsed shall thereupon be handed to the messenger of the said Landdrost's Courts, or to his lawful substitute, or such other person as the said Landdrost shall specially appoint for the purpose, whose duty it shall be to serve the same as soon as practicable on the person designated 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 has to be given, according to such tariff as may from time to time be framed by the Executive authority, shall be transmitted to the said Landdrost, together with the said subpoena, and the portion of such expenses assigned to the person named in the said subpoena shall be paid to him by the officer serving the same.

Conduct
money.

2. Every person who shall have been served with a subpoena, as in the previous section mentioned, shall be bound to attend on the day and at the place therein named; and in case he shall fail so to do, and shall also fail to prove any lawful and valid excuse for such non-attendance, he shall be liable to a penalty not exceeding one hundred pounds sterling, which shall be recoverable in the Court of the Landdrost of the district in which he shall be residing, at the instance of the State Attorney.^[1]

Penalty.

The fact that in addition to the time fixed by law for the appearance of witnesses in this State the subpoena was not served on the witness at least fourteen days prior to the time the said witness would have to leave home, shall be deemed to be such a legal and valid excuse as is referred to in this Article.

3. The return of the person authorised to serve such subpoena as in the first article of this Law provided, showing that such service has been duly made, and a certificate under the hand and seal of the presiding Judge or Landdrost of the Court from which the said subpoena was issued, that the person so served did not attend when called upon, and did not establish any valid or legal excuse for this 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.

How penalty
recovered.

4. No person resident in Zululand, who may be summoned as a witness before any Court of this Republic, and whose attendance before such Court shall be enforced by any legislative enactment of Zululand, shall be liable, while so attending, to be arrested upon any civil or criminal process for any debt formerly due or any offence formerly committed by him in this Republic.

Witnesses free
from arrests
for other
causes.

5. This Law shall come into operation and take effect as soon as the State President shall, by proclamation in the *Staatscourant*,

This Act to be
proclaimed of
force upon

¹ See F.V.R.R., 11-5-1894, Art. 46, p. 224.

Zululand
reciprocity
legislation.

declare and make known that Zululand has made due provision to compel the attendance as witnesses before the Courts of this Republic, of persons resident in Zululand.

6. All enactments in conflict herewith are hereby repealed.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 25th May, 1892.

“For tariff of witnesses subpoenaed under this Law, see Government notice published in L.L. 1891, page 725.”

LAW No. 4, 1892.

FOR THE PUNISHMENT OF MOTHERS FOR CONCEALMENT OF
BIRTH OF CHILDREN.

(Approved and enacted by Resolution of the First Volksraad,
Art. 199, dated 18th May, 1892.)

WHEREAS the concealment by mothers of the birth of their children is an act of very suspicious nature; and whereas such act is not deemed to be punishable according to the laws in force in this State, and whereas it is necessary that the same should be made punishable, it is hereby provided and enacted as follows:—

Crime of
concealment
of birth.

1. Every unmarried woman or deserted wife, who gives birth to a child, and who by secret burial or in any other way removing the dead body of the child out of the way, endeavours to conceal the birth thereof, shall be guilty of the crime of concealment of the birth of her child.

Punishment.

2. This crime shall be punished by imprisonment, with or without hard labour, for a period not exceeding two years.

What proof
required.

3. At the trial of a woman for the crime, mentioned in Art. 1, it shall not be necessary to prove that the child died before, at, or after its birth.

On indictment
for murder jury
may bring in
a verdict
under this
Law.

4. If a woman is brought to trial for the murder of her child, and the jury find her not guilty of that crime, it may, if sufficient evidence with reference thereto has been produced to the Court, find her guilty of the crime of concealment of the birth of her child, and upon such finding the Court shall be competent to pass such sentence upon her as could lawfully have been passed had she been brought to trial on a charge of having committed such crime.

5. This Law shall come into operation three months after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 21st May, 1892.

LAW No. 21, 1892.

ESTABLISHING THE PRINCIPLE THAT WHITE PERSONS MAY ALSO BE LASHED.

(Approved and confirmed by Art. 163, dated 16th May, and Art. 1258, dated 23rd August, 1892, of the Resolutions of the First Volksraad).

WHEREAS it is provided by the last paragraph of Art. 127 of the Grondwet, that white persons may be condemned to corporal punishment by lashes where such is specially provided by law :

And whereas this is at present only done by Art. 12 of Law No. 14, 1880, and by Arts. 1 and 2 of Law No. 5, 1888 :

And whereas it has appeared necessary also to inflict lashes upon white persons for certain crimes or offences :

Be it hereby provided and enacted as follows :—

1. Under special circumstances, in the discretion of the High or Circuit Court of this Republic, lashes may also be inflicted on white persons, to a maximum of 50 lashes, for the offences of assault whereby grievous bodily harm has been occasioned, robbery, housebreaking, rape, sodomy, and the repeated commission of cattle thefts. For what offences white persons may be lashed.

2. In no case shall a coloured person be appointed to administer any lashes, to receive which a white man shall in terms of the preceding Article have been condemned. Coloured person may not inflict such lashes.

3. This Law shall come into operation immediately after publication in the *Staatscourant*. Operation.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
31st August, 1892.

Closing of
Forests.

CLOSING OF FORESTS.

(Second Volksraad Resolution, Art. 313, dated 2nd June, 1892; noted and accepted by First Volksraad Resolution, Art. 420, dated 10th June, 1892.)

The Raad resolves to close all forests in this State, exclusive of such forests as, in the interests of the burghers of the State, ought to be thrown open by the Government, and instructs the Government to apply Law No. 15, 1880, and the regulations framed in terms of Sec. 11 of Law No. 15, 1880, and Art. 832 of 1890 in respect of all forests, until such time as the special circumstances may necessitate alterations, whereupon the same shall be submitted to the Second Raad.

FIRST VOLKSRAAD RESOLUTION,

Art. 1040, 3rd August, 1892.^[1]

Witness fees
in Criminal
Cases.

COMPANY LAW.

SHARES TO BEARER.

UNDER AUTHORITY GRANTED BY VOLKSRAAD BESLUIT, ART. 1331, DATED 29TH AUGUST, 1892, THE FOLLOWING RESOLUTION 8908-92 WAS TAKEN BY THE EXECUTIVE COUNCIL AND PUBLISHED IN THE *Staatscourant*, 1ST DECEMBER, 1892.

The Executive Council in pursuance of Resolution of the First Volksraad, Art. 1331, dated 29th August, 1892, resolves:—

Issue of fully
paid-up share
warrants to
bearer by
Company
with limited
liability.

That upon a company having been registered with limited liability, under Law No. 5 of 1874, such company shall be allowed to issue fully paid-up share warrants payable to bearer, which may at any time be exchanged for share certificates, in manner provided in the articles of association originally or as modified by special resolution of the company.

[By Resolution of the Second Volksraad, dated 17th May, 1894, the provisions of above Executive Council's Resolution were again confirmed and extended, and made to apply to companies incorporated and registered under Law No. 6 of 1874, as well as those registered under Law No. 5 of 1874.]

¹ See Appendix, p. 474.

LAW No. 1, 1893.

REGULATIONS FOR TRAVELLERS, TRANSPORT RIDERS
AND TREKKERS.

(Approved by Resolution of the First Volksraad, Art. 183, dated 25th May, 1893).

1. Every farm shall be subject to a servitude of one outspan. Each farm has one outspan.
 Farms adjacent to a proclaimed transport road shall be subject to a servitude of an outspan to be beaconed off by the owner or lessee in a practicable place.
 The size of an outspan shall be determined according to the size of the farm, estimated on the basis that a full farm of 3,750 morgen shall be subject to an outspan 50 morgen in extent. Size of outspan.
2. The transport roads shall be proclaimed by the Government. Proclaimed roads.
 The width of a proclaimed road shall be 30 feet, with this proviso, that transport riders shall, where required and where the circumstances make it necessary, have the right to turn out of the road 30 yards to the one side or the other at their own responsibility however, and provided that they occasion no damage to fences or other constructions or to cultivated land.
3. Each traveller and transport rider shall be obliged to keep within the 30 feet of proclaimed transport road, except in cases provided for in Art. 2, and shall at the same time be bound to keep strictly within the limits, as defined in Art. 1 of the outspans along proclaimed transport roads. Travellers must keep to the road.
4. It shall not be lawful for transport riders to travel with or without laden wagons, along roads other than those proclaimed, unless such a transport rider is obliged to leave the road in order to get to his place of abode. Transport riders must keep to the proclaimed roads.
5. No one shall be permitted to delay longer than 24 hours at an outspan, unless he is altogether prevented by accidents, swollen rivers, or other unforeseen circumstances, from proceeding further. Only 24 hours' delay at outspans.
6. Every contravention of the above articles shall be punished by a fine not exceeding £5, in addition to his liability to compensate the owner or lessee, to whom also the half of the fine levied and paid shall be awarded. Penalties.
7. Every owner of ground adjoining a road (trek pad) (which is not a proclaimed transport road), shall be bound to allow an outspan for trekkers (people moving from one farm to another with their cattle or goods—Trans.) on the basis of 100 morgen (that is a square whose base is about 1,000 yards) for each full farm of 3,750 morgen, to be decreased according to the size of the farm, as also facilities for the grazing or trekking of stock running loose along any such road to a distance not exceeding 300 yards, per full farm of 3,750 morgen, to be reduced in Outspans for trekkers.

proportion to the size of the farm, but in any case the width shall not be less than 150 feet on the one side or the other of the road, such side, if need be, to be pointed out by the owner (in case of dispute between the owner and trekkers, the Landdrost, Field-Cornet, Assistant Field-Cornet, or resident Justice of the Peace, shall decide); and also to allow cattle to drink in any river, stream, or pool, situated in or alongside the trek path, artificial dams used for the irrigation of gardens and arable lands being excepted.

Live stock
running loose.

8. No live stock running loose shall be driven along the veld of any farm. It shall, however, be permissible for cattle and stock to proceed across any farm slowly grazing, provided they keep within the limits prescribed by Art. 7, alongside some public road, which side the owner or lessee may cause to be pointed out, if he shall so choose, and provided that not longer than a day is taken to trek (proceed) a distance of two hours on foot, and provided that no damage shall be occasioned to any dam or waterfurrow, garden or arable lands, by any stock trekking outside the road.

Intermingling
of stock.

9. Such stock shall not be allowed to intermingle with any stock of the owner or lessee, which may be grazing on such farm.

Owner's stock
may be driven
off outspan.

Trekkers or travellers shall, however, have the right to drive out of the way such of the owner's stock as may be grazing on the outspan or within the limits defined by Art. 7.

Penalty.

Upon contravention hereof, the owner of the stock so trekking shall be responsible for such damage as may accrue to the owner or occupier of the ground, to be assessed and awarded by the local official, and shall be liable to a fine not exceeding £7. 10s. according to the nature of the case.

The half of the fine inflicted and paid shall be awarded to the owner or lessee of such farm.

Fencing of
gardens, &c.,
within the
300 yards
limits.

10. In cases where arable lands, gardens or orchards are or shall be laid out within the limit of 300 yards, mentioned in Art. 7, the owner, lessee or occupier of the ground shall be obliged to have the same enclosed properly, in default whereof he shall not be entitled to compensation for damage occasioned by the stock whilst proceeding and grazing as it proceeds along the trek-road.

Altering
route of
trek-road.

11. The owner or lessee shall be entitled to alter the route of the public trek-road across his farm, provided that such trek-road (as diverted) does not entirely diverge from the direction it is the object of the trekkers to proceed in, and is not impracticable for the trekkers, as being across mountains or stretches of veld difficult to travel along and injurious to stock.

In the event of dispute, the Government shall decide. [1]

Trekkers
along trans-
port road.

12. Trekkers with cattle and stock, proceeding along a proclaimed transport road, shall enjoy the same privileges as are defined in Art. 7 of this Law.

¹ See Amendment made by Paragraph 3, Law 22, 1894.

13. The owner, lessee, or occupier of a farm, shall be obliged to allow free watering for trek stock along rivers, streams or pans, situated within 300 yards of one or other side of the trek-path or road. Drinking.

14. No trekker shall be permitted to remain longer than 24 hours at an outspan, without leave of the owner or occupier, unless he is unable to proceed further by reason of any accident, swollen rivers, or other unforeseen circumstances; upon contravention hereof, his stock may be sent to the pound. Delay at outspan.

15. In respect of the trekking with cattle or stock over town or village lands, as also in respect of transport riders and travellers, the Government (or town boards where such have been established) shall be obliged and bound to make sufficient provision for trekkers, transport-riders and travellers, as regards roads and outspans. Trek path over town lands.

16. The Landdrosts, special Landdrosts, Field-Cornets, Assistant Field-Cornets, and resident Justices of the Peace, shall have jurisdiction and decide in respect of all offences falling under the provisions of this Law. Jurisdiction.

17. Law No. 13, 1870, and all previous resolutions concerning outspans, in conflict with this Law are hereby repealed. Repeal.

18. This Law shall come into operation on 1st November, 1893.

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria,
2nd June, 1893.

ACT No. 2, 1893.

CONCERNING THE BANKS WITHIN THE SOUTH AFRICAN REPUBLIC.

(Approved and enacted by Resolution of the first Volksraad,
Art. 216, dated 29th May, 1893.)

1. Every bank, doing business in the South African Republic on the date of this Law coming into operation, shall be entitled to a permit from the Government authorising it to issue bank notes, subject to the provisions of this Law. Every bank already doing business in South African Republic entitled to a permit authorising issue of bank notes.

2. No bank, which shall be established in the South African Republic after the date of this Law coming into operation, nor any Banks established after

date of Law, and private persons require permission from Government.

private person shall be entitled to make or circulate its or his own bank notes without having previously obtained permission to do so from the Government, which shall make the necessary regulations for obtaining such permits.

The Government shall have the right to refuse such permits.

When right to issue bank notes shall cease.

3. Whenever any bank in the South African Republic ceases to issue bank notes or fails to pay its bank notes in legal coin, the right of such bank to issue bank notes shall immediately determine and shall in the last case not be renewed.

Maximum amount of bank notes.

4. The total amount of bank notes circulated by any bank shall not exceed its paid-up capital.

What bank notes shall not be brought into circulation.

5. Bank notes of banks carrying on business in the South African Republic, which bank notes are not payable at Pretoria or at any other place in the South African Republic, shall not be made or circulated.

No bank note for less than £1.

6. No bank notes shall be made or brought into circulation in the South African Republic for any amount less than £1 sterling.

How and where bank notes are payable.

The bank notes shall always be made payable at sight in legal coin at the head office, branches and agencies of the respective banks in the South African Republic. The payment of notes may be postponed by the branch offices and agencies, with exception of the Pretoria office, and the place where the bank notes are payable, until specie can be received from the head office, or from Pretoria, in case the bank has no head office in the South African Republic.

Reserve to cover bank notes issued.

7. Every bank, which issues or shall have issued bank notes in the South African Republic, shall at all times have in hand at its head office in this Republic, or both at its head office and branch offices in this Republic, a reserve in legal coin equal to 33½ per cent. of the total value of all bank notes in circulation at the time, and assets in this Republic for the balance.

Record of notes issued.

8. Every bank, which issues or shall have issued bank notes, shall keep a proper record of the numbers and value of the same.

Inspection of such record by Government officials.

9. Every bank shall submit to the officials, to be appointed by the Government, all account books concerning the issue of bank notes and the specie-reserve, and shall allow such officials at all reasonable times to inspect the said books and to examine the specie-reserve.

Stamp on notes.

10. Every bank note made or circulated in the South African Republic shall be provided with a stamp of one penny, to be paid by the bank which makes or circulates such note.

Penalties.

11. For contravention of the provisions of this Law the following fines shall be inflicted :—

(a.) For making or circulating bank notes not in accordance with the provisions of this Law, and for neglecting to

stamp the same as prescribed hereby a fine not exceeding £100 sterling for each such note.

- (b.) For not having in hand a specie-reserve of the fixed amount, a fine not exceeding an amount equal to the amount of the deficit for every day or part of a day during which the specie-reserve is less than the fixed amount.
- (c.) For making incorrect statements of the amount or the value of notes in circulation, or of the amount of the specie-reserve in gold, a fine not exceeding £100.
- (d.) For making intentionally false or misleading statements of the amount or of the value of notes in circulation, or of the amount of the specie-reserve in gold; every person who makes or signs such statements shall be punished by imprisonment, with or without hard labour, for a term not exceeding three years.
- (e.) For submitting to the Government a false statement (other than the cases mentioned in the two preceding subsections), or for contravention of any other provision of this Law, a fine of from £10 to £500, or imprisonment, with or without hard labour, for a period not exceeding one year.
- (f.) Besides the fines and punishments aforesaid the Government shall have the power to withdraw the right to issue bank notes from the bank concerned.
- (g.) The Government shall have the right to pay out of the recovered fines a reward to informants.

12. Every bank shall from time to time furnish the Government with the name of a responsible person or responsible persons at each of its branches and other offices, whose duty it will be to supply the different statements, tables, and the balance-sheet mentioned in this Law, and he or they shall provide the same with his (or their) signature.

Bank must furnish Government with name of person responsible for statements, &c.

If any bank does not comply with the regulations of this article, the Government shall have the right to cancel the permission for the making and circulating of bank notes, after having called up and heard the bank.

13. For the purpose of this resolution, the word "bank" will include any company, partnership, firm or person doing any business which is usually done by bankers; and the word "issue" or "circulate" shall include, *inter alia*, the payment or the depositing as security of any bank note by the bank responsible for the payment of the amount thereof, or by any other bank, or by any agent of a branch office or official of such bank, irrespective of such note ever having been issued before or not at the same or at any other place.

Meaning of certain words.

14. All bank notes which are in circulation on the day of promulgation of this Law may remain in circulation until they are

Regulations with regard to bank notes already in circulation.

deposited at, or received by, the bank which is bound to pay the amount thereof, or by any other bank, or by any branch office, agent, or official of such bank. No such notes shall be again brought into circulation by the said banks, branch banks, agents or officials: provided that nothing in this Article contained shall prohibit the circulation of such note, if by its tenour it is made payable in this Republic, and stamped in accordance with the provisions of this Law.

Regulations with regard to bank notes already in circulation.

15. All bank notes now in circulation which have not been issued in accordance with the provisions of this Law shall be withdrawn after a certain day to be fixed by Government notice in the *Staatscourant*.

Bank notes not received in payment in Government offices.

16. No bank notes circulated by any institution established or represented in the South African Republic shall be accepted in payment in the Government offices.

Filing and publication of condensed balance sheet.

17. As soon as possible after the expiration of each month, fortnight, or week, as the Government may deem fit, every bank shall send in to the Government a summarised balance-sheet, containing such particulars of the transactions of its offices or branch offices in the South African Republic, and framed in such manner as shall be approved of by the Government. Moreover, every bank shall, as soon as possible after expiration of its financial year, send in to the Government a balance-sheet, a profit and loss account, and a report for the past year. These documents shall be substantiated by proofs to the satisfaction of the Government, and shall be duly authenticated. The Government shall have these balance-sheets, profit and loss accounts, and reports published in the *Staatscourant* at the cost of the bank concerned.

Penalty.

In case of contravention of any provision of this article, the defaulting bank shall pay a fine of £500 sterling, and shall forfeit its permit mentioned in Arts. 1 and 2 of this Law, as may be deemed fit by the Government.

18. Repealed by Ordinance 33 of 1903.

Taking effect.

19. This Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Office,
Pretoria,
2nd June, 1893.

LAW No. 4, 1893.

PERJURY IN CONNECTION WITH AFFIDAVITS.

(Approved and enacted by Resolution of the First Volksraad, Art. 631, dated 11th July, 1893.)

WHEREAS it has appeared necessary to make certain provisions with regard to the commission of the crime of perjury in certain cases, it is hereby provided and enacted as follows :—

1. Anyone who whether in or out of a Court of Justice shall make an affidavit or other solemn declaration declared by the law to be the equivalent of an affidavit, before a Landdrost, Justice of the Peace, Field-Cornet, or any other thereto competent person, which affidavit or declaration shall appear to have been falsely made and at variance with the truth, and maliciously or with the intention of injuring another person or benefiting himself, shall be deemed to have thereby committed the crime of perjury, and shall be punished as a perjurer. Perjury.

2. This Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria,
18th July, 1893.

LAW No. 9, 1893.

(Law in substitution for Law No. 4, 1889.)

BEING A LAW RELATING TO THE CLOSING AND OBSTRUCTING OF PUBLIC ROADS OVER FARMS WHICH ARE FENCED IN.

(Discussed and approved of by the First Volksraad, Articles 1038, 1039, 1041, 1042, 1045–1048, 1050–1053, dated 9th August, 1893.)

The First Volksraad deeming it desirable, in anticipation of the possible passing of a law for fencing in of farms, to make certain provisions relative to the fencing in or enclosing of farms, arable lands, &c., along or across roads, as also for such fences as may yet be made before a law as above mentioned shall be passed, resolves :—

1. Every landowner or occupier of a farm or piece of land shall be entitled to erect a fence or enclosure on his farm or piece of ground, by means of the ordinary smooth or barbed wire or otherwise, alongside or across a road running over his farm or ground, Right to erect fences along and across roads.

provided that he leaves the necessary space for public use free and unencumbered, as provided in the law relating to travellers, transport riders and trekkers, and that he puts up a gate as is hereinafter described at the place where such fence crosses the road.

Gates.

Width of road.

2. Where the road so fenced off crosses arable lands, gardens or orchards, a width of at least 70 feet in the case of a transport road, and at least 30 feet in the case of an ordinary road, shall be kept open; where a transport road or ordinary road goes over homestead ground (werf), in either case a width of at least 30 feet shall be kept open.

Gates.

3. Where such fence crosses any recognised public road, a gate shall be placed there allowing an opening at least 15 feet in width, in order to afford to travellers with their conveyances or otherwise a free passage; and the owner or occupant of such farm or piece of land so fenced in or enclosed shall be obliged to maintain such gates in proper order.

These gates may not be locked by a lock, but must be so arranged that they may at all times be easily opened by hand, without the use of a key or any other object or instrument.

Gates at telegraph wire crossing.

4. At places, where such fence crosses a Government telegraph or telephone line, a gate may be put up and maintained on behalf of the Government.

The telegraph department shall be entitled to keep two keys to each such gate.

Gates must be hinged, &c.

5. The gates shall be properly fixed to one or both sides of the gateway to facilitate the opening and the closing, and such gates shall be hinged or pivoted gates of wood or iron, or if of wire, either smooth or barbed wire, the wire shall be interlaced with or fastened on to cross bars, to facilitate the opening and closing; at the side where the gate has to be opened or shut, not more than two hooks or rings may be employed and a strong pole or stone shall be planted in such manner as to catch the eye, at the side of the place of ingress or egress at such gate at least 15 yards from the gate, to which pole, riding or draught animals may be tied whilst the gate is being opened or closed.

Removal of gates erected contrary to law.

6. Fences, gates and other total or partial means of closing and obstruction of roads, placed, erected or closed contrary to the provisions of this Law, or contrary to the directions of the Government, may be removed by or on behalf of the Government and destroyed, at the cost of the person who has erected the gate or the enclosure or obstruction, without the Government being held responsible for any damage whatsoever direct or indirect thereby occasioned.^[1]

Penalty.

The person, who has erected or placed such fence, gate or enclosure or obstruction, or the occupier of the ground, or if the ground is not occupied the owner of the ground, shall further be subject to a fine not exceeding ten pounds sterling or in default of

¹ See Amendment made by Art. 4 of Law 22, 1894.

payment to imprisonment for a period not exceeding 14 days, without prejudice to any action for damages to which he may have rendered himself liable.

7. Any person, not being the owner or occupier of the farm or piece of land so enclosed, or his agent, who shall be proved to have opened and passed through one of the gateways as aforesaid without immediately again closing the gate after passing through, as also any person who finds such gate open and does not close it after passing through the gateway, shall be liable to a fine not exceeding five pounds sterling, and in default of payment to imprisonment with or without hard labour for a period not exceeding 14 days, without prejudice to any action for damages to which such offender may have rendered himself liable.

Penalty for not closing gate after use.

8. Any person, not being the owner or occupier of the farm or piece of land, on which such gates are, and not acting under instructions from the owner or occupier, who shall be proved to have opened any gate, without any intention of passing through it himself or of letting others pass through, shall be liable to a fine not exceeding ten pounds sterling or in default of payment to imprisonment with or without hard labour for a period not exceeding one month, without prejudice to any action for damages to which such offender may have rendered himself liable.

Penalty for opening gates needlessly.

9. Any person, wilfully or negligently damaging or destroying any fence may be there and then apprehended by the owner or lawful possessor of the enclosed farm or piece of land, their servants or agents, or any person present when the damage is occasioned, and charged before the Landdrost Court, which Court may upon conviction of the accused, by way of penalty, inflict a fine of from five pounds to fifteen pounds, or in default of payment imprisonment with or without hard labour for a period of from one to three months, in addition whereto the accused shall be liable to be condemned to pay the amount of damage proved.

Penalty for wilful damage to gate or fence.

10. Gates at rivers or streams shall, as far as possible, be placed only at spots where vehicles and conveyances may be halted without danger.

Gates at rivers.

11. In the event of accidents through colliding or otherwise (*sic*) against any fence or gate mentioned in this Law, the owner or occupier of the farm or piece of ground in question shall not be liable for the damage thereby occasioned to persons, or to riding or draught animals, conveyances or otherwise.

Collisions.

12. Law No. 4 of 1889, as also all enactments in conflict herewith are hereby repealed.

Repeal.

13. This Law shall come into operation immediately after publication in the *Staatscourant*.

Operation.

S. J. P. KRUGER,
State President.

Government Offices,
Pretoria,

Dr. W. J. LEYDS,
State Secretary.

4th September, 1893.

FIRST VOLKSRAAD RESOLUTION, dated 16th May, 1893.

Re AUCTION SALES.

Auctioneers.

112. The first Volksraad, having regard to Government note, dated 2nd instant, with Executive Council Resolution, Art. 122, thereby submitted, resolves to confirm the said Executive Council Resolution, and resolves that the following paragraph be added to Art. 10 of Law No. 1, 1885 :—

“Should the auctioneer neglect to fulfil this duty, he shall be punished by a fine not exceeding £25, or in default of payment, imprisonment for a period not exceeding one month.”

FIRST VOLKSRAAD RESOLUTION, dated 17th May, 1893.

Dog tax.

114. The Raad resolves to approve of and confirm the following Executive Council Resolution :—

The Executive Council resolves to recommend the First Volksraad to insert a new article, as Art. 13*b*, after Art. 13, in Law No. 3, 1891, of the following tenor :—“A third of the fines inflicted shall be awarded to the informant.”

Telegrams

FOLLOWING VOLKSRAADBESLUIT APPROVED BY
SECOND VOLKSRAAD RESOLUTION. Art. 584,
dated 11th July, 1893, noted and accepted by First
Volksraad.

Art. 921, dated 28th July, 1893.

Resolved, to amend Art. 10 of Law No. 9, 1880, as follows :—

1. After the words “without consent of the person sending or receiving such telegram or despatch,” to insert the words “or making a copy of such telegram in any form, without being thereto instructed by the official placed over him or without it being required for the purposes of the service.”

2. At the foot of the said Article to add the words “the person or persons who by gifts, presents or promises may have induced such clerk, messenger, or other employee to commit any of the offences specified in this Article shall be liable to the same punishment.”

This amendment shall be of force immediately after publication in the *Staatscourant*.

RESOLUTION OF SECOND VOLKSRAAD, 16th August, 1893, Art. 856. Taken as an addendum to Clause 17 of Law 5, 1874; noted and accepted by First Volksraad, Art. 1219, dated 29th August, 1893.

If any company, with limited liability, has already issued or may at any time hereafter issue shares of such company as fully paid up, in exchange for or in consideration of any property, rights or privileges acquired by such company to the advantage and advancement of its objects of association, or in exchange for or in consideration of services rendered to or for the benefit of such company, and to the advancement of its purposes or otherwise, then all such shares shall be deemed and taken to be actually fully paid up, and no responsibility or liability shall arise or be deduced therefrom as against the person in whose favour such shares are issued, or may be issued, or as against the subsequent holders thereof, other than would have arisen had such shares been actually fully paid up in cash.

Effect of issue by company of shares as fully paid up in exchange for or in consideration of any property, &c.

FIRST VOLKSRAAD RESOLUTION,
dated 6th September, 1893.

Art. 1393.

The First Volksraad resolves to instruct the Government:—

Firstly. To offer their locations to all Kaffir tribes for whom locations have yet to be beacons off as was provided in 1891, and should they refuse to accept the same within one year, they shall forfeit all further claim to a location.

Native locations

Secondly. Not to grant any location on ground which is rich in minerals.

Thirdly. At the commencement of the next ordinary sitting to report to the Raad which Kaffirs may have refused to have their location beacons off.

Fourthly. As far as possible to comply with the request of the memorialists.

SECOND VOLKSRAAD RESOLUTION,
dated 21st July, 1893. Art 630.

(Noted and accepted by First Volksraad Resolution, Art. 1,323, dated 6th September, 1893.)

The Second Volksraad, having regard to all the contracts relating to the leases of minerals, metals and precious stones, and prospecting on and of Kaffir locations, now on the order, having regard to the Executive Council Resolution in conjunction therewith (*in re* the terms of the said contracts), as, also, the letter of the head of the mining department as to his refusal to approve of the terms of the said contracts, and having regard to the information, given in this connection by the Government, resolves to agree to the Executive Council Resolution that no contracts of whatever kind on and affecting Kaffir locations shall be recognised which are in conflict with Art. 21A of Law No. 18, 1892 (Gold Law).

Native Chiefs' contracts.

LAW No. 1, 1894.

ON THE LIQUIDATION OF COMPANIES.

(Approved by Resolution of the Second Volksraad, Art. 105, dated 18th May, 1894, which Resolution was noted and accepted by the First Volksraad, in its Resolution dated 2nd June following, Art. 294; being an amendment of Law No. 8, 1891, approved by Resolution of the Second Volksraad, Art. 804, dated 16th July, 1891, and amended by Resolution of the First Volksraad, Art. 1,042, dated 21st July, 1891.)

Preamble.

WHEREAS the desirability has appeared of making provision for the liquidation of companies with shares in cases where it is in the public interest to liquidate such companies, now, therefore, it is hereby enacted and provided as follows :—

Meaning of
the word
“Company.”

1. The word “company” in this Law shall signify every association whereof the capital is divided, or is agreed to be divided, into shares, so that such shares can be transferred without the express consent of all the shareholders, and which, moreover, at its formation, or by subsequent admission, shall consist of not less than 25 members.

Meaning of
the word
“contribu-
tory.”

The word “contributory” in this Law shall signify every person who is liable for shares which have not been fully paid up.

When a
Company can
be placed in
liquidation.

2. Any company may be placed in liquidation by order of the High Court, Circuit Court, or of one of the Judges in Chambers :—

- (a.) Upon it being shown that untrue returns, as set out in Art. 1A to 1F of Law No. 1 of 1891, have been made.
- (b.) If the company has taken a special resolution to enter into liquidation.
- (c.) If the company has not commenced its operations within a year after its incorporation, or has suspended its operations for a whole year.
- (d.) If the number of members has diminished to less than twenty-five.
- (e.) If 75 per cent. of the actual paid-up capital has been lost, or has become useless for the business of the company.
- (f.) If the company cannot pay its debts.
- (g.) If the High Court is of opinion that it is advisable, right, and just that the company shall be liquidated.

Method of
procedure.

3. Such an order may be granted on an application to Court in the form of a petition, which can be made by the company, if incorporated in this Republic or if not incorporated in this Republic, by any official of the company, qualified and authorised to appear in the name and on behalf of the company, or by one or more creditors or debenture holders of the company, or by one or more shareholders or contributories, and every order for liquidation

granted on such a petition shall, in effect, be of the same force, without taking into consideration on whose petition the order was made.

4. The liquidation shall take effect from the day on which the order is granted.

On the hearing of any petition for liquidation, the Court may refuse the same, with or without costs, or may postpone the hearing, or may make such interlocutory order or cause such investigation and enquiry to be instituted, as the Court may deem just and advisable, or may make the order provisional or final.

The Court may, before or after the granting of such order, appoint provisional liquidators, and after the order the Court may appoint one or more official liquidators to carry out the liquidation.

Upon making such appointment, the Court or judge in chambers may determine what security shall be given by such official liquidator or liquidators, for the proper performance of his or their duties.

5. The liquidators may resign their office upon showing sufficient reason to the Court, and the Court may cancel the appointment on sufficient grounds, and appoint one or more liquidators in their stead.

The liquidators may, with leave of the Court, exercise the following powers, viz. :

- (a.) Compromise any claim made by or against the company.
- (b.) Institute, defend or continue any action, civil or criminal, in the name and on behalf of the company.
- (c.) Continue the business of the company in so far as this may be in the interests and for the benefit of the liquidation of the company.
- (d.) Sell the property of the company, and give transfer where necessary.
- (e.) Transact all business and sign all documents in the name of the company, make, accept, and endorse bills of exchange and promissory notes as a valid charge upon the company, and borrow money upon security of its assets.
- (f.) File any claim in the insolvent estate of a contributory to the company, and receive the dividend.
- (g.) Take steps in their official capacity to secure the proper administration of the estate of a deceased contributory, and take any further steps to recover moneys due by a contributory or his estate to the company.
- (h.) Take all other steps and transact all other matters which may be considered necessary for the liquidation of the company.

The Court may, on cause shown, by means of any order provide that any of the above-mentioned powers shall be exercised by the official liquidator without further leave or intervention of the Court, and may, in the order appointing any provisional liquidator, define his powers.

From what day the order shall have effect.

Power of judge on hearing of petition.

Appointment of liquidators.

Security.

Resignation and discharge of liquidators.

Powers which may be granted to liquidators.

Fixing the lists A and B of contributories.

6. As soon as possible after an order is granted placing a company under liquidation the Court shall, at the instance of the liquidators, settle a list of contributories and shall have power to amend the register of shareholders in all cases where such shall appear necessary, and shall order that all the assets of the company shall be collected and used for the settlement of the debts of the company. Such contributories shall be ranked in two lists, marked A and B.

What contributories are placed on list A and what on list B.

On the said list A shall be placed all contributories who are such in their own right, and on the said list B shall be placed all contributories who are such as representatives of, or liable for, the debts of others.

Calls.

7. At any time after the order, the liquidators may, after obtaining leave of the Court, make calls, and the Court may order that the same shall be paid by each and every contributory who is placed on the aforementioned lists in so far as he is responsible, to the amount of a sum which the Court may deem necessary in order to settle the debts of the company and to pay the costs of liquidation, and in making such calls the Court shall take into consideration the mutual rights of the said parties and also the possibility and probability that some of these parties may not be able to make the payments either wholly or in part.

Set-off.

The Court may further grant an order allowing a set-off in cases where a company owes any moneys to a contributory on any separate contract or transaction with the company, but not if the moneys due are profits or dividends accruing to such contributory as a shareholder.

Fixing a period for the filing of claims.

8. The Court may fix a day or days on or within which the creditors of the company must send in their claims, or forfeit the privilege of partaking in any distribution that may be made before the filing of such claims.

The Court shall adjust and determine the rights of contributories.

Transactions, &c., after the order of liquidation, are void.

9. Upon any company being placed in liquidation in terms of this Law, all compromises affecting, and dealings with, the property and effects of the company, and every transfer of shares or alteration in the position of contributories, as also all attachments, sequestrations, arrests and executions made or taken out against the estate of the company after the granting of the order for liquidation, shall be null and void, unless the Court shall order otherwise.

Undue preference.

10. Every alienation, transfer, cession, delivery, mortgage or pledge of any property and effects, movable or immovable, personal or real, and every payment which if made by a private person, in case of his insolvency would be an undue preference under the Insolvency Law No. 21 of 1880, shall when made by or against a company if it is being liquidated under this Law, be considered to be an undue preference, and shall accordingly be null and void, and for the purposes of this Article the presentation of the petition

for the liquidation of a company, and the order thereon, shall be considered as equivalent to the provisional order for the compulsory sequestration of the estate of a private person under Art. 5, Law No. 21 of 1880.

11. Upon the liquidation of a company being entirely completed the Court shall grant an order dissolving the company as and from the date of such order and thereupon the company shall be dissolved. Such order shall be published within 12 days after the granting thereof in the *Staatscourant* and in any newspaper that the Court shall appoint.

Dissolution of the Company.

12. The Master of the High Court of the South African Republic shall supervise the due liquidation of companies.

Supervision of liquidation by Master.

13. The liquidators shall be bound to allow the Master of the High Court inspection of all original documents connected with the liquidation of companies, and upon the termination of the liquidation they shall deposit all documents relating to the liquidation at the office of the aforesaid official.

Master has right to inspect the documents and take charge of them after the termination of the liquidation.

14. And it is enacted that the liquidators of any company within the meaning of this Law as soon as possible and not later than six months after the appointment, unless upon request to the High Court on sufficient grounds to the satisfaction of the said Court further time is given for that purpose, shall be obliged to frame and lay before the Master of the High Court an accurate statement of accounts and a balance sheet of the estate of such company, setting out what the proceeds of all sales and debts then collected are, and giving an inventory of all property and effects still unsold; and shall likewise specify all amounts due by the said estate, and shall frame a plan for the distribution of the effects of the said estate, specifying, firstly, such creditors as according to law are preferent in the order of their legal preference, and, secondly, the concurrent creditors and the balance that remains over for division among them.

Filing of balance sheet with master within six months.

15. The liquidators shall be bound to file a proper account and plan of distribution at the Master's office, and to publish the same in the same way as defined by Art. 109 of Law No. 21, 1880.

Filing of distribution account and plan.

16. With regard to objections against and confirmation of such documents and plans, the same rules shall be followed as are laid down in Law 21, 1880, Articles 110, 111, 112.

Treatment of objections against plan.

17. Further, all regulations laid down in Law 21, 1880, with regard to the distribution of the estate shall be followed.

Regulations of the insolvency law applicable.

18. The charges and stamp duties fixed by Law No. 5, 1881, shall be applicable to the liquidation of companies within the meaning of this Law.

Stamp duties.

Power of the judges to draw up rules.

19. The judges of the High Court may when necessary, subject to the approval of the Government, make such rules and regulations as they may consider advisable and expedient with regard to the procedure according to which a company shall be liquidated.

Such rules and regulations shall have force of law after publication in the *Staatscourant*.

Taking effect.

20. This Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Office,
Pretoria,
2nd June, 1894.

LAW No. 2, 1894.

FOR EXTENDING THE JURISDICTION OF LANDDROSTS, SPECIAL LANDDROSTS, ASSISTANT LANDDROSTS, AND MINING COMMISSIONERS (AT PLACES WHERE NO SPECIAL LANDDROSTS ARE APPOINTED).

(Approved and enacted by Arts. 160, 161 and 162 of the Resolutions of the Second Volksraad dated 31st May, 1894; noted and accepted by First Volksraad, Art. 461, dated 9th June, 1894).

Landdrosts' jurisdiction in certain criminal cases extended.

1. The Courts of Landdrost, Special Landdrosts, Assistant Landdrosts, and Mining Commissioners (at places where no Special Landdrosts are appointed) shall have a more extended criminal jurisdiction in the following cases and subject to the following provisions, to wit:—

Thefts.

(a.) In the case of any charge of theft or attempted theft of any horse, mule, donkey, bull, ox, cow, heifer or calf or any other sort of cattle, or of any sheep or goat, or of more than one of either sorts of such cattle or stock, or of pigs, or of skins or the meat of any such animals, or of receiving such animals or the skins or flesh thereof knowing that the same have been stolen, the Courts aforementioned shall have jurisdiction to try such charge, and if the accused is found guilty shall have jurisdiction to sentence him to imprisonment with or without hard labour for a period not exceeding two years, with or without lashes, not exceeding 25 in number; but no such sentence shall be carried into effect until the proceedings shall have been

Penalty.

Sentence must be confirmed by judge.

submitted to and confirmed by one of the judges of the High Court.

To that end the Registrar of the Lower Court concerned shall forthwith prepare copies of the records of the case, and retaining the same certified as correct at his office, shall transmit the original records to the Registrar of the High Court, Pretoria, for submission to one of the judges of such Court; who shall, at latest within one month of the receipt of such documents, certify thereon that the proceedings and the sentence were substantially in conformity with the requirements of law and justice, and the Registrar of the High Court shall thereupon return the records with such certificate to the Lower Court concerned, in order that the sentence may be carried into effect.

The judge of the High Court to whom the documents are submitted, may in cases of suspected irregularity or of doubt transmit the records to the State Attorney, with instructions to argue the matter before him, and may likewise request an advocate to argue the case on the accused's behalf.

The judge concerned shall have the power to correct, amend and wholly or in part quash (annul) the sentence.

Quashing, &c. sentence.

Should it appear that the Landdrost has admitted evidence, which ought not to have been admitted, his sentence shall not be quashed on this ground, if it shall appear from the records, that independently of the evidence improperly admitted, sufficient other evidence and proof of the guilt of the accused was before the Court.

Power to correct, &c. sentence.

How, if evidence improperly admitted.

It shall however at all times be open to any white person, charged with theft, as above specified, to demand that he shall be tried before a judge of the High Court and a jury.

White persons.

In such case the Landdrost, Special Landdrost, Assistant Landdrost or Mining Commissioner shall hold a preliminary examination in the ordinary way.

Preliminary.

(b.) If the State Attorney considers that a case, in which a preliminary examination has been held, ought to be decided by the Lower Court judge, who presided at the preliminary examination, he shall remit such case for trial to such Lower Court. Should the case be so remitted, it shall not be necessary for such Lower Court to recall the witnesses who previously gave evidence in the presence of the Landdrost, Assistant or Special Landdrost or Mining Commissioner and the prisoner at the preliminary examination, but it shall be sufficient to read out the declarations, previously made; it shall however be open to the public prosecutor and the accused to request, that

Case remitted to Lower Court.

one or more of the witnesses already heard should be recalled and heard or that fresh witnesses should be called and heard.

But if the witness did not give his evidence in the presence of the accused and the official to whom the case is remitted; such witness shall be summoned and called up to give evidence, as if he had never previously given evidence in the case in question.

Cases remitted where accused pleads guilty at preliminary.

(c.) Where at a preliminary examination the prisoner, after the evidence against him has been taken, on being asked if he has anything to say, shall voluntarily acknowledge that he is guilty of the offence charged against him, the State Attorney after having gone into the documents, may remit the case to the Lower Court concerned, to pass sentence, provided always that without taking into consideration the admission of the accused, his guilt shall sufficiently appear from the evidence, and the State Attorney shall in returning the documents endorse thereon that he remits the matter to the Lower Court concerned, to be dealt with under the special jurisdiction granted that Court by section (a) (*sic*) of this Law.

It shall be lawful for the said Court in such case, without any further proceedings, to have the accused brought before the Court and to sentence him to imprisonment, with or without hard labour for a period not exceeding two years and with or without lashes not exceeding twenty-five in number.

In this case also, no sentence, which shall exceed the ordinary jurisdiction of the Lower Courts referred to, shall be carried into effect until after confirmation by one of the judges of the High Court, as mentioned in Section "A" of this Law.

Confirming sentence.

2. In confirming any sentence under this Law, whereby a white offender may be sentenced to receive lashes, the judge shall be bound by the provisions of Art. 1 of Law No. 21, 1892.

Repeal.

3. All Laws and provisions conflicting herewith are hereby repealed.

Operation.

4. This Law shall come into operation three months after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Office,
Pretoria,

14th June, 1894.

LAW No. 6, 1894.

ON THE RIGHT OF MEETING AND ASSEMBLING.

Approved and enacted by Resolution of the First Volksraad, Art. 882, dated 17th July, 1894.

WHEREAS it is desirable to make legal provisions concerning the right of persons to assemble and meet.

Be it hereby enacted and provided as follows:—

1. The right of all inhabitants to assemble and meet is hereby recognised. Public right of assembly.
2. The exercise of that right may be limited in the interests of public order.
3. Every assembly or meeting of persons contrary to the public order shall be prohibited. Prohibited assemblies.
4. Every assembly or meeting of persons shall be deemed contrary to public order the purpose of which is Ditto.
 - (a.) Disobedience to or contravention of any law or legal enactment.
 - (b.) The disturbance of any person whomsoever in the exercise of his rights.
 - (c.) The use of means of compulsion and violence, whereby public peace and safety are or may be endangered, or whereby the authority of the appointed powers and officials is attacked.
 - (d.) The commission of an offence against good morals.
5. Public assemblies and meetings of persons for mutual de- liberation; or the delivery of addresses of whatsoever kind, and processions of whatsoever nature and for whatsoever purposes, shall not be permitted in the open air, unless with consent of the Government, or local authority to be appointed by the Government, or unless held in pursuance of some legal enactment. No open air meetings without leave.
6. The local and detective police shall have free access to all assemblies and meetings in buildings, to which the public are admitted. Police to have access to all meetings.

Refusal of access shall entitle the police to force an entrance.
The Government shall also have the right to grant the police access to any meeting, if it be suspected that such meeting might tend to the detriment of the independence of the State.
7. Every assembly or meeting of persons, by which public order is disturbed, or which is prohibited and not permitted, shall disperse immediately upon the request of the police. Power to disperse meetings.
8. Should such assembly or meeting not immediately thereon disperse, the leader of the police shall by means of a drum or bugle call it to order, and then call out thrice in a loud voice, "Obedience How to dis- perse meeting.

to the law, disperse, otherwise force will be used," and thereafter the police shall have the right to disperse such assembly or meeting by force and violence, if need be by the use of arms.

Power to prohibit meetings.

9. The local authority shall be competent where public peace and safety are endangered or it is expected that it will be endangered, to forbid the assembly in squares and streets of more than six persons together. Such prohibition shall be duly notified at public places and at the corners of the streets.

Penalties.

10. Any person participating in a prohibited assembly or meeting such as is mentioned in Art. 4 of this Law, shall be punished by imprisonment for a period not exceeding two years, with or without hard labour.

Conveners or leaders of such prohibited assemblies or meetings shall be punished by imprisonment for a period not exceeding five years, with or without hard labour.

Ditto.

11. Contraventions of Art. 5 and Art. 9 shall be punished by a fine not exceeding £50 or, in default of payment, by imprisonment for a period not exceeding six months with or without hard labour.

Conveners or leaders of meetings or assemblies prohibited under Arts. 5 and 9 shall be punished by a fine not exceeding £500, or in default of payment by imprisonment for a period not exceeding two years with or without hard labour.

What is deemed to be a meeting.

12. As soon as six or more persons collect at one place, it shall for the purposes of this Law be assumed that an assembly or meeting of persons is taking place.

Participators or conveners or leaders of assemblies or meetings prohibited by this Law, who hold any licence requisite for the exercise of any calling in this State, shall over and above the penalties mentioned in this Law forfeit such licence, and no longer be entitled to exercise their calling.

Operation.

13. This Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

Government Offices, Pretoria,
17th July, 1894.

DR. W. J. LEYDS,
State Secretary.

LAW No. 7, 1894.

JUSTICES OF THE PEACE AND RESIDENT JUSTICES OF THE PEACE. [1]

(Approved by Second Volksraad, Art. 460; noted and accepted by the First Volksraad, Art. 783, dated 11th July, 1894.)

WHEREAS it has appeared advisable to codify and revise all provisions relating to resident Justices of the Peace and Justices of the Peace, be it hereby enacted as follows:—

Government appoints Justices of the Peace.

1. When and as the Government deems it necessary, it may with the advice and consent of the Executive Council appoint Justices of the Peace.

¹ See Ord. 15, 1902.

2. The following are *ex officio* Justices of the Peace :—

Ex officio
Justices of the
Peace.

The head officials, and, in their absence, their substitutes.

The Landdrosts and Special Landdrosts.

The Mining Commissioners and responsible clerks.

The Public Prosecutors and tax collectors.

The Field-Cornets and gamekeepers, and Chairman of Land Commissions.

The Chief Commissioner of Police.

The Chiefs of Police and Detective Police.

The Commissioners and Sub-Commissioners of Natives.

The Registrar and Assistant Registrar of the High Court and the High Sheriff.

3. The powers and duties of a Justice of the Peace shall be—

Duties of a
Justice of the
Peace.

(a.) He shall be competent to administer oaths.

(b.) Where he has caught an offender *flagrante delicto* or where an offender has been handed over to his charge, who according to sworn declarations was taken *flagrante delicto*, such Justice of the Peace shall be competent and is hereby authorised to convey or cause such offender to be conveyed to the seat of the lower Judge, within whose jurisdiction the punishable act shall have been committed, and who has jurisdiction in respect of such punishable act, and then and there to hand over or cause such offender to be handed over to the Public Prosecutor, or should the punishable act fall under the jurisdiction of the High or Circuit Court, such Justice of the Peace may convey or cause such offender to be conveyed to the seat of the Landdrost or official with like jurisdiction in whose district the punishable act shall have been committed, and then and there to hand, or cause such offender to be handed over to the Public Prosecutor.

It shall also be lawful for such Justice of the Peace to lay an attachment upon goods in possession of such offender.

Where, however, in the opinion of the Justice of the Peace the punishable act committed is not of a serious nature, and there is no reason to fear that the accused will take to flight, it shall be lawful for such Justice of the Peace to release such offender upon his giving bail to the satisfaction of such Justice of the Peace, thereby undertaking to surrender himself, within a time to be fixed by such Justice of the Peace to any Public Prosecutor who shall be named by such Justice of the Peace.

Such Justice of the Peace shall furnish particulars in writing of the punishable act and the circumstances under which it was committed and particulars of the offender and the probable witnesses, to the Public Prosecutor in whose hands the offender shall be placed in terms of this Article or to whom such offender shall in terms of the bail bond have undertaken to surrender himself. And such Justice

of the Peace shall at the same time transmit such bail bond to such Public Prosecutor, in cases where there has been a release under bail bond.

Detection *flagrante delicto* shall be deemed to have taken place where any punishable act shall have been detected whilst it was being committed or immediately after its commission or where any goods, weapons, instruments or papers have been found upon the accused which tend to show that he is the offender or an accomplice.

(c.) It shall be lawful for a Justice of the Peace under a writ issued by himself where the commission of any punishable act of a serious nature is brought to his notice, and reasonable grounds exist for anticipating the flight of the accused person, to apprehend such accused person or cause him to be apprehended, and to lay an attachment on the goods found in his possession.

In such case he shall as soon as possible bring the suspected person so arrested or cause him to be brought to the seat of Landdrost or official with like jurisdiction in the district in which the accused person was apprehended, and shall hand him over or cause him to be handed over to the Public Prosecutor at such place.

He shall at the same time furnish the said Public Prosecutor with written information concerning the punishable act committed and the circumstances under which committed, and with particulars concerning the accused and the probable witnesses.

(d.) It shall be lawful for him where no Landdrost or official with like jurisdiction similar to that of a Landdrost, or no resident Justice of Peace is present, upon a sworn complaint setting out that anyone has threatened to commit a punishable act against the body, chastity or property of another, after enquiry made, to order such accused person if he shall be residing or temporarily sojourning in the ward or in the town where the Justice of the Peace is established, to find security for his quiet and good behaviour in an amount to be fixed by such Justice of the Peace.

In the event of the person so accused refusing to appear before the Justice of the Peace, or to give the required security, the Justice of the Peace shall have the same powers and duties as are described in Art. 3 (b.)

The person so accused, who refuses after due citation, to appear before the Justice of the Peace or to give the required security, shall be punished by the Landdrost of the district or other official having like jurisdiction by imprisonment for a period not exceeding six months or by a fine not exceeding fifty pounds.

(e.) He shall have the powers and duties as laid down in Art. 3 Sub. *c*, in cases where a complaint on affidavit is lodged against a servant or apprentice by his master in respect of any of the offences mentioned in Law No. 13, 1880.

(f.) It shall be lawful for any Justice of the Peace and any person thereto authorised by him in writing to demand from the carrier of any goods within this Republic proof that the import dues have already been paid, or will be paid at the place of destination. (See Art. 13 of Law No. 4, 1894.)

Should such proof not be forthcoming upon application, the Justice of the Peace shall have the powers and duties specified in Art. 3, Sub. *b*.

(g.) It shall be lawful for any Justice of the Peace, and any person thereto authorised by him in writing, to enter any house or room where wines, spirituous or malt liquors are sold and to demand inspection of the licence.

Should such licence not be produced upon application, the Justice of the Peace shall have the powers and duties specified in Art. 3, Sub. *b*.

(h.) It shall be lawful for any Justice of the Peace, or any person thereto authorised by him in writing, to demand from any carrier of wood the production of the permits under which the wood is being conveyed in transit.

Should such permit not be exhibited upon application, the Justice of the Peace shall have the powers and duties specified in Art. 3, Sub. *b*.

(i.) It shall be lawful for any Justice of the Peace, or any person thereto authorised by him in writing, if he shall have reasonable grounds to believe that powder or other war materials are concealed, or being conveyed contrary to the provisions of Law No. 4, 1884, upon any wagon, cart, vehicle, horse or other animal, to have a search made for the same.

Should it appear, upon such search being made, that the suspicion was well founded, it shall be lawful for such Justice of the Peace to seize the goods referred to in the preceding paragraph of Art 3, Sub. *i*., and he shall at the same time, have the powers and duties specified in Art. 3, Sub. *b*.

(j.) It shall be lawful for the Justice of the Peace, in any district where goods in transit are being off-loaded, if requested to do so, to countersign the certificate of transit, in accordance with the regulations for the conveyance of goods through the South African Republic.

- (k.) If a writ issued by the State Secretary for the extradition of any criminal comes to the notice of any Justice of the Peace, he shall have the powers and duties specified in Art. 3, Sub. c.
- (l.) If one of the parties is dissatisfied with any assessment made in terms of Art. 14 of Law No. 2, 1882 (Pound Law), he may appeal to the nearest Justice of the Peace. In which case such Justice of the Peace shall act as directed in Art. 15 of Law No. 2, 1882.
- (m.) A Justice of the Peace shall have the power to seize the goods, merchandize, cattle or other live stock or the firearms wherewith any contravention of Art. 1 of Law No. 2, 1888 shall have been committed (Sunday Law).
- (n.) It shall be lawful for any Justice of the Peace to enter and search, in manner more fully specified in Art. 2 of Law No. 6, 1899 (Gambling), any gambling hell or any house, tent, room, vehicle or other place of meeting which he has reasonable grounds for believing is a gambling hell.
- (o.) Any Justice of the Peace shall have the power to grant a search warrant, if he has any reasonable suspicion, that in any place, building, room, or in any vehicle whatsoever, wine, spirituous or malt liquors are being sold, or kept there for the purpose of being sold, without the owner or occupier having a licence as is more fully specified in Art. 32 of Law No. 13, 1892 (Liquor Law).
- (p.) It shall be lawful for any Justice of the Peace to apprehend and punish intoxicated persons as specified in Art. 39 of Law No. 13, 1892 (Liquor Law).

Supervision
by State
Attorney.

4. All Justices of the Peace shall be under the supervision of and shall be obliged to obey the commands of the State Attorney and the Public Prosecutor of their district.

Resident
Justices of
the Peace.

5. It shall be lawful for the State President, with the advice and consent of the Executive Council, to appoint any resident Justice of the Peace when and as he may deem it necessary.

The limits within which such resident Justice of the Peace shall have jurisdiction shall also, with the advice and consent of the Executive Council, be made known by proclamation.

Clerk to
resident
Justice of
the Peace.

6. The Government shall have the power, where such appears desirable, to give any resident Justice of the Peace a clerk, who shall at the same time exercise the functions of Registrar and Public Prosecutor for the Court of such resident Justice of the Peace.

Powers of
Public
Prosecutor.

7. The Public Prosecutor of the Court of resident Justice of the Peace shall in respect of such Court have the same powers and duties as the Public Prosecutor of a Landdrost Court. He shall

be subject to the commands of the State Attorney and of the Public Prosecutor attached to the Landdrost or official exercising like jurisdiction in the district, of which the ward of such resident Justice of the Peace forms part.

8. The resident Justice of the Peace shall have the powers and duties set out in Art. 3 of this Law.

Powers of resident Justice of the Peace.

9. The resident Justice of the Peace shall within his ward have jurisdiction in all civil cases in which the amount of the claim, should it be a liquid case, does not exceed £100, and should it be an illiquid case does not exceed £35. The costs of proceedings shall not be included in these maxima.

Jurisdiction in civil cases.

10. The resident Justice of the Peace shall have jurisdiction in respect of offences committed within his ward, to which no higher punishments are applicable than three months' imprisonment, with or without hard labour, 25 lashes, and a fine of £25, whether separately or jointly.

Criminal jurisdiction.

11. The resident Justice of the Peace shall furthermore have jurisdiction in respect of all offences committed within his ward, and which are punishable in terms of

Special Laws.

(a.) Law No. 13, 1880 (Master and Servants Act).

(b.) Law No. 13, 1892, as modified by Law No. 12, 1893, (Liquor Law.) [1]

(c.) Law No. 20, 1892, now Law No. 4, 1894, approved 18 June, 1894—(Customs). [2]

12. The resident Justice of the Peace shall furthermore have jurisdiction in respect of all offences committed within his ward against anyone's person, honour or property, where such offences are not of a serious nature.

Offences against person or property.

In such case such resident Justice of the Peace may inflict one or more of the following penalties :—

Imprisonment with or without hard labour, for a period not exceeding three months.

Lashes not exceeding 25 in number.

Fine not exceeding £25.

13. The rules of procedure prescribed for the Landdrost Courts shall as far as possible be applicable to Courts of resident Justices of the Peace.

Procedure.

14. From the decision of any Resident Justice of the Peace an appeal shall lie to the Court of the Landdrost or other official having the like jurisdiction, within whose district the ward of such resident Justice of the Peace is situate.

Appeal.

15. The words " or Resident Justice of the Peace of the ward " shall be inserted in Art. 6 of Law No. 6, 1889, after the words " Mining Commissioner of any Public Diggings."

Amendment of Gaming Law.

¹ See Ord. 32, 1902.

² See Ord. 23, 1902, and Ord. 41, 1903.

Previous
Laws.

16. Justices of the Peace, and resident Justices of the Peace shall continue to possess the powers and duties granted them by previous lawful enactments, in so far as not conflicting with the provisions of this Law regarding Justices of the Peace and resident Justices of the Peace.

Oath of
Office.

17. Justices of the Peace and resident Justices of the Peace shall before taking up their duties be sworn in before the Landdrost of the District or other official with like jurisdiction.

The form of oath shall be :—

“I promise and swear solemnly to be faithful to the people and the laws of this Republic and just and equitable in my office and appointment without respect of persons, and to act according to law and to the best of my knowledge and conscience, and that I shall not accept any gift or favour from anyone, where I have reason to suspect that the same has been given or where it may appear to have been given in order to influence me in my judgment or action in favour of the giver or person rendering such favour. And that in all other capacities than as Judge I shall obey the orders of those placed over me and that I will act according to law and generally shall have no further or other object in view than the maintenance of law, justice and order to the advancement of the prosperity, welfare and independence of Country and People.”

Operation.

18. This Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria,

20th July, 1894.

SUPPLEMENT TO LAW FOR JUSTICES OF THE PEACE.

List of Laws
under which
Resident
Justices of
the Peace may
inflict
penalties.

According to Art. 10 of the Law relating to Justices of the Peace and resident Justices of the Peace, the latter may inflict the punishments prescribed in the following laws and resolutions, viz:—

Town regulations, enacted by Government notice, dd. 5th August, 1858, as amended by First Volksraad Resolution, Art. 82 of 1891.

In Art. 1 of Law 2, 1870 (grass-burning).

In Artt. 2, 3, 5, 8 and 9 of Law No. 3, 1870 (lung-sickness, cattle).

In Art. 24 of Law No. 8, 1871 (marriage ordinance).

In Law No. 1, 1872 (*Xanthium spinosum*) as amended by Law No. 2 of 1892.

In Artt. 6, 8, 9, 14 of Law No. 2, 1874 (weights and measures).

In Art. 3 of Law 5, 1874 (Law on companies with limited liability).

In Art. 2, sub. 1 and 2 of Law No. 5, 1880 (fisheries).

Regulations *re* forests. Government notice No. 5, 1881, by virtue of Art. 11, at end of Law No. 5, 1880.

In Artt. 9, 19, 25, 33, 37, 38 and 40 of Law No. 2, 1882 (pounds).

In Artt. 9, 12 and 22 of Law No. 2, 1885 (Field-Cornet's instructions).

In Art. 10 of Law No. 1, 1885 (auctions), as amended by First Volksraad Resolution, Art. 112, 1893.

In Artt. 7, 9, 10 and 11 of Law No. 12, 1886 (medical).

In Artt. 16 and 17 of Law No. 4, 1887 (contagious diseases as amended by First Volksraad Resolution, Art. 175, 1893).

In Art 3 of Law No. 11, 1887 (Squatter's Law).

In Law No. 2, 1888 (Sunday Law as supplemented by First Volksraad Resolutions, Art. 1,267, 1891, and Art. 1,021, 1893.)

In Artt. 1 and 2 of Law No. 3, 1888 (cruelty to animals).

In Art. 6 of Law No 5, 1888 (trespass and breach of the peace).

In Art. 22 of Law No. 8, 1888 (markets).

In Law No. 1, 1889 (use of trumpets).

In Artt. 5 and 6 of Law No. 5, 1889 (census).

In Art. 8 of Law No. 6, 1889 (gaming), as amended by Law 1, 1892.

In Art. 3 of Law No. 2, 1891 (masks).

In Art. 3 of Law No. 5, 1891 (receipt stamps).

In Artt. 13 and 15 of Law No. 6, 1891 (Game Law) as amended by Law No. 13, 1893.

In Artt. 10, 17 and 21 of Law No. 9, 1891 (general survey).

In First Volksraad Resolution, Art. 96, 1891, approving of Executive Council Resolution, Art. 662, 1890, and Art. 175, 1891.

In Law No. 14, 1892 (police law for railways), with the exception of the penalties, as per Artt. 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 33, 34 and 35.

In Artt. 7, 43, 62k, 62h, 68, 70, 73, 80, 83, 86, last paragraph; of Law No. 18, 1892. Gold Law.

Art. 1 of Stonebreaker's Regulations.

Regulations for the use of bridges and ways approved by Volksraad Resolution, Art. 85, 1892.

First Volksraad Resolution, Art. 430, 1892 (killing the secretary bird).

In Law No. 1, 1893 (travellers, transport riders, &c.).

In Art. 12, par. 130, 131 and 132 of Law No. 3, 1893 (mining regulations).

In Artt. 62, 63 and 64 of Law No. 7, 1893 (boilers).

In Artt. 7, 8 and 9 of Law No. 9, 1893 (obstruction of roads).

In Art. 13 of Law No. 10, 1893 (tolls).

In Art. 2 of Law No. 11, 1893 (printers).

In Section 3 of Volksraad Resolution, Art. 1,353, 1893.

In terms of Art. 18 of the Law, the resident Justice of the Peace shall have the powers and duties specified in :—

Art. 5 of Law No. 14, 1870 (oaths).

Art. 1 of Law No. 7, 1885 (suretyship).

Volksraad Resolution, 23rd May, 1885, Art. 204, (chopping of firewood).

Law No. 14, 1880, and Government notice No. 151, 1880, with regard to gaols in his ward.

Artt. 2 and 6 of Law No. 6, 1889 (gaming) as amended by Law No. 1, 1892.

Law No. 13, 1892 (liquor), as also amended by Law No. 12, 1893.

LAW No. 10, 1894.

BRIBERY OF OFFICIALS.

(Approved and enacted by First Volksraad, Art. 786, dated 11th July, 1894.)

1. Any official, [1] shall be punished by imprisonment with or without hard labour for a period not exceeding five years :—

(a.) Who shall directly or indirectly have accepted a gift or promise knowing or having reason to suspect that the same was made in order to induce him in conflict with his duty to perform or leave unperformed some act in his official capacity.

(b.) Who shall have directly or indirectly accepted a gift knowing or having reason to suspect that the same has been made in consequence or by reason of, or in return for, some act performed or left unperformed by him in his official capacity in conflict with his duty.

2. The Judge who shall directly or indirectly accept a gift or promise, knowing or having reason to suspect that the same has been made in order to influence the result of any case *submitted to his decision*, shall be punished by imprisonment with or without hard labour for a period not exceeding ten years.

3. The following persons shall be punished by imprisonment with or without hard labour for a period not exceeding seven years and fine not exceeding £600, to wit :—

(a.) Any person who directly or indirectly makes a gift or promise to an official, with the object of inducing him in conflict with his duty to perform or leave unperformed any act in his official capacity.

(b.) Any person who directly or indirectly makes a gift or promise to an official, in consequence, or by reason of some act which such official in his official capacity has in conflict with his duty performed or left unperformed.

¹ See F.V.R.R., 3-7-1895, Art. 580, p. 305.

4. Any person who directly or indirectly makes any gift or promise to a Judge, with the object of influencing the result of any case submitted to the decision of such Judge shall be punished by imprisonment with or without hard labour for a period not exceeding ten years and by fine not exceeding £1,000 sterling. Bribery of Judges.
5. Conviction of an official or Judge for any contravention of this law shall *ipso facto* carry with it his discharge from office. Dismissal on conviction.
6. By official in this Law shall be understood any person who shall have taken the oath of allegiance to the people and the Government of this Republic, and who shall draw his pay or salary from the State Treasury, whether such persons be appointed by Government or elected by votes given in writing as prescribed by law. Term—Official.
7. Arbitrators shall be included under the term “Judge” as used in the law. Arbitrators.
8. All Laws and provisions in conflict with this Law are hereby repealed. Repeal.
9. This Law shall come into operation immediately after publication in the *Staatscourant*. Operation.

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
26th July, 1891.

LAW No. 11, 1894.

(REGULATING THE USE OF WATER FROM PUBLIC STREAMS IN THE S. A. REPUBLIC.)

(Approved and enacted by the First Volksraad, Art. 870, dated 17th July, 1894.)

1. The term “public stream” shall be taken to mean water flowing down in a defined channel, whether such channel shall contain water throughout the whole year or shall be dry during any period. Public stream.
2. Owners of farms on which private water takes its rise may deal therewith as they shall think fit. The expression “private water” shall be applicable only to cases where the fountain or stream is not permanent, or not capable of sub-division, or does not run in any defined course on to the farms of other persons. Private streams.
- The owner of ground abutting on a public stream shall be entitled to use such water for household and agricultural purposes, provided he shall exercise his right in a reasonable manner. User by riparian owner.

Water
leadings.

3. To enable him to exercise the right mentioned in Art. 2 it shall be lawful for the owner of a piece of ground adjoining a public stream to lead or take out the water by means of water furrows or otherwise.

Weirs.

4. It shall be lawful for the owner, whose farm abuts on a public stream, both banks of which are within the territory of the South African Republic to construct a weir from any point on his ground, across the stream to the other bank, although the ground on such other bank may be the property of another owner.

Damage
arising
through con-
struction of.

5. Such weir shall be so constructed that no damage may be thereby occasioned to other proprietors.

All cases of damage as mentioned in this Art. shall be decided by arbitration.

Use of water
at weir.

6. Where a weir has been constructed under the circumstances set out in Art. 4, across a public stream, the owner of the ground on the other side of the stream shall be entitled to use the water so dammed up for household and agricultural purposes, by taking out furrows or otherwise, subject to this proviso that he shall first have reimbursed one half of the cost of such weir to the person who has constructed the same and have entered into a written agreement regulating the use of the water, with the person who has constructed the weir or who had it constructed or his or their assigns.

Arbitration.

7. If the parties interested cannot come to terms with reference thereto, they shall appoint an Arbitrator on either side, as also an umpire, in order to have such dispute decided, after a deed of submission shall have been executed, the form of such deed of submission shall be framed by the State Attorney, approved of by the Government and printed at its instance.

Should one of the parties fail to appoint an arbitrator or umpire, or should the parties not be able to agree as to an umpire, such arbitrator or umpire shall be appointed by the Landdrost of the district.

Should both parties, however, elect to have their differences decided by the Law Courts, the above provisions shall not be applicable to their case.

Registration
of water—
sub-division.

8. The written agreement regulating the use of the water referred to in Art. 6, or the award of the Arbitrators or umpire, deciding and regulating the use of the water, shall within two years be registered as a servitude on or against the title deeds of the two properties concerned by or on behalf of one or other of the parties.

Right of
property in
weir.

9. After half the cost of the weir has been reimbursed in terms of Art. 6, the weir shall be the joint undivided property of both parties and they shall both separately and jointly be responsible for any damage occasioned by reason of such weir to any proprietors lower down, with a due regard to what is provided in Art. 12.

No action may be brought for the partition of a weir held in common.

10. Water led or taken out of a public stream by means of water furrows or otherwise shall not be conducted beyond the limits of the farm on which it was taken out, and shall be returned to the public stream within the limits of such farm, unless the water so taken out shall have been used up in a reasonable manner, or the lower proprietor wishes to use the water for domestic and agricultural purposes with the consent of the parties interested, in such wise that the water is not led in a wrong direction.

Limits to use of water.

11. The water furrows or other means used for or connected with the leading or taking out of water from a public stream, or intended to return unused water to the public stream, shall be maintained in good condition by the owner.

Repair of furrows.

12. The riparian proprietor, who takes water from a public stream by means of furrows or otherwise, and uses it for domestic or agricultural purposes, shall be liable for the damage occasioned thereby to lower riparian proprietors or riparian proprietors on the other side of the public stream, only if such damage is attributable:—

In what cases riparian owner liable.

- (a.) To the taking out of more than half the stream, where the stream forms the boundary between two or more adjoining farms.
- (b.) To an unreasonable user of the water so taken out.
- (c.) To a defect in the means and appliances used for or in connection with the taking out of such water.
- (d.) To the non-observance of the provisions of Artt. 5, 10 and 11 of this Law.

13. Where any concession shall already have been granted by the competent authorities for the leading of water by means of any sort of construction, out of any public stream, beyond the bounds of the riparian property, on which it was taken out, no provision contained in such concession shall be construed as exempting the Concessionaire or his assigns from the obligation of making good the damage occasioned by such concession to any lower riparian owner, or to riparian owners on the other side of the stream.

Concessions.

14. The term "farm" in this Law shall be held to mean every piece of land which is registered as a farm in the office of the Registrar of Deeds.

Term "farm."

15. This Law shall come into operation three months after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
26th July, 1894.

LAW No. 12, 1894.

EXCISE LAW.

(Approved and enacted by the First Volksraad, Art. 1063, dated 30 July, 1894.)

REGULATIONS FOR THE LEVYING AND COLLECTION OF EXCISE, PAYABLE UPON DISTILLED LIQUORS OR LIQUIDS, PREPARED FROM IMPORTED PRODUCE OR SUBSTANCES, OR FROM ANY SUBSTANCES MANUFACTURED THEREFROM.

Upon which liquors and what amount of excise is payable.

1. Upon distilled liquors or liquids manufactured in the South African Republic from imported produce or substances, or from any materials prepared therefrom, an excise shall be levied equal to the amount of the special Customs duty at present imposed on distilled liquors or liquids being products of the neighbouring States and Colonies, to wit:—6/- per gallon on distilled liquors or liquids of a standard alcoholic strength equal to from 11° to 56° inclusive according to Tralles' alcoholometer, and £1 per gallon on all distilled liquors or liquids of a standard alcoholic strength in excess of 56° according to Tralles' alcoholometer.

Distilled liquors or liquids containing sugar or any other substance by reason whereof the strength thereof cannot be accurately ascertained, shall be subject to the highest tariff.

Licence to distillers.

2. For distilling as set forth in Art. 1 a licence shall be required from the date on which this Law shall come into operation; application for a licence shall be made in the form hereto annexed.

Amount and term of licence.

3. The cost of such licence shall be £25 per annum, calculated from the 1 January to the 31 December.

If the licence is granted for not longer than six months the cost thereof shall be £15. For the first time after promulgation of this Law the licence shall be calculated from the date of issue to the 31 December at the rate of £25 per annum.

Payment of moneys in stamps.

4. The licence money shall be paid in stamps to be affixed to the licence.

Licence may be refused.

5. The Inspector General or his representative shall have the right to refuse to grant or renew any licence but shall state his reasons for so doing.

Filing of application for licence and security.

6. Every application for a licence or renewal thereof shall be sent in to the office of the Inspector General or his representative at least 14 days before the date on which the licence is to be in force, and the applicant shall give security in proportion to the quantity he is able to produce, to wit.

If able to produce up to	250 gallons	per month	£100
" " "	" 500	" " "	150
" " "	" 1000	" " "	300
" " "	" 2000	" and above "	600

7. An application for a licence as distiller or any renewal thereof shall clearly set out :—

Contents of application.

- (a.) Name and Christian name of applicant in full.
- (b.) Residence and district, number of erf and stand, or name of the street, or name of the farm, clearly indicating the place where the applicant desires to distil.
- (c.) Number and capacity of the stills, with description of the vats and other requisites.
- (d.) Name of the raw material intended to be used.
- (e.) Particulars of the kinds of liquor which is to be produced.
- (f.) During which period of the year the distillation is to be carried on.

A form of this application is hereto annexed.

8. Every licensed distiller shall be obliged to file at the office of the Inspector General of Customs, on or before the fifth day of every month a sworn declaration in accordance with the form hereto annexed, showing the number of gallons and the name, as also the strength of the product distilled during the preceding month, as also the quantity and name of the raw materials used and the amount of excise paid before delivery.

Filing of monthly returns of the manufacture.

Should such declaration not be filed, or be filed after the date specified, the delinquent shall be liable to a fine as hereinafter provided.

Punishment.

Upon repetition of the offence the Inspector General or his representative may revoke the licence, in which case no portion of the licence moneys paid will be refunded.

Cancellation of license upon continued contravention.

A licence may be transferred with the consent of the Inspector General or his representative upon payment of 5/- in stamps.

Transfer of licence.

The person in whose name the licence has been issued shall be responsible for any contravention of this Law.

Person responsible.

9. Every distillery referred to in this Law shall be situated within the limits of a village or town or within a distance of three miles therefrom, unless special permission shall have been obtained from the Inspector General or his representative for the establishment of a distillery at a greater distance.

Situation of a distillery, &c.

10. All premises, plant, casks, vats, stills, shall bear a special mark as prescribed.

Marks to be affixed.

The omission to mark any object, or the indistinct marking thereof shall entail a penalty as hereinafter provided, and in such case the Inspector General or his representative shall have the right to cause the marks to be affixed at the expense of the distiller.

Punishment.

What books to be kept by distiller.

11. The distiller shall be obliged to keep books showing as clearly as possible :—

- (a.) The quantity and kind of the raw materials bought or imported by him, stating from whom bought and whence imported.
- (b.) The quantity and strength of the distilled liquors or liquids manufactured.
- (c.) The quantity and strength of the liquor delivered, stating the names of the persons to whom delivered and the date of payment of the excise.

Inspector of books.

12. The books above mentioned shall at all times be at the distillery open to the inspection of the Inspector General or his representative, who may take extracts therefrom or if he deems it necessary attach the same.

If the required books are not kept, or are not kept properly, or upon refusal to produce the same to the competent official, a fine may be imposed as hereinafter provided.

Time for payment of the duty.

Storage in premises used as private dépôt.

13. The Inspector General or his representative may allow a licensed distiller to postpone the payment of the excise due upon the liquor distilled by him until the same shall be sold, or removed from his distillery or store, in which case a separate store shall serve as a private dépôt or bonded store.

What may be stored upon such premises.

14. Only distilled liquors or liquids upon which no excise has been paid shall be stored in such separate store.

Liquor may not be removed therefrom except after payment of the duty.

15. No distilled liquors or liquids may be removed from such private dépôt or from the distillery until the excise shall have been paid thereon.

Removal from premises only by permit.

16. No distilled liquors or liquids may be removed from the dépôt or the distillery without a waybill, in accordance with the form annexed, duly signed by the distiller. This waybill, a record and duplicate whereof shall be kept by the distiller, shall state :—

Contents of waybill.

The name of the distiller and the distillery whence the liquor is obtained.

Legible address of place of destination.

The time within which the removal shall be effected.

The means of conveyance.

Date of payment of the excise.

Production of permit.

This waybill shall be produced upon demand to any official of the Excise Department or to the persons duly authorised under the Customs Law.

- 17.** No waybill may be issued until the excise shall have been paid. When permit may not be issued.
- 18.** Any distilled liquors or liquids referred to in this Law, removed from the distillery or the depôt after sundown or before sunrise, or without a waybill, shall be confiscated and declared forfeited, together with the casks, jars or bottles containing the same, and the party forwarding the same shall further be liable to a fine as hereinafter provided. Punishment on contra-vention.
- If permission is granted to a distiller to keep a private depôt, he shall keep books wherein the quantity and strength of the distilled liquors brought into and taken out of the depôt shall be duly shown. Bookkeeping of stock.
- 19.** The depôt shall not at any time contain more nor less distilled liquors or liquids than is shown in such books, nor shall it contain such a quantity that the excise due thereon shall exceed the amount of the security mentioned in Art. 6 hereof. Quantity of liquor permissible in a depôt.
- If the quantity of distilled liquors or liquids should be found to exceed or fall short of the quantity mentioned in the books, a fine may be imposed as hereinafter provided. Any excess shall be forfeited. Any shortfall may be made up or the excise paid thereon. Punishment.
- 20.** The fine shall not be imposed if the quantity in excess is only $\frac{1}{2}$ per cent., or if the shortfall is not more than 3 per cent. Where the fine is not to be imposed.
- Nor if the distiller shall prove to the satisfaction of the Inspector General or his representative that the existing difference is not the result of an attempt to defraud the revenue.
- 21.** In any case the excise due upon the quantity found in excess shall be paid forthwith.
- 22.** The distiller who has permission to keep a private depôt shall furnish one or more sureties to the satisfaction of the Inspector General in an amount of not less than £300. Security to be given by the keeper of such depôt.
- This amount may be increased by the Inspector General or his representative in proportion to the quantity of distilled liquors or liquids in stock.
- No permission for a depôt shall be granted before the surety bond shall have been duly executed and deposited in the Office of the Inspector General or his representative.
- 23.** The Inspector General or his representative may, in conjunction with the Executive Council, cancel the permit for a private depôt without stating reasons. Cancellation of permission for a depôt.
- 24.** Upon the cancellation of the permit, all distilled liquors or liquids shall be removed from the private depôt, and the whole amount of the excise due thereon shall be forthwith paid. What has to be done upon cancellation.

Upon non-compliance with the order of the Inspector General or his representative, a fine may be imposed as hereinafter provided, and the distilled articles forfeited.

Persons deemed to come under Clause 2 of this Law.

25. The provisions of Art. 2 of this Law shall apply to any person upon whose premises or in whose workshop or factory, or on whose ground a still or any portion thereof shall be found, unless he shall, if required, prove to the satisfaction of the Inspector General or his representative, that it was not his intention to distil from imported products or materials derived therefrom. If he shall act in conflict with this provision he shall be fined as hereinafter provided.

What is to be done under forfeited liquors.

26. Whenever any distilled liquors or liquids shall have been forfeited under this Law they shall after advertisement be sold by public auction by the Inspector General or his representative.

The excise duty, fines and costs shall first of all be paid out of the proceeds, and the residue shall be deposited at the office of the Treasurer General until the party concerned shall claim the same. No interest shall accrue thereon.

If the amount realized by the sale be insufficient to cover the amount of excise, fine and cost, the person in whose name the licence has been issued shall be liable for the remainder.

Purchaser, &c., of distilled liquor must prove payment of duty.

27. Any person purchasing or selling, receiving or delivering or having in his possession any distilled liquids referred to in this Law, and unable to prove that the excise due thereon has been paid, shall be subject to a fine as hereinafter provided.

The waybill referred to in Art. 16 will be accepted as proof.

Regulations for Officials charged with the Execution of this Law.

Power of the Inspector General.

28. The Government shall charge the Inspector General or his representative with the general supervision of the due administration and collection of excise. The Inspector General shall receive all instructions from the Executive Council, and shall render account of his administration in accordance with the General Instructions. He shall have power to appoint one or more representatives, who shall have the same powers as are conferred upon the Inspector General under this Law.

Such appointment shall be made under his seal and signature in the form hereto annexed.

May cause an inspection of books.

29. The Inspector General or his representative shall, whenever he shall deem it necessary, hold or cause to be held an inspection of the places where distilled liquors or liquids are being manufactured or stored, or where he suspects that such are being manufactured.

Issues instructions to officials.

30. The Government shall appoint the officials, who shall be subject to the instructions of the Inspector General.

- 31.** The Inspector General or his representative may at any time enter upon the premises or house, or workshop or distillery, belonging to or occupied by a distiller or his representative, and to measure, weigh, estimate and examine the raw materials and distilled liquors or liquids in stock. Has the right to enter distilleries, &c.
- Any refusal of admission to such official shall be punished by fine as hereinafter provided.
- 32.** The Inspector General or his representative shall have the right to attach the books referred to in Artt. 11 and 18, and may demand that they be confirmed by oath. May attach the books.
- 33.** Should a distiller, upon demand for admission, refuse to comply therewith, he shall be punished for each offence as hereinafter provided. Punishment.
- 34.** Upon a repetition of the contravention his licence may be cancelled, in addition to the infliction of the fine hereinafter mentioned. Cancellation of licence upon repeated contravention.
- 35.** Upon cancellation of the licence the excise due upon all the distilled liquors and liquids in stock shall be paid immediately. What is to be done upon cancellation.
- 36.** Should the stock of distilled liquors and liquids not tally with the books, the excise shall be calculated upon the larger quantity, without in any way affecting the fine hereinafter provided. What is to be done if books and actual stock do not tally.
- 37.** The Inspector General or his representative may at all times enter upon the premises of any wholesale or retail dealer in distilled liquors, inspect his books, make extracts therefrom, demand confirmation by oath, attach, examine and register all the distilled liquors or liquids in stock, take samples thereof and have the same analysed. Right of entrance on premises of liquor dealers, &c.
- 38.** Superseded by Law No. 8 of 1896.
- 39.** Upon refusal of admission, or upon non-surrender of the books, or upon refusal to assist in making any examination, or upon refusal to supply samples, the fines hereinafter set out shall be inflicted. Punishment of refusal of admission.
- 40.** Upon repetition of the contravention the licence may be cancelled and no refund shall be made of moneys already paid notwithstanding the infliction of the fine hereinafter mentioned. Cancellation of licence.
- 41.** Any person assaulting any official acting under this Law or his assistant, or causing him to be assaulted, or resisting him in the exercise of any power or function conferred upon him under this Law shall be punished for each offence as hereinafter mentioned. Punishment of resisting officials.

Forfeited
liquors to be
publicly sold.

42. Any distilled liquors or liquids forfeited under this Law may be attached and publicly sold after advertisement in the *Staatscourant* upon order of the Inspector General or his representative.

Casks, &c.,
are included in
the
forfeiture.

43. Whenever any distilled liquors or liquids shall be declared forfeited, the vats, bottles or casks containing the same shall also be forfeited.

Part of fine
awarded to
informer.

44. The Inspector General, after consultation with the Auditor General may award a portion of the fine imposed and recovered, not exceeding one-half thereof, to the informant.

Power of
State
Attorney.

45. The State Attorney shall have the power to bring any contravention of this Law to trial before any competent Court of the South African Republic.

Fine no bar
to criminal
prosecution.

46. The imposition of a fine shall not secure the delinquent against criminal prosecution for any fraud, or neglect, negligence or contumacy, or resistance of which he may have been guilty.

Inspector
General, &c.,
ex-officio
Justice of the
Peace.

47. The Inspector General, or his representative, shall, in the exercise of his functions, be *ex-officio* a Justice of the Peace.

May demand
proof of
payment of
duty.

48. Should the Inspector General, or his representative, be in doubt with regard to the payment of excise, or regarding the quantity or strength of the distilled liquors or liquids manufactured, as well as in the event of any alleged contravention of this Law, the onus of proof that the Law has been complied with shall lie on the distiller or importer, or consignee, and not upon the official who is conducting the examination or prosecution.

Penal
regulations.

49. Contraventions of the provisions of this Law shall be punished as follows:—

- (a.) Contravention of Art. 8 by a fine not exceeding £25, or imprisonment with or without hard labour for a period not exceeding 14 days.
- (b.) Any contravention of Articles 10, 11, 14, 19, 24, 25, 31, 33, 34, 39, 40, by a fine not exceeding £50, or imprisonment with or without hard labour for a period not exceeding one month.
- (c.) Any contraventions of Articles 18 and 41, by a fine not exceeding £100, or imprisonment with or without hard labour for a period not exceeding six months.
- (d.) Any contravention of Articles 15, 16, 17 and 27 by a fine not exceeding £100, or imprisonment with or without hard labour for a period not exceeding six months, and forfeiture of the distilled liquors or liquids.

- (e.) Any contravention of Article 21 by a fine not exceeding twice the amount of the excise due.
- (f.) Any contravention of Article 36 by a fine not exceeding five times the amount of the excise due.
- (g.) Any contravention of Article 38 by a fine not exceeding £100, or imprisonment with or without hard labour for a period not exceeding twelve months, and forfeiture of the adulterated liquors.
- (h.) Any contravention of Articles 2 and 12, by a fine not exceeding £200, or imprisonment with or without hard labour for a period not exceeding twelve months.

50. All Laws and enactments in conflict herewith are hereby Repeal.
repealed.

51. This Law shall come into operation immediately after Operation.
publication in the *Staatscourant*.

(Sgd.) S. J. P. KRUGER.

State President.

(Sgd.) Dr. W. J. LEYDS,

State Secretary.

Government Office,

Pretoria, 31st July, 1894.

ANNEXURE I.—FORM "A."

SOUTH AFRICAN REPUBLIC.

Excise.

Application for a permit for a distillery in terms of Law
No. 12, 1894.

1. Name and Christian name
2. Residence and district
3. Number and size of stills
4. What raw materials do you use?
5. How many and what kinds of vats and similar requisites?
6. What sort of distilled liquor do you manufacture?
7. How many and which months of the year do you wish to distil?
- 8.
- 9.
- 10.

Received the

Permit granted the

The undersigned

hereby applies for a

licence or permit for a distillery in terms of what is herein above specified.

the

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ANNEXURE II.—FORM “B.”

SOUTH AFRICAN REPUBLIC.

Excise Department.

Declaration of Distiller
at

The Undersigned hereby declares that from
to inclusive, there have been manufactured in
his distillery :—

Gallons.	Name of the Distilled Liquid.	Strength.	Quantity and name of the raw materials used.

As Witnesses :

Distiller.

Sworn before me
at

this

ANNEXURE III.—FORM “C.”

SOUTH AFRICAN REPUBLIC.

Excise Department.

Provisions in terms of Art. 10 of Law No. 12, 1894.

The Distiller at
is hereby instructed to provide his stores and premises, implements,
vats, casks, and stills with the following mark.

(Description of mark.)

The omission to mark or the failure to mark distinctly shall be
punished by a fine not exceeding £50, or by imprisonment for a
period not exceeding one month, with or without hard labour.

(See Art. 49.)

The Inspector.

ANNEXURE IV.—FORM “D.”

WAYBILL.

Despatch by _____ at _____
 Distillery mark _____
 to Mr. _____ at _____
 the following distilled liquors :—
 _____ gallons
 ”
 ”
 The conveyance _____
 is by _____ to _____ within _____ days (months).
 The excise was paid on the _____
 at _____ the _____
 _____ Distiller.

ANNEXURE V.—FORM “E.”

The undersigned _____ Inspector
 General of Customs, charged with the control and collection of
 excise duty for the South African Republic, hereby declares that
 he appoints _____ in terms of Law 12, 1894,
 Art. 28, to be his substitute, and to perform all official duties for
 and on his behalf relative to the supervision and collection of
 excise duty.

Declared to and signed at
 this _____
 Under my name and seal.
 As witness

ACT No. 13, 1894.

ON PAWNBROKING.

(Amended and approved under Articles 587, 588, 590 and 591 of
 the Resolutions of the Second Volksraad, noted and accepted
 by the First Volksraad, under Article 996, dated 25th July,
 1894.)

WHEREAS it is considered necessary to make Rules and Preamble.
 Regulations with regard to Pawnbrokers, it is hereby enacted as
 follows :—

1. Any person or Company desirous of carrying on business as Licence for
 a Pawnbroker within the State shall take out a licence at the office pawnbroking.

of the Landdrost, Mining Commissioner, or other official appointed for the purpose, within whose jurisdiction he resides, viz :—

	£	s.	d.
For twelve months - - - -	40	0	0
„ nine „ - - - -	30	0	0
„ six „ - - - -	20	0	0
„ three „ - - - -	12	10	0

Such licence may be refused.

2. The Landdrost, Mining Commissioner, or other qualified official, shall have the right to refuse such licence if he deems such refusal advisable in the interest of his district or division.

Jurisdiction.

3. The Landdrost and Mining Commissioners shall have jurisdiction with regard to contraventions of this Law.

Pawnbroker shall not accept property in suspicious cases.

4. No person or company shall have the right to accept or to advance money or value on, or to pay for, or to buy any goods or property should they suspect that such articles are not the *bonâ fide* property of the person or persons who offer the same for pawn or sale; but shall be obliged in suspicious cases to immediately inform the proper authorities thereof.

5. Repealed by Ordinance 40 of 1903.

Public sale of articles not released within time agreed upon.

6. All articles and property not released within the time agreed upon shall be sold on the public market at a date at least fourteen days after publication has been made in the *Staatscourant* and one of the public papers published in the town where the pawnbroker resides.

Licence not transferable.

7. The pawnbroker's licence shall not be transferable, and the person or Company in whose name the licence is issued shall in every case be liable for any contravention of this Law.

Security.

8. Anyone desirous of carrying on such business shall be bound before the licence is issued to give security to the amount of £500, together with two competent sureties in possession of unmortgaged fixed property, *in solidum* in the amount of £250 each.

Form of deed of security.

9. The form of deed of security shall be more or less as follows :—

Deed of Security for Pawnbrokers.

Appeared before me, _____, this _____

day of _____, 18 _____,

residing at _____, who

declares that he is indebted to the State Attorney of the South African Republic (his lawful successors in office or substitutes) in the sum of £500; and

of _____ and _____

of _____, who declare that they each are indebted jointly and severally, *in solidum* to the said State Attorney, or his lawful successors in office or substitutes, in the sum of £250; accordingly renouncing the legal exceptions of _____ with

the force of which they declare themselves to be fully acquainted to be recovered from the goods and properties of either or both of them in case the said N. does not fulfil the duties and obligations enjoined on him by law.

Thus done and signed at the office of
at this day of , signed
before me on day, date and place aforementioned,
Landdrost
(or Mining Commissioner or other official charged with
the issue of licences).

As witnesses.

10. The licence may be withdrawn by the Landdrosts or Mining Commissioners respectively, in case of any contravention of this Law. Withdrawal of licence.

11. Every contravention of this Law shall be punishable by a fine not less than £3, and not more than £50, or in default of payment, by imprisonment with or without hard labour, as the nature of the case may require, for a term not exceeding six months. Penalty for contravention.

12. No person will be allowed to act as pawnbroker or to carry on that profession without having obtained the licence mentioned in Article 1 of this Law. No person may act as pawnbroker without licence.

13. All regulations in conflict with this Law are hereby repealed. Conflicting regulations repealed.

14. This Law shall come into operation three months after publication in the *Staatscourant*. Taking effect.

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Pretoria, 4th August, 1894.

LAW No. 22, 1894.

[¹] (Amendment of certain Laws, which has become necessary in consequence of First Volksraad Resolution, Art. 1213, dated 28th August, 1893, *in re* the Responsibility of Head Officials.)

(Approved and enacted by First Volksraad Resolution, Art. 1024, dated 26 July, 1894.)

3. Par. 2 Art. 11 Law No. 1, 1893, shall read as follows:—

Should a dispute arise, the Landdrost of the district shall decide the same in consultation with the Field-Cornet of the ward: The Landdrost shall notify such decision to the Chief of Public Works. Transport roads.

The parties may appeal from this decision to the Government. The request for setting aside or amending such decision of the Landdrost shall set out the grounds on which it is based, and be transmitted in writing to the Chief of Public Works, who shall append his report thereon, and send it to the Government.

¹ All Articles amending Laws which have since been repealed are omitted.

Fencing Act.

4. Par. 1, Art. 6, Law No. 9, 1893, shall read as follows:—
Fences, gates and other total or partial enclosures of and obstructions to roads, erected or closed in conflict with the provisions of this Law, or in conflict with the directions of the Government, may be removed by the Government, or by or at the instance of the Landdrost of the district after consultation with the Field-Cornet of the ward at the cost of the person who has erected such gate or enclosure or placed such obstructions without the Government being thereby rendered liable for any damage whatsoever direct or indirect occasioned thereby.

General survey.

15. In Art. 7 of Law No. 9, 1891, the words “the Surveyor General” shall be substituted for the words “the Government.”

In Art. 9 of the instructions for the Surveyor General, the following amendment shall be made:—“Whenever any farm, &c. —and if they are found correct, he shall thereafter, &c.—that these diagrams shall be confirmed by him if within three months after publication, no protest shall have come in against the said diagrams. The diagram signed by the Surveyor General shall be deemed to be a lawful and unimpeachable document.”

Companies.

21. In the preamble of Law No. 6, 1874, the words “Registrar of Companies” shall be substituted for the words “Executive Council,” and in the body of the Law the words “Registrar of Companies in consultation with the State Attorney and the Registrar of Deeds” shall be substituted for the words “Executive Council.”

23. This Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
October, 1894.

FIRST VOLKSRAAD RESOLUTION, 11th May, 1894.

Zululand witnesses.

46. The Volksraad unanimously passed the proposal of the Executive Council dated 16th January, 1894, reading:—

The Executive Council resolves to propose to the First Volksraad that the 1st paragraph should be amended to read as follows:—

Any person on whom a summons shall have been served as is mentioned in the preceding article, shall be bound to appear at the time and place therein set out; and should he remain in default so to do, and also fail to show some lawful and valid excuse for such non-appearance, he shall be liable to a fine not exceeding £100 or in default of payment to imprisonment for a period not exceeding three months.

The fine shall be recovered, at the instance of the State Attorney in the Court of the Landdrost of the District in which the person cited resides.

SECOND VOLKSRAAD RESOLUTION.

(Art. 98, dated 17th May, 1894; noted and accepted by First Volksraad Resolution, 30th May, 1894, Art. 275.)

RESOLVED:—That the provisions of Executive Council Resolution R. 8,908/92 passed in pursuance of First Volksraad Resolution, Art. 1331, dated 29th August, 1892, shall also extend and be applicable to companies incorporated and registered under Law No. 6, 1874. Companies.

FIRST VOLKSRAAD RESOLUTION, Art. 892, dated
18th July, 1894.

(For amendment of tariff of Surveyors. See page 270, L. L., 1894.)

And further, the First Volksraad resolves to add to Art. 15 of Law No. 9, 1891, the following:— Surveyors.

“No person, not properly admitted as a Surveyor by the Government, shall be entitled to style himself Surveyor on any diagram or any document, or to advertise himself as such under penalty of the fine, as laid down in the said Art. 15.”

1481. 25th August, 1894.

The First Volksraad further resolves in Art. 6 of the same law to insert the words “and Sub-commissioners” after the word “Commissioners” in the first line, and in the 4th line to substitute the word “naturellen” (natives) for the word “inboorlingen” (natives), to add the words “and wards” after the word “districts” in the 5th line, to substitute the word “naturel” (native) for the words “inboorling overtreder” (native offender) in the 7th line. Natives.

1488 and **1489.** The Raad resolves as follows (as an addendum to par. 6.):—“And it shall not be lawful for any Sub-commissioner of natives to punish any native more heavily than by fine not exceeding £5 or by lashes not exceeding 15 in number.” Native Courts.

“It shall also be lawful for the Field-cornets who are Sub-commissioners to entrust to their Assistant Field-cornets as Assistant Sub-commissioners of natives the hearing of the said offences and crimes, provided the instructions thereto be duly stated in writing.”

FIRST VOLKSRAAD RESOLUTION, 3rd September, 1894.

1569. The Raad resolves to instruct the Government in future not to take private grounds for natives (native locations) unless the owners agree to the amount of compensation given. Native Locations

VOLKSRAAD RESOLUTION, 21st SEPTEMBER, 1894.

1816. The First Volksraad resolves to instruct the Government not to claim any taxes on the compensation erven where the title deeds therefor are issued during the latter half of the year. Taxes.

REGULATIONS FOR THE GAOLS IN THE SOUTH AFRICAN REPUBLIC.

GAOLER.

Gaol
Registers and
records.

1. The gaoler shall keep the following registers :—
 - (a.) A register of all prisoners committed, not being military prisoners, with the sentence, charge, the date of commitment, and the date and hour at which the sentence will expire, and with a column for remarks in which the date shall be noted, on which the fines have been paid, or on which the judgment for lashes has been carried into effect.
 - (b.) A record of all military prisoners to be kept, showing expense of their dieting, clothing, and all other expenditure.
 - (c.) A register of all other persons as nearly as possible in the aforementioned form, who, whether as debtors civilly imprisoned, witnesses, who can give no security for their appearance or otherwise, are placed in his charge.
 - (d.) A record of articles taken or detained from prisoners.
 - (e.) A journal of matters by these rules directed to be therein recorded, and all other important occurrences.
 - (f.) A record of the times and manner of employment of prisoners sentenced to hard labour, and general distribution of prisoners, to be furnished daily to the Landdrost or other competent officer of the district or the ward in which he is.
 - (g.) A record of punishment for prison offences.
 - (h.) A record of deaths, a monthly report and certified copy whereof, with any necessary remarks, shall be transmitted to the Chief Commissioner of Police and Gaols at the end of each month, by the Landdrost or other competent officer, under whom such gaoler is, to the Chief Commissioner of Police and Gaols, for publication in the *Staatscourant*.
 - (i.) A record of all cases of sickness, showing the number of days spent in the hospital.
 - (j.) The following books shall be kept :—A visitors' book for the entry of observations by visitors; a book for the Landdrost and official visitors; and a book for the medical officer. In these must be entered, in their own handwriting, the visits made by the medical officer, official visitors, and all other visitors.

- (k.) A return of issues and receipts of prison rations, a report and certified copy whereof shall at the end of each month be handed in to the Chief Commissioner of Police and Gaols, through the Landdrost or other competent officer, under whose jurisdiction the gaoler is.
- (l.) A record of issues and receipts of clothing, &c., a certified copy whereof shall at the end of each month be handed in to the Chief Commissioner of Police and Gaols, by the Landdrost or other competent officer, thereto appointed, placed over such gaoler.
- (m.) An inventory of all prison furniture and movable and immovable property under his charge, a full report whereof shall at the end of each year be transmitted to the Chief Commissioner of Police and Gaols, through the Landdrost or other competent officer.
- (n.) A record of capacity of gaol and number of occupants.
- (o.) A book of daily routine to which reference is made in Art. 6 of these regulations.
- (p.) Proper files of convictions, warrants of commitment, and all other orders and official documents.

2. The gaoler shall reside in or near the prison, and shall be responsible for the due observance of all the rules of the prison. Gaoler's residence.

3. He may suspend any officer under him for misconduct, and shall immediately report the same, specifying the reasons to the Chief Commissioner of Police and Prisons through the Landdrost or other competent officer. Power to suspend subordinates.

4. In case he shall become aware of any violation or contravention of, or other irregularity in conflict with the law and regulations relating to prisons, he shall be obliged to immediately report the same to the Landdrost or other proper officer, who shall thereupon act as the circumstances may require, and if need be report to the Chief Commissioner of Police and Prisons. Report of any irregularities in gaol.

5. He shall visit the whole of the prison and see every male prisoner, once at least in every twenty-four hours, and in default of such daily visits and inspections, he shall state in his journal how far he has omitted them, and the cause of such omission. He shall at least twice a week go through the prison at an hour of the night not previously known, which visit, with the hour and the state of the prison at the time, he shall record in his journal. Daily inspection.

6. He shall always test the quantity and quality of the rations supplied to the prisoners. In the event of such not being according to contract, he shall have power to condemn and take steps to replace the same. Ration inspection.

7. He shall see that nothing likely to be used to facilitate escape shall be left about, or kept without proper safeguards against such use. Prisoners' escape.

Rules posted
in cells.

8. He shall cause a copy of the rules relating to the treatment and conduct of the prisoners to be kept posted in each cell, and shall read or cause the same to be read, to every prisoner who cannot read, within twenty-four hours after his admission, and once in every subsequent three months. He shall cause these Rules to be explained to prisoners who cannot understand Dutch.

Sickness.

9. He shall notify to the Medical Officer without delay the illness of any prisoner, and shall deliver to him daily a list of prisoners who are ill, or who complain of illness, and a list of prisoners in punishment cells.

Doctor's
instructions.

10. He shall carry into effect all written directions of the Medical Officer respecting alterations in diet, discipline, or treatment of any prisoner, so far as the same may be in accordance with these regulations. In the event of his considering that such directions may be likely to interfere with the discipline of the gaol, he shall forthwith report the same to the Landdrost or other competent officer, charged with the supervision of gaols, and under whose jurisdiction he is.

Death of
prisoner.

11. He shall, upon the death of any prisoner, give immediate notice thereof to the Medical Officer, the Landdrost or other competent officer having the like jurisdiction, or the Field-Cornet.

Refractory
prisoner.

12. He shall without delay bring before the Landdrost, or other competent officer, any prisoner charged with disobeying the prison rules, together with the book kept for the purpose, in which the prisoner's name, and particulars of offence, are to be recorded.

Absence from
prison.

13. He shall not be absent from the prison, except on service or after having first obtained permission in writing from the Chief Commissioner of Police and Prisons, through the Landdrost or other competent officer, and his leave of absence shall be noted in his journal, and in all such cases of absence, as well as in those occurring during the day, the Assistant Gaoler or other officer thereto appointed shall be left in charge of the gaol, and shall act as Chief Warder.

Gaoler's
duties.
Guarding
gaols.

14. He shall keep, or cause to be kept a continuous watch over the gaols and prisoners, over the cleansing of the gaols, &c., and shall in general strictly observe all instructions, which shall or may from time to time be given him by the Chief Commissioner of Police and Prisons, the Landdrost or other officer competent so to do.

Hands over
valuables to
Landdrost.

15. He shall be obliged to hand over all effects, money, jewellery or other such like valuable assets, immediately after receipt to the proper Landdrost or other competent officer, on obtaining a receipt from the latter.

Permits to
visit gaols.

16. He shall not admit any visitors to the gaol without a written permit from the State Attorney, Chief of Police and Prisons, Landdrost, Public Prosecutor or other officer competent thereto.

- 17.** He shall, at the end of each week, hand in a full report in writing to the Landdrost concerned, or other competent officer, of all sentenced and unsentenced prisoners and occupants. Weekly report.
- 18.** He may not have any share or interest, either direct or indirect, in any contract or otherwise, concerning the supply of rations, clothes, &c., for the gaols. Supply contracts.
- 19.** He shall attend at the infliction of corporal punishment, or the execution of any prisoner sentenced to death. Executions and corporal punishments.
- 20.** He shall be excused from service as a juryman. Jury.
- 21.** He shall take care, that all prisoners, who have to appear before any Court, attend at the appointed time and place. Production of prisoners in Court.

ASSISTANT GAOLER OR HEAD WARDER.

- 22.** He shall receive his orders from the gaoler, and assist the latter generally in carrying out his duties, and strictly obey his orders. Gets his orders from gaoler.
- 23.** In the absence of the gaoler he will assume charge, and be held responsible for the due observance of all prison rules. Acting gaoler.

MATRON OR FEMALE WARDER.

- 24.** The female warder or matron shall reside in or near the prison and be subordinate to the gaoler. Matron.
- 25.** She will be held responsible for the due observance of the prison rules for female prisoners. Responsibility.
- 26.** She shall not be absent from the gaol, unless on duty, or after having received previous leave in writing through the Landdrost or other competent officer from the Chief Commissioner of Police and Prisons, and her leave of absence shall be noted in the gaoler's book kept for that purpose, and in all such cases of absence, as well as in those occurring during the day, the assistant matron, or other person thereto appointed, shall be charged with the matron's duties, and thereupon act as matron or female warder. Absence of matron.
- 27.** She shall keep a journal, wherein she shall record the condition of such (*sic*) part of the prison at each inspection, all important occurrences, all punishments of female prisoners and all absences. Journal.
- 28.** She shall be present at the infliction of corporal punishment to female prisoners. Corporal punishment for females.
- 29.** The matron or female warder shall see that the separation between male and female prisoners shall be strictly maintained. Separation of male from female prisoners.

Male person must be accompanied by matron.

30. Should any male person, for whatsoever reason, be admitted to the female wards, he shall throughout be accompanied by the matron or a female warder.

Daily inspection.

31. She will inspect every part of the prison occupied by females at least once in every twenty-four hours, and will at least twice a week at an uncertain hour in the night not previously known go through such part of the prison. She shall make a note of such visit, and of the hour and condition of the gaol at the time, in the journal kept by her for that purpose.

Report of irregularities.

32. In case she shall become aware of any violation or contravention of, or other irregularity in conflict with the law and regulations, she shall be obliged to immediately report the same to the Landdrost or other competent official, who shall thereupon act according to the nature of the circumstances.

SUBORDINATE PRISON OFFICERS.

Gaoler's orders.

33. Shall take their orders from the gaoler.

Duties.

34. They must immediately report to the gaoler any offences or irregularities on the part of any prisoner or officer.

Absence.

35. Subordinates shall not, without leave of the gaoler, be absent from the prison during the hours they have to be on duty; and before at any time leaving the gaol, they shall leave their keys and books in the gaoler's office.

Books.

36. They will enter their names, and the time of going on, and coming off, duty in a book provided for the purpose, also any irregular occurrences that may take place in respect to their tour of duty.

Visitors.

37. They shall not receive visitors in the prison without permission of the gaoler.

THE MEDICAL OFFICER.

Medical attendance.

38. The District Surgeon or other competent medical officer shall promptly attend every sick prisoner, and, if need be (according to the nature of the sickness and the circumstances), in presence of the gaoler or the matron.

Journal.

39. He shall keep a day-book and case-book. In the former will be entered the names of patients, the medicines to be supplied to them, and directions for the gaoler or hospital orderly. In the case-book will be entered the number and name of every patient; also the race, age, date of admission for treatment, disease, date of discharge, date of death, and date of entering the prison.

Suspected lunatics.

40. He shall call attention of the gaoler to, and report to the Landdrost or other competent officer with regard to any prisoner who shall appear to be in all probability a lunatic.

41. He shall attend the infliction of all corporal punishments or the execution of any death sentence at whatever hour may be notified to him, and give such directions as he may deem necessary. Corporal punishment and death sentence.

In all cases where he may direct that the punishment should not be fully carried out, he shall furnish a written report giving his reasons for the same, which report shall be transmitted by the Landdrost or other competent officer to the Chief Commissioner of Police and Prisons.

42. He will inspect the whole of the prison and the prisoners at least once a week, and will furnish the Chief Commissioner of Police, through the Landdrost or other competent officer, with a report in writing of the sanitary state of the prison, the health of the prisoners, and their cleanliness, &c. Weekly inspection.

GATE.

43. The prison gate shall always be kept closed. Gate.

44. An officer will be placed on gate duty during the day, and also during the night, and will not leave his post without permission from the gaoler. Watch at gate.

45. The time of coming on and going off duty will be entered by the officer with his signature in a book provided for the purpose, as well as any matter that may be necessary to bring to the notice of the Chief Commissioner of Police and Prisons, the Landdrost or other competent officer. Prison watch book.

46. Any irregularity or breach of prison rules by any officer, visitor or prisoner, shall at once be reported to the gaoler, who shall report thereon to the Landdrost or other competent officer. Irregularities in gaol.

47. The officer on gate duty will examine all articles being carried into, or out of the prison, and will stop any person suspected of bringing spirits, or other prohibited articles into the prison, or of carrying out any property belonging to the prison, and shall give immediate notice thereof to the gaoler, who will make a report thereof to the Landdrost or other competent officer. Inspection.

SEARCHING.

48. This important part of the prison rules is to be strictly enforced. Searching prisoners.

All prisoners are to be thoroughly searched on admission to gaol by one of their own sex, in the presence of the gaoler, matron, or other responsible officer, and all money, effects, and articles whatsoever, except necessary clothing, taken from them; but nothing shall be taken from debtors except dangerous weapons,

articles calculated to facilitate escape, prohibited articles and money. Prisoners on their arrival under sentence will be stripped and searched apart from all other prisoners, examined, and a full personal description with any marks, entered in the Description Register. They will then be supplied with a properly numbered suit of prison clothing and their own clothes rolled in a bundle, tied up, labelled with the prisoner's name and number, for which the gaoler or matron shall be responsible. Hard labour parties, and prisoners sent outside the gaol to work, are to be thoroughly searched both on leaving and returning to prison. A prisoner found with any prohibited article upon him will be reported to the gaoler, who will cause him to be brought before the Landdrost for breach of prison rules. On the return of the European Convict Guards in the evening, they will assist in the searching of prisoners, and remain on duty in the prison yard, until the prisoners are locked up.

Inventory of
prisoner's
assets.

49. All money, effects, or articles taken from any prisoner or sent to the prison for his or her use, and not allowed to be received and retained by him or her, will (if they are not prohibited articles) (*sic*) be placed in the custody of the gaoler, who will make, and keep an inventory of the same, in the book provided for the purpose and shall act further in terms of the regulations.

DISTRIBUTION OF PRISONERS.

Natives.

50. Natives are to be kept apart from European prisoners.

Women.

51. Female prisoners are at all times to be kept apart from male prisoners, are to be attended by persons of their own sex, and are to be prevented from seeing or holding any communication with any male prisoners. No gaoler or other male officer shall enter or be in a room in which any females are confined, unless in the company of a matron or subordinate female warder.

Separation of
classes of
criminals.

52. Prisoners before trial, debtors, and witnesses detained by reason of their inability to give security for their attendance, are to be kept apart from criminals, juveniles under 18 years of age from adults, and so far as shall be practicable, and the accommodation shall permit, adult males or females convicted of serious crimes shall be kept apart from prisoners under short sentences for slight offences.

PRISONERS.

Discipline.

53. Prisoners are to obey all orders of the gaoler and other officers.

Speaking to
each other.

54. Criminal prisoners are not allowed, under any pretence, or at any time, to speak or make signs to any other prisoners whatever.

Singing, &c.

55. Prisoners are not to sing, scream, shout, whistle or talk to themselves, or make any unnecessary noise at any time.

- 56.** Criminal prisoners are not, without necessary occasion, to speak to any officer of the prison, and are then to speak as briefly as possible. Addressing officers.
- 57.** Prisoners may make complaints through the gaoler (or matron in the case of females), to the Landdrost or other competent officer, who shall then take the necessary steps according to the nature of the case to institute inquiry and secure redress. Complaints.
- 58.** No prisoner is allowed to give, barter or sell any portion of his food to any other prisoner. Rations.
- 59.** No prisoner is allowed to enter any room except his own room or cell, and no prisoner is allowed to be in a privy at the same time with another prisoner. Cells.
- 60.** All convicted prisoners, after, and within 12 hours of their admission to gaol, will have their hair cut short, which must be kept so till within a reasonable time of their discharge, (but in no case is hair to be cut till such conviction shall have been confirmed) with the exception of females, whose hair shall not be cut except with their consent. Hair cut.
- 61.** Criminal prisoners will rise in the morning in summer at 5.30, and in winter at 6.30 (summer will be from the beginning of September to the end of March, and winter from the beginning of April to the end of August). Hour of rising.
- 62.** All cells will be closed, and prisoners locked up, in summer at 6.30 p.m., and in winter at 5.30 p.m. Locking cells.
- 63.** The prisoners, condemned to hard labour, shall (if the weather permits) leave the gaol daily for their work, during the summer from 6.30 a.m. to 12 noon, and from 1 p.m. to 6 p.m., and during the winter from 7 a.m. in the morning to 12 noon and from 1 p.m. to 5 p.m. Working hours.
One hour's rest from work shall be allowed from 12 noon to 1 p.m.
- 64.** The prisoners shall diligently perform their duties and obey the orders of the guards or other officers. Diligence.
- 65.** If any prisoner feels unwell or unable to do the work required of him, he shall report himself to the gaol warder, whose watch it is, or to the gaoler, who shall have him examined by the Medical Officer. Sickness or inability.
- 66.** Prisoners of exceptionally good conduct and ability may, subject, however, to the approval of the Chief Commissioner of Police and Prisons, upon recommendation of the gaoler, Landdrost, or other competent officer, be appointed by the gaoler Good conduct.

to assist him in keeping the prison books or performing any other necessary work.

Hard labour parties.

67. Criminals before trial (*sic*) and those not condemned to hard labour, may elect to perform hard labour together with the hard labour parties.

All such prisoners shall cleanse their own cells, unless other provision be made with regard thereto.

CLOTHES.

Clothing.

68. Every convicted prisoner is to be provided with a complete prison dress, properly numbered and marked, and is to wear it at all times during the day. Prisoners are not to be allowed to wear their own clothes under the prison clothing, except underclothing.

69. Prisoners before trial, debtors, and witnesses detained as aforesaid, may wear their own clothes, unless the same shall be insufficient or be required for the purposes of justice.

70. Civil prisoners, prisoners committed for trial, witnesses, and prisoners specially permitted under written orders from the Landdrost or Medical Officer, will be allowed to receive such changes of clothing as may be necessary. Underclothing may be allowed once a week to criminal prisoners who have been in the habit of wearing the same, unless the prisoners wish at their own cost to provide themselves with more underclothing.

DIET.

Diet.

71. Prisoners will receive diet according to the following scale and rules :—

For Europeans—Daily :—

Males.	Salt.	Mealies and Mealie meal alternately.	Meat.	Bread.		
For men at hard labour	½ oz.	1 lb.	10 ozs.	16 ozs. } 8 ozs. for breakfast, and 8 ozs. for supper.		
For men not at hard labour					8 "	16 "
For men untried...					8 "	16 "
For lads under 15 at hard labour					8 "	14 "

Female prisoners, whether tried or untried, and whether at hard labour or not, except those ordered to be kept on spare diet, should have the same quantity of food as lads under 15.

For Natives.

Males.	Salt.	Meat twice a week.	Mealies and Mealie Meal alternately.
For men at hard labour	Daily with food.	12 ozs.	2 lbs.
For men not at hard labour		10 „	1½ „
For men untried		10 „	1½ „
Lads under 15 ...		10 „	1½ „

} ½-lb. for breakfast and ½-lb. for supper.

Female native prisoners, whether tried or untried, and whether at hard labour or not, except those ordered to be kept on spare diet, should have the same quantity of food as lads under 15.

Males and Females.	Mealies or Mealie Meal.	
Men sentenced to spare diet	8 ozs. daily	Boiled in 2 quarts of water without salt.
Women do. do.	8 „ „	Boiled in 3 quarts of water, without salt.

72. Extra or different rations shall not be given except by order in writing from the Medical Officer. Extras.

73. Prisoners before trial, debtors, and witnesses detained by reason of their inability to give security for their appearance, may provide themselves with food if they shall so desire. Food of uncondemned prisoners.

74. No convicted prisoner shall under any pretence be allowed any spirits, wine, beer, tobacco or other intoxicating or stupefying drink, drug, or matter, except such, and in such quantities, as may be directed by the Medical Officer by order in writing, to be entered by him in the journal showing his reasons for such order; but prisoners before trial, debtors and witnesses detained by reason of their inability to give security for their appearance, may be allowed to provide themselves with such moderate quantities of such articles, and under such conditions as the Landdrost, or other competent official with equal jurisdiction may approve. Liquor.

- Food.** **75.** Convicted prisoners are forbidden to receive any food or other articles whatever from civil prisoners or prisoners committed for trial, and any prisoner receiving or taking any food or other article except what is allowed by the prison rules will be severely punished.
- Plates, &c.** **76.** All platters and utensils will be removed from the cells directly after each meal, as well as any uneaten food.
- Access to kitchen.** **77.** No prisoner, except orderlies, will be allowed to enter the kitchen.
- Gaming.** **78.** No gaming will be allowed in the prison.
- Exercise of prisoners not on hard labour.** **79.** Prisoners not on hard labour will be exercised three times a day in the yard of the gaol for a quarter of an hour, the prisoners from one cell only being exercised at a time.

BEDDING.

- Blankets.** **80.** Each male and female European prisoner shall be allowed two blankets, and each male and female Native prisoner one blanket.
- Airing same, &c.** **81.** Prisoners on rising of a morning are to put their blankets out in the yard to air (weather permitting), where they will be allowed to remain for an hour, and will then be properly folded up and placed in the cells.
- Extras.** **82.** Extra bedding may be supplied on the written order of the medical officer.
- Cleansing.** **83.** The wooden platforms, bedsteads or benches, &c., are to be taken out of the cells twice a week and thoroughly cleansed.

VISITS AND LETTERS

- Visits and letters.** **84.** Convicted criminal prisoners, if their conduct be good, will be allowed once a month to receive visits from friends, and to receive and write a letter, provided that such visitors are provided with a written permit from the proper officer. An officer of the gaol must be present during the whole of the interview, and every visitor must sign his or her name in the visitors' book. If at any interview any communication should be made at variance with the prison rules, or likely to lead to a breach of any such rules, the matter will at once be reported to the Landdrost, or other competent officer. Should there be reasonable grounds of suspicion, the gaoler or matron, as the circumstances may require, may search or cause the visitors to be searched. Such search not to be made in the presence of any prisoner or of another visitor, and he shall report the circumstances to the Landdrost, or other competent officer.

85. Prisoners for trial, debtors and witnesses detained by reason of their being unable to give security for their appearance, shall be allowed all reasonable opportunities of communicating with their friends or legal advisers, either in writing or verbally, under supervision of the gaoler, matron or their substitutes. Visitors to untried prisoners.

86. Debtors may be allowed to receive visitors from 10 to 12 o'clock noon, and from 2 to 4 p.m. daily. Time for visits.

87. All letters to or from any class of prisoners must be submitted to the Landdrost or other competent officer. Correspondence.

CONVICT GUARDS AND LABOUR PARTIES.

88. Convict guards will prevent the escape of any prisoner. They shall be dismissed if they permit the escape of criminals entrusted to their custody, unless they can sufficiently show that they could not prevent such escape. Any convicted criminal prisoner escaping, or attempting to escape, and not standing when thrice called on, may be shot, if there be no means of otherwise preventing such escape. Duties of the guards.

89. No prisoner shall on any pretence be employed on any other than public work, either within or without the gaol. Convicts not to be hired out.

GENERAL.

90. No prison officer shall sell or let, nor shall any person in trust for or employed by him, sell or let, or derive any benefit from the selling or letting, of any article of whatsoever nature required for the gaol or prisoners. Gaol supplies.

91. No officer shall receive any fee or gratuity whatsoever from or on behalf of any prisoner, or visitor to any prisoner. Gifts.

92. The prison officers, &c., shall be held responsible, and see that the rules to be observed by them in respect to the prisoners and gaols are strictly carried out. Rules.

93. They will hold no communication with prisoners, except such as is necessary in the execution of their duties. They shall not provoke, or use, any unnecessary violence towards prisoners. Talking with prisoners.

PUNISHMENT FOR PRISON OFFENCES.

94. Any prison officer or warder contravening these regulations, shall be punished by the respective Landdrosts, or other competent officers, and in the case of serious crimes, by some competent Court according to the Laws of the country, and the nature of the case. Penalties on warders, &c.

Prisoner
penalties.

95. Any prisoner may, by reason of any contravention of any of these regulations, be punished (in the first instance according to the nature of the case), by the Lower Court as follows:—

- (a.) Lashes, not exceeding 25, or,
- (b.) Imprisonment, with or without hard labour, for a period not exceeding twelve months, or,
- (c.) Solitary confinement, with or without spare diet, for a period not exceeding seven days.

Penalty Book.

96. The gaoler shall enter into a separate punishment book, to be provided him for that purpose, the date and nature of any contravention for which a penalty is inflicted by these regulations, as also the name of the offender and the punishment inflicted.

Physical
restraint.

97. The gaoler may place a prisoner in irons or under mechanical restraint in cases of urgent necessity, and the particulars of every such case shall be forthwith entered in the gaoler's journal, and notice thereof shall be forthwith given in writing to the Landdrost or other competent officer, specifying the cause thereof, and the time during which the prisoner is to be kept in such restraint.

Doubtful
cases.

98. Should any doubtful case arise, with reference to which no regulations exist, the gaoler shall ask instructions from the Chief Commissioner of Police and Prisons through the Landdrost or other competent officer.

LAW No. 7, 1895.

PROVISIONS WITH REGARD TO ATTESTATION OF CERTAIN DOCUMENTS.^[1]

(Approved and enacted by Artt. 509 and 510, dated 28th June, 1895, of the Resolutions of the First Volksraad.)

WHEREAS it has been deemed necessary to make further provisions about the competency of persons to attest wills or other testamentary deeds, also notarial and other contracts, deeds and documents, it is hereby enacted as follows:

Who may
witness.

1. Every male person above the age of sixteen years, and competent to give evidence in any Court of this Republic shall be able to attest a ~~will or other testamentary deed~~, also notarial and other contracts, deeds and documents, subject to the provisos contained in the following articles.

Exception of
powers of
attorney.

2. No person shall be competent to attest a power of attorney by which he is appointed agent or attorney, or from which he draws any advantage.

¹ See Ord. 14, 1903.

3. If any person has attested a will or testamentary deed by which he or his wife is appointed heir, or by which any legacy, bequest, present or gift is granted to him or his wife, such will shall be void with reference to such appointment of heir, legacy, bequest, present or gift. Exception of wills.

4. If any person has attested a will by which he himself or his wife has been nominated or appointed executor or executrix, administrator or administratrix, guardian or curator, such will shall be void with reference to such nomination or appointment. Ditto.

5. This Law comes into operation one month after publication in the *Staatscourant*. This Law was published for the first time in the *Staatscourant* of 24th July, 1895. Operation.

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
18th July, 1895.

LAW No. 9, 1895. [1]

(Approved by Art. 668, dated 25th June, 1895, of the Resolutions of the Second Volksraad, and noted and accepted by the First Volksraad by Art. 631 of its Resolutions dated 18th July, 1895.)

WHEREAS the testimony of persons residing in the South African Republic is frequently required in the Courts of Law of British Bechuanaland ;

And whereas there exists no power to compel the attendance of such persons before the said Courts, in consequence whereof the ends of justice are sometimes defeated ;

And whereas it is desirable to make the attendance of such persons before such Courts compulsory ;

It is hereby provided and enacted as follows :—

1. When a subpoena purporting to be issued by the proper officer of any competent Court in British Bechuanaland for the purpose of securing the attendance of any person resident in this Republic as a witness before such Court shall be transmitted by such officer to the Landdrost of the district within which the person whose attendance is so required shall be residing, it shall be the duty of the said Landdrost to endorse on such subpoena his order that the same shall be served on the person therein named ; and the subpoena so endorsed shall thereupon be handed to the messenger of the said Landdrost's Court or to his lawful substitute Subpoena to be endorsed by Landdrost and served by Messenger, &c.

¹ This Law was published for the first time in the *Staatscourant* of 31st July, 1895.

or such other person as the said Landdrost shall specially appoint for the purpose, whose duty it shall be to serve the same as soon as practicable on the person designated therein :

Conduct
money.

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 has to be given, according to such tariff as may from time to time be framed by the Executive Authority, shall be transmitted to the said Landdrost together with the said subpoena, and the portion of such expenses assigned to the person named in the said subpoena shall be paid to him by the officer serving the same.

Penalty.

2. Every person who shall have been served with a subpoena as in the previous section mentioned shall be bound to attend on the day and at the place therein named ; and in case he shall fail so to do, and shall also fail to prove any lawful and valid excuse for such non-attendance, he shall be liable to a penalty not exceeding one hundred pounds sterling (£100), which shall be recoverable in the Court of the Landdrost of the district in which he shall be residing, at the instance of the State Attorney.

The fact that (in addition to the time fixed by law for the appearance of witnesses in this State) the subpoena was not served on the witness at least 14 days prior to the time he would have to leave home shall be deemed to be such a legal and valid excuse as is referred to in this article.

How penalty
recovered.

3. The return of the person authorised to serve such subpoena as in the first section of this Act provided, showing that such service has been duly made, and a certificate under the hand and seal of the Presiding Judge or Landdrost of the Court from which the said subpoena was issued, that the person so served did not attend when called upon and did not establish any valid or legal 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.

Privilege of
freedom from
arrest during
such visit.

4. No person resident in British Bechuanaland who may be summoned as a witness before any Court of this Republic, and whose attendance before such Court shall be enforced by any Legislative Enactment of British Bechuanaland, shall be liable while so attending to be arrested upon any civil or criminal process for any debt formerly due or any offence formerly committed by him in this Republic.

Time of
operation.

5. This Law shall come into operation and take effect as soon as the State President shall, by proclamation in the *Staatscourant*, declare and make known that British Bechuanaland has made due provision to compel the attendance as witnesses before the Courts of this Republic of persons resident in British Bechuanaland.

Repealing
clause.

6. All enactments in conflict herewith are hereby repealed.

TARIFF OF ALLOWANCES FOR WITNESSES IN PURSUANCE OF THE PROVISIONS OF THE DRAFT AGREEMENT. Tariff of travelling and personal expenses.

1. The following allowances shall be paid for personal expenses to witnesses summoned before the Courts of Law of British Bechuanaland :—

	£	s.	d.	
(a.) Admitted doctors, surgeons, advocates, attorneys, surveyors, civil engineers, notaries and conveyancers	3	0	0	Tariff for various classes.
(b.) Ministers of religion, members of the legislative body, head officials, architects, importing merchants and bank managers	2	10	0	
(c.) Members of district councils, town councils or municipalities, farmers, auctioneers, admitted law agents, apothecaries, employers of labour, accountants, brokers, civil service clerks, inspectors and sub-inspectors of police, general dealers, licensed dealers in wine and spirituous liquors, secretaries of district councils, town councils and municipalities, per diem	2	0	0	
(d.) All persons not hitherto mentioned and whose social position is in the judgment of the Landdrost who endorses the subpoena higher than that of the persons mentioned in par. (c.), per diem	1	10	0	
(e.) Workmen and others of a similar social standing, per diem	0	10	0	

2. The above allowances shall be paid for every day necessarily spent in journeying towards, remaining at, or returning from the Court. Tariff applies only to days actually spent.

3. In case witnesses do not travel to the Court riding or driving each day's journey shall be reckoned at 18 miles. 18 miles reckoned day's journey if not riding or driving.

4. No witness shall be considered an employer of labour in the application of this tariff unless he has at least two day-labourers in his employ. Employer of labour defined.

5. Women who come under any of the preceding categories shall enjoy the same remuneration as men. Tariff applies also to women falling under respective classes.

6. In applying this tariff a day's journey riding or driving shall be reckoned at 36 miles, and as often as the residence of the witness is situated at such a distance from the Court House that more than 36 miles' travelling must be done going and coming, the 36 miles reckoned day's journey riding or driving.

Actual expenditure only reimbursed.

witness shall be entitled to 25s. for costs of conveyance for each day or portion thereof: provided always that no witness shall be entitled to claim a larger amount for costs of conveyance than he shall have reasonably and actually spent: provided always further that in case a witness might have travelled by train or by any other means of conveyance at less cost than by a private conveyance, such witness can only claim the travelling expenses which he would have spent if he had travelled by train or such other public means of conveyance for the time which he would have used in that case, unless proof is made by a sworn declaration of a duly qualified and admitted doctor that travelling by train or public means of conveyance would have been detrimental to the health of the witness.

Conveyance allowance only applicable to riding or driving.

7. No witness except those who have ridden or driven to the Court House shall receive an allowance for costs of conveyance.

Conveyance allowance made only as for one case.

8. When the same person is witness in more cases than one which are tried on the same day, he shall only be entitled to the allowance for appearance in person and costs of conveyance for one case.

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
27th July, 1895.

LAW No. 10, 1895.[¹]

(Approved by Art. 668, dated 25th June, 1895, of the Resolutions of the Second Volksraad, and noted and accepted by the First Volksraad by Art. 631 of its Resolutions, dated 18th July, 1895.)

WHEREAS the testimony of persons residing in the South African Republic is frequently required in the Courts of Law of the Colony of the Cape of Good Hope.

And whereas there exists no power to compel the attendance of such persons before the said Courts, in consequence whereof the ends of justice are sometimes defeated.

And whereas it is desirable to make the attendance of such persons before such Courts compulsory.

¹ This Law was published for the first time in the *Staatscourant* of 31st July, 1895.

It is hereby provided and enacted as follows:—

1. When a subpoena purporting to be issued by the proper officer of any competent Court in the Colony of the Cape of Good Hope for the purpose of securing the attendance of any person resident in this Republic as a witness before such Court, shall be transmitted by such officer to the Landdrost of the district within which the person whose attendance is so required shall be residing, it shall be the duty of the said Landdrost to endorse on such subpoena his order that the same shall be served on the person therein named; and the subpoena so endorsed shall thereupon be handed to the messenger of the said Landdrost's Court or to his lawful substitute or such other person as the said Landdrost shall specially appoint for the purpose, whose duty it shall be to serve the same as soon as practicable on the person designated therein.

Subpoena to be endorsed by Landdrost and served by Messenger, &c.

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 has to be given, according to such tariff as may from time to time be framed by the Executive Authority, shall be transmitted to the said Landdrost together with the said subpoena, and the portion of such expenses assigned to the person named in the said subpoena shall be paid to him by the officer serving the same.

Conduct money.

2. Every person who shall have been served with a subpoena as in the previous section mentioned shall be bound to attend on the day and at the place therein named, and in case he shall fail so to do, and shall also fail to prove any lawful and valid excuse for such non-attendance he shall be liable to a penalty not exceeding one hundred pounds sterling (£100), which shall be recoverable in the Court of the Landdrost of the district in which he shall be residing, at the instance of the State Attorney.

Penalty.

The fact that (in addition to the time fixed by law for the appearance of witnesses in this State) the subpoena was not served on the witness at least 14 days prior to the time he would have to leave home shall be deemed to be such a legal and valid excuse as is referred to in this Article.

3. The return of the person authorised to serve such subpoena as in the first section of this Act provided, showing that such service has been duly made, and a certificate under the hand and seal of the Presiding Judge or Landdrost of the Court from which the said subpoena was issued, that the person so served did not attend when called upon and did not establish any valid or legal 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.

How penalty recovered.

4. No person resident in the Colony of the Cape of Good Hope who may be summoned as a witness before any Court of this Republic, and whose attendance before such Court shall be enforced by any Legislative enactment of the Colony of the Cape of Good

Privilege of freedom from arrest during such visit.

Hope, shall be liable, while so attending, to be arrested upon any civil or criminal process for any debt formerly due or any offence formerly committed by him in this Republic.

Time of operation.

5. This Law shall come into operation and take effect as soon as the State President shall, by proclamation in the *Staatscourant*, declare and make known that the Colony of the Cape of Good Hope has made due provision to compel the attendance as witnesses before the Courts of this Republic of persons resident in the Colony of the Cape of Good Hope.

Repealing Clause.

6. All enactments in conflict herewith are hereby repealed.

Tariff of travelling and expenses.

TARIFF OF ALLOWANCES FOR WITNESSES IN PURSUANCE OF THE PROVISIONS OF THE DRAFT AGREEMENT.

1. The following allowances shall be paid for personal expenses to witnesses summoned before the Courts of Law of the Colony of the Cape of Good Hope :—

Tariff for various classes.

(a.)	Admitted doctors, surgeons, advocates, attorneys, surveyors, civil engineers, notaries and conveyancers, per diem - - -	£ s. d. 3 0 0
(b.)	Ministers of religion, members of the legislative body, head officials, architects, importing merchants and bank managers, per diem - - - - -	2 10 0
(c.)	Members of district councils, town councils or municipalities, farmers, auctioneers, admitted law agents, apothecaries, employers of labour, accountants, brokers, civil service clerks, inspectors and sub-inspectors of police, general dealers, licensed dealers in wines and spirituous liquors, secretaries of district councils, town councils and municipalities, per diem - - - - -	2 0 0
(d.)	All persons, not hitherto mentioned, and whose social position is in the judgment of the Landdrost who endorses the subpoena higher than that of the persons mentioned in par. e., per diem - - - - -	1 10 0
(e.)	Workmen and others of a similar social standing, per diem - - - - -	0 10 0

Tariff applies only to days actually spent.

2. The above allowances shall be paid for every day necessarily spent in journeying towards, remaining at, or returning from the Court.

18 miles reckoned day's journey if not riding or driving.

3. In case witnesses do not travel to the Court riding or driving, each day's journey shall be reckoned at 18 miles.

4. No witness shall be considered an employer of labour in the application of this tariff unless he has at least two day-labourers in his employ.

Employer of labour defined.

5. Women who come under any of the preceding categories shall enjoy the same remuneration as men.

Tariff applies also to women falling under respective classes.

6. In applying this tariff a day's journey riding or driving shall be reckoned at 36 miles, and as often as the residence of the witness is situated at such a distance from the Court House that more than 36 miles' travelling must be done in going and coming, the witness shall be entitled to 25s. for costs of conveyance for each day or portion thereof; provided always that no witness shall be entitled to claim a larger amount for costs of conveyance than he shall have reasonably and actually spent; provided always further that in case a witness might have travelled by train or by any other means of conveyance at less cost than by a private conveyance, such witness can only claim the travelling expenses which he would have spent if he had travelled by train or such other public means of conveyance for the time which he would have used in that case, unless proof is made by a sworn declaration of a duly qualified and admitted doctor that travelling by train or public means of conveyance would have been detrimental to the health of the witness.

36 miles reckoned day's journey riding or driving.

Actual expenditure only reimbursed.

7. No witness except those who have ridden or driven to the Court House shall receive an allowance for costs of conveyance.

Conveyance allowance only applicable to riding or driving.

8. When the same person is witness in more cases than one which are tried on the same day, he shall only be entitled to the allowance for appearance in person and costs of conveyance for one case.

Conveyance allowance made only as for one case.

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
27th July, 1895.

LAW 12, 1895.

AMENDMENT OF LAW 4, 1887.

(Containing measures against the spread of Infectious and Contagious Diseases.) [1]

(Approved and enacted by resolution of the Second Volksraad, Article 793, dated 3rd July, 1895, noted and accepted by the First Volksraad by Article 777, dated 30th July, 1895.)

1. If there is any danger of smallpox being introduced into the South African Republic from beyond the limits of the State, the

Precautionary measures against the introduction of small-pox.

¹ See *Staatscourant* 16th Feb., 1898, page 229. Proclamation prohibiting importation of raw hides, &c.

President of the State shall have the power to cause precautionary measures to be taken along the boundaries, and to proclaim such regulations as he may deem necessary to prevent the introduction of the disease within the limits of this State.

President may declare district infected and enact regulations.

2. The President is hereby authorised, as often as he may deem it necessary for the preservation of the public health, to declare any boundary of the State, any town, village or other ward, infected with smallpox, and to enact and publish such regulations as he may deem to be required, with regard to the traffic over such boundary, or with and from such town, village or ward and the limits thereof, and with regard to the precautionary measures to be there taken. Such regulations shall be in force till repealed by proclamation by the President.

Such proclamations have provisional force of law.

3. The proclamations mentioned in Artt. 1 and 2 of this Law, and any penalties contained in those proclamations, shall have the force of law until confirmed, amended, or set aside, by the Volksraad in its next session.

Notice by Landdrost of breaking out of smallpox.

4. Immediately on the outbreak of smallpox in any town, village, or stand-township, the Landdrost or the resident Justice of the Peace, or the Mining Commissioner or responsible clerk there, shall give the State Secretary notice by telegram if there is a telegraph office there, or otherwise by express, and he shall take such provisional measures as are required, to prevent the further spread of the disease, for the account of the Committee of Health concerned.

Do. by Field-Cornet.

5. When smallpox breaks out in any ward or diggings within the limits of the State, the Field-Cornet or Assistant Field-Cornet of the ward, or the Commissioner of Natives, shall take such provisional steps as are required, for the account of the Committee of Health concerned, to prevent the further spread of the disease, and he shall immediately on its having come to his notice, report the same to the Landdrost of the district, or the Mining Commissioner of the diggings, who shall, without delay, act as provided in Art. 4.

Do. by Doctor.

6. Every doctor, when, in the course of his treatment of a patient he finds that such person is suffering from smallpox, shall immediately give notice of the same to the patient's next of kin if he has any, and to the Landdrost or resident Justice of the Peace of the village, the Mining Commissioner, the Commissioner of Natives, the Field-Cornet or Assistant Field-Cornet of the ward (if the patient lives in the country).

Inhabitant of house, &c., where smallpox breaks out bound to fly the yellow flag.

7. Every inhabitant of this State, in whose house, hut, or kraal the smallpox breaks out, or prevails, shall as a sign of the same and a warning to others, place a yellow flag as much as possible, visible from all sides, either on or near his dwelling or kraal, and at the same time see that no traffic or communication takes place between the persons of his household or inmates and others.

When travellers are attacked by smallpox.

8. Travellers must stay at the place where they are attacked by the disease, and if they cannot get lodgings at the place where they have arrived the owner or inhabitant of the same shall im-

mediately give notice of the disease to the nearest Field-Cornet, Assistant Field-Cornet, resident Justice of the Peace, Mining Commissioner, Landdrost or Commissioner of Natives, who is obliged to point out a place of residence for the patient, and if the latter is incapable of so doing to make provision for his treatment for account of the Committee of Health concerned.

9. As soon as the disease appears on any farm, whether among the whites or coloured persons living there, the owner or inhabitant of the farm shall be bound to give immediate notice of the same to the nearest Commissioner of Natives, Justice of the Peace, resident Justice of the Peace, Field-Cornet or Assistant Field-Cornet, who shall report it immediately to the Landdrost of the district or the Mining Commissioner of the diggings. The Field-Cornet shall further see that the case is made known in his ward as soon as possible.

Notice of outbreak of the disease of owner or inhabitant of a farm.

10. In cases where the whole household is suffering from the disease, and can obtain no assistance, the Field-Cornet or the Assistant Field-Cornet shall have the right to appoint one or more persons to assist such family, and for this the Committee of Health concerned, shall, on the necessary declaration being made by the Field-Cornet or Assistant Field-Cornet, make payment if required.

Field-Cornet may appoint watchers when the whole household is suffering.

11. No one, except medical men by calling, shall be compelled to give their services as mentioned in Art. 10.

Only medical men may be compelled to act as watchers.

12. The Field-Cornet shall, every 14 days, report upon the state and progress of the disease in his ward to the Landdrost of the district or the Mining Commissioner of the diggings.

Report of Field-Cornet to the Landdrost.

13. In case any person or coloured person suffering from the disease cannot pay for himself, the assistance to be granted in the way of medicines and food shall be defrayed by the Committee of Health concerned, provided that a sworn declaration be made that the assistance has been rendered, and that the patient or the person attending him is himself incapable of defraying the same.

Committee of Health in case of poverty defrays expenses of medicines and provisions.

14. The clothes and bedding or any other article exposed to infection shall be disinfected or burnt by order of the doctor; in the latter case with compensation for the value duly estimated by impartial persons to be paid by the Committee of Health concerned, and the house where the disease has prevailed shall be disinfected, also at the expense of the Committee of Health.

Disinfection or burning of articles used by patient.

15. The Commissioners of Natives and the Field-Cornets or the Assistant Field-Cornets, shall see and take precautions that no communication or traffic takes place between the inhabitants of Kaffir kraals where the disease has broken out or prevails, and others, until the Commissioner of Natives, the Field-Cornet or Assistant Field-Cornet of the ward has taken the necessary measures with regard thereto, and these measures he is bound to

No traffic between inhabitants of infected Kaffir kraals and others.

take and to bring into operation without any delay for account of the Committee of Health concerned.

Election of Committees of Health at places where there is a Town Council.

16. The Chairman of every Town Council shall be bound as soon as possible after the coming into force of this Law to summon a meeting of the inhabitants of the town; such summons shall take place by means of publication at least 14 days previously in the *Staatscourant*, and by means of posting up a notice in various places in the town. At this meeting 5 persons shall be chosen by a majority of votes as a committee bearing the name of "Committee of Health," and of this Committee the Landdrost or Mining Commissioner, the chairman of the Town Council, the District Surgeon, and the Field-Cornet shall be in addition *ex-officio* members. The members of the Committee thus chosen shall be appointed by the President, for the period of two years, and this appointment shall be published in the *Staatscourant*. When the two years of a member thus appointed have expired, he may be re-elected as such. [1]

Ex-officio members.

Period of service two years.

It is the duty of the Landdrost of the district or the Mining Commissioner of the diggings to see that these elections are held regularly.

Provisional members.

When a member resigns, or leaves the place or in any other way thus ceases to be a member, the Committee shall have the right to appoint a member provisionally until an election takes place.

Committee may take precautionary measures.

The Committee of Health shall take precautionary measures, when the infection breaks out in such a town, and at the same time shall draw up regulations in accordance with this Law, and the proclamations issued by the President for the purpose, which regulations, after having been confirmed by the President shall be published in the *Staatscourant* and immediately thereafter have the force of law, for, and within the limits of such town, and the town lands belonging thereto. These regulations shall remain in force until set aside by proclamation of the President.

Committee's regulations.

Contents of these regulations.

17. The regulations mentioned in the foregoing articles shall contain

Provisions and restraints of public traffic with and within the limits of such town or village.

The taking and application of measures to disinfect persons and goods, entering or leaving such town or village.

Refusal and restraint of traffic between coloured persons coming from beyond its limits and residing in such town or village.

Authorisation to appoint persons to execute the provisions of the regulations.

Authorisation to take measures for the general cleansing of the town or village, and for that purpose to inspect the dwellings and grounds of the inhabitants.

Authorisation to erect disinfecting houses, hospitals, and segregation buildings.

Authorisation to segregate persons infected by the disease or suspected to be so infected.

¹ See *Staatscourant*, 7th September, 1898, p. 1,267.

Provisions as to the time, place and manner of burial of persons who have died of the disease.

Penalties. Penalties for contraventions of the provisions of the regulations mentioned in the preceding article; these penalties however shall not exceed a fine of £25, or in case of non-payment imprisonment for a period not exceeding 3 months; in case the contraventions are by coloured persons lashes not exceeding 25 in number may be applied.

And such other measures as may be considered requisite and necessary to protect the healthy, to give necessary assistance to the sick, provided they are not in conflict with the existing laws.

18. In villages where no Town Council exists, and in stand-townships, the Landdrost or the resident Justice of the Peace, or the Mining Commissioner, as the case may be, shall, as soon as possible, summon a meeting of the inhabitants of the village, in the manner and for the same purpose as provided in Art. 16. The Committee of Health shall in this case consist of 3 elected members besides the Landdrost or the resident Justice of the Peace, or the Mining Commissioner, as the case may be, the Field Cornet and the District Surgeon, or if there is no District Surgeon, a practising doctor, to be indicated by the Government, as *ex-officio* members. For this Committee, and the regulations drawn up by them, the respective provisions of Artt. 16 and 17 of this Law apply. Election of a Committee in places where there is no Town Council.

19. The Field Cornets of the different wards shall, as soon as possible after the coming into force of this Law, summon a meeting of the inhabitants of such ward in the same manner and for the same purpose as provided in Art. 18, at a place situated within such ward. The Committee of Health shall in this case consist of 3 elected members, besides the Landdrost, the Mining Commissioner, the Field-Cornets, the Assistant Field-Cornets, the Commissioners of Natives, the District Surgeon and the practising doctor, if such there be, as *ex-officio* members. Do. in wards.

For this Committee and the regulations drawn up by them, the respective provisions of Artt. 16 and 17 of this Law apply.

20. If the inhabitants of a village, or a stand-township, or a ward, neglect to appoint such a Committee, the Government shall do so, and if the Government has difficulty in the appointment of the members of such committee, then the persons who otherwise form the *ex-officio* members shall compose the whole committee. Government appoints Committee if inhabitants neglect to do so.

21. When deemed necessary, the President may, in conflict with the provisions of the two preceding articles appoint special Committees of Health on the diggings, including the stand-townships, which committees shall then have the rights and duties which are granted in this Law to the Committees of Health. Such special Committees of Health shall thus act in place of the Committees of Health named in this Law. Government may appoint special Committees of Health.

Salary of members of special Committees.

The members of such special Committee of Health shall receive a salary as shall be provided by the Government, such salary to be deemed a disbursement in pursuance of this Law.

Government may invest existing Committees of Health with the powers of Committees of Health.

Further, the Government has the right, with the advice and consent of the Executive Council, to invest the Sanitary Boards which exist or may be formed on stand-townships or diggings with the rights and duties which are granted to the Committees of Health, and in this case such Boards shall act in the place of the Committees of Health named in this Law. In this case also the Government may grant salaries; the salaries to be then considered as disbursements in pursuance of this Law.

Travelling and personal expenses.

22. The members and *ex-officio* members of the Committee shall get travelling and personal expenses of the Committee paid, according to the existing tariff for ordinary officials.

Members must be burghers.

The members of the Committee shall be burghers of the South African Republic.

Remuneration.

For each meeting the members and *ex-officio* members get paid £1; this payment may not exceed £5 per month.

Secretary.

The Committee may appoint a Secretary from among its members.

This Secretary gets paid £1 for each meeting.

Who makes such payments.

Payment for sittings and travelling and personal expenses are paid by the Committee.

Who pays the expenses of the Committee.

23. The half of the expenses which have been incurred by the said Committee of Health, exclusively for the purpose and carrying out of this Law as further described in Artt. 4, 5, 8, 10, 13, 14, 15, 17, 21 and 22, shall be paid by the Government. The other half of these expenses shall be covered by an extraordinary poll tax.

Extraordinary poll tax.

For this end and also exclusively for this purpose the said Committees of Health are authorised to raise within their jurisdiction an extraordinary tax not exceeding ten shillings per annum, to be paid by the male inhabitants, both white and coloured, above the age of 18 years, the age of coloured persons to be roughly estimated.

Manner of collection.

For the collection of this tax the same regulations shall hold as those enacted for the collection of the direct taxes, with this proviso, that the period of payment is fixed by the Committee of Health, but not however for a shorter period than for three months after the amount of the tax to be raised has been made known.

Surplus deposited with Treasurer General.

The amount of the tax shall be fixed as accurately as it can be estimated. If the proceeds of this tax exceed the half of the amount of the expenses, the surplus shall be deposited with the Treasurer General in the name of the Committee of Health concerned, and this surplus may be subsequently used for similar purposes under this Law.

The Government contributes the shortfall.

If the proceeds of a ten shillings tax as described be insufficient to make good the half of the expenses, the Government shall make up the shortfall.

24. With reference to the foregoing Article, it is however provided hereby that monies necessary to cope with an infectious disease prevailing among coloured people shall as far as possible and in the first place be collected from the coloured people.

Defraying costs of disease prevailing among coloured persons.

25. No tax fixed by any committee for the purposes of this Law shall have any force, before the raising of such tax has been confirmed by the Executive Council.

Tax must be confirmed by Executive Council.

26. The Government may, after having heard the Treasurer and Auditor General, make an advance to a Committee of Health for the period of a year.

Government can make advances to Committee for one year.

27. The regulations of the preceding articles of this Law shall also be applicable to all other epidemic diseases if they develop in a way which may be considered specially dangerous. The President shall decide on this point.

Previous regulations also applicable to other diseases.

28. In any village or ward where a person refuses to allow himself or his family to be vaccinated, the Committee shall have the right to put the house, hut, kraal or location into quarantine, at the expense of such person refusing, until the disease in such village or ward has abated, or until the Committee considers such quarantine no longer necessary. [1]

Quarantine for refusing vaccination.

When such person refusing vaccination also refuses to allow himself or his family to be placed under quarantine, or to obey regulations to that effect, he shall be subject to a fine not exceeding £25 or, in case of non-payment, to imprisonment for a period of six months.

Penalty for opposing quarantine.

Vaccination and Re-vaccination.

29. In this portion of the Law the following words and expressions shall have the respective meanings attached thereto, as follows :—

The word parent shall include the father and mother of a legitimate child, and the mother of an illegitimate child. “Parent.”

The term “vaccine” shall mean vaccine taken from a heifer or a full-grown cow the fifth or sixth day, or from an infant or child the seventh or eighth day after the vaccination, or from any person whom the doctor shall deem suitable, and the subject from whom such vaccine is taken being a healthy infant or child, or a healthy young heifer or fully-grown cow, which has not been vaccinated before.

30. Every one living or residing in this State, shall be bound, unless prevented by illness, to have himself vaccinated or re-vaccinated in time of danger. The President and the members of the Executive Council shall decide when such danger exists.

Every inhabitant obliged to have himself vaccinated.

31. The State Secretary shall cause a supply of healthy vaccine to be always kept at those places which the President shall

Supply of vaccine must be on hand.

¹ See *Staatscourant*, 7th September, 1898, p. 1,267.

determine, in order to provide without payment District Surgeons and practising doctors with as much of the vaccine as they may reasonably require. The cost of procuring, keeping and providing such vaccine shall be paid from monies which the Volksraad shall grant for the purposes of this Law.

President may make regulations for gratuitous vaccination.

32. The President may issue regulations for free vaccination or re-vaccination by district doctors or persons specially appointed as vaccinators, and for the fixing of places where the vaccination must be performed, and also from time to time give notice of the days and hours on which the District Surgeon or another appointed vaccinator shall be present at that place in order to vaccinate those who have so far not been successfully vaccinated, and who may appear there. [1]

Penalty for refusing to be vaccinated.

33. When a child or person is found who has not been vaccinated the person competent thereto shall give order for him to get vaccinated within a period of time to be fixed by such competent person; in case of non-observance the negligent or responsible person shall be subject to a fine not exceeding £10 or, in case of non-payment, with imprisonment for a period not exceeding six months. [2]

Vaccination of prisoners, &c.

34. The President may order the vaccination of the inhabitants of prisons, convict-stations, lunatic asylums, houses of correction, hospitals, and other places where the poor and sick are received, either at the time of their arrival or afterwards, and may declare an age after which vaccination under this article shall not be obligatory.

Prohibited vaccination.

35. Vaccination with fluid from the vesicles of persons suffering from small-pox is strictly prohibited.

Syphilis.

Syphilitic patients must have themselves treated.

36. (a.) Every person living or residing in this State, shall, if infected with one of the contagious forms of this disease, have himself treated and healed by a doctor.

Notice of the existence of the disease among coloured people.

(b.) As soon as the disease appears in any place among coloured persons the owner or inhabitant of the place, or farm, shall immediately give notice of the same to the nearest Landdrost, Mining Commissioner, Resident Justice of the Peace, Field-Cornet, Assistant Field-Cornet, or Commissioner of Natives, who shall be obliged to act according to law.

Notice of the disease among coloured persons.

In all kraals where Captains or Under-Captains exist, they also shall immediately report to the nearest official as soon as the disease breaks out in their kraal, or as soon as it is suspected that anyone is infected with the disease. Where no Captain or Under-

¹ See *Staatscourant*, 7th September, 1898, p. 1,267.

² See *Staatscourant*, 5th Oct., 1898, p. 1,387. Proclamation explaining this section, p. 440.

Captain exists, the Field-Cornet, Assistant Field-Cornet or Commissioner of Natives shall have the right to appoint one of them as foreman who shall be responsible.

(c.) The Landdrost of each district and the Mining Commissioner of each diggings shall have the locations of coloured persons in towns or stand-townships examined by the District Surgeon at least once a month, and, as often as the Government deem necessary, the locations or places where Kaffirs congregate in each district or on every diggings.

Monthly examination of the locations by District Surgeon.

(d.) The District Surgeon shall immediately report every case of syphilis discovered by him in the aforesaid examination to the Landdrost or the Mining Commissioner.

Notice of cases.

(e.) The Government has the power to designate places where such syphilitic patients shall reside, and to erect hospitals or portions of hospitals for that purpose, with as far as possible separate departments for white and coloured persons, and men and women. In kraals, a portion of the same may be set aside.

Government can point out places of segregation and hospitals.

If the space in the places provided by the Government is or becomes too limited, the respective officials shall be bound to have the infected persons conveyed to places suitable for that purpose. They shall be obliged to report the same immediately to the Government.

(f.) The Landdrost of the District or the Mining Commissioner of the diggings shall immediately after receiving the report of the doctor have the person infected with the disease conveyed to one of the places designated by the Government. He shall at the same time immediately institute an enquiry into the means of such person.

Patient is brought thither.

(g.) Such person infected with the disease shall be segregated from the prisoners and all others, and shall remain in the aforesaid place until declared by the doctor sufficiently healed to be able to leave it.

Segregation of patient.

(h.) The costs of maintenance of such persons are paid by the Government, with this proviso, however, that if the person thus infected with the disease, and treated, possesses property, the costs of maintenance may be claimed from him, and if he refuses to pay, may be recovered by civil process.

Who bears expenses.

(i.) The monies necessary to cope with syphilis among natives shall only be claimed from natives. The regulation of the same is left to the President in consultation with the Superintendent of Native Affairs.

Ditto in case of natives.

Leprosy.

37. Repealed by 15 of 1897.

Repealed.

38. The Courts of Landdrosts, Mining Commissioners, the Resident Justices of the Peace and the Commissioners of Natives in the case of coloured persons, have jurisdiction in any prosecution for the contravention of the provisions of this Law or any proclamation, order or regulation made and enacted under this

Jurisdiction.

Law, such contravention to be prosecuted by the Public Prosecutor of the Government.

Penalties.

39. Any contravention of any provision of this Law, or of any of the provisions of the regulations mentioned in this Law for which no definite fine or punishment has been enacted, shall be punished by a fine not exceeding £10 sterling or, in case of non-payment, with imprisonment for a period not exceeding three months.

District Surgeon includes Government Surgeon.

40. Where mention is made in this Law of District Surgeon (districts-geneesheer), this term shall also be taken to include Government Surgeon (Gouvernements-geneesheer) according to Law No. 4, 1895.

Repealing clause.

41. All previous Laws and provisions in conflict with this Law are and shall be hereby repealed.

Operation.

42. This Law comes into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
8th August, 1895.

LAW No. 13, 1895.

INSOLVENCY LAW.

(Approved by Resolution of the Second Volksraad, Art. 901, 19th July, 1895, noted and accepted by the First Volksraad, Art. 850, 6th August, 1895.)

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CHAPTER I.

Sequestration and its Consequences.

1. Any person who shall be desirous of voluntarily surrendering his estate as insolvent for the benefit of his creditors may apply by written petition to that effect to the High Court or a Circuit Court.

Voluntary surrender of estate.

2. Such petition may be made:—

Petition may be made by:

(a.) On behalf of the estate of any person who is absent from the Republic, by anyone who is duly authorised by power of attorney to administer such estate.

(a) Agent of absent person.

(b.) On behalf of the estate of a deceased person, or of a person who is legally or actually incapable of managing his own estate, by anyone who is lawfully charged with the management thereof.

(b) Legal representative of deceased or incapable person.

(c.) On behalf of the estate of any partnership, by the majority of the partners present or represented in the Republic.

(c) By majority of partners.

3. Any person who intends to file a petition as above referred to shall cause due notice of his intention to be published not less than three times in the *Staatscourant* and in a local newspaper, if there is one, at least twenty-one days before the hearing of the application, mentioning the date upon which and the place where the application will be filed, and he shall further lodge at the office of the Master of the High Court at Pretoria, or if he resides outside the limits of that district, then also at the office of the Landdrost of the district under whose jurisdiction he resides, or of the Special Landdrost of a public diggings, a statement of his affairs, and all such schedules, statements, accounts, and other documents as may be deemed necessary for the purpose and support of his application.

Notice of application to surrender to be given in *Staatscourant* and a local paper.

Twenty-one days before hearing, stating date and place of hearing. Schedules, &c. to be lodged with Master or Landdrost for inspection by creditors.

The aforesaid statement and other documents shall lie for the inspection of creditors at all times during office hours for a period of fourteen days from the date of the first publication of such notice in the *Staatscourant* as hereinabove provided.

No voluntary surrender of an estate as insolvent shall be accepted until proof shall have been given to the satisfaction of the Judge or of the Court that the provisions of this section have been complied with, and that there are sufficient funds or assets to cover the preliminary costs of sequestration.

Proof of compliance and of funds to cover preliminary costs to be given.

Effect of notice to stay executions.

4. From and after the publication of any notice in the *Staatscourant* as above, it shall not be lawful to sell any property of the estate to which such notice relates, attached under any writ of execution or other process in the nature of an attachment, except by order of the Court aforesaid.

The proceeds of any property already sold under legal process shall remain in the hands of the Sheriff or other officer of the law charged with the execution of such legal process, and shall not be paid out by him unless by order of the aforesaid Court.

Petitioner may be examined before Court or Commissioner.

5. It shall be lawful for the said Court, upon such application being made, to institute an inquiry, and for that purpose to direct the petitioner, and such other persons as to the Court may seem fit, to appear before it.

And the Court may likewise direct such petitioner to appear before a Commissioner appointed by the Court and thereunto duly authorised, who shall be competent to direct the petitioner and such other persons as to him may seem fit to appear before him to be examined, and who shall make out and transmit to the Registrar of the High Court a report of such examination.

Court may, after examination of petitioner, accept surrender of estate.

6. When such Court after enquiry, or, on considering the report of any such Commissioner, is of opinion that there are valid grounds for accepting the surrender of such estate, it shall thereupon grant an order for the sequestration of such estate for the benefit of the creditors in general.

Court may grant Provisional Order of compulsory sequestration on petition of creditor for not less than £50, or two or more creditors for not less than £100.

7. It shall also be lawful for the Court aforesaid upon the petition of a single creditor, whose claim is not less than £50, setting forth valid reasons, or upon the petition of two or more creditors so petitioning upon a claim jointly of not less than £100, no matter whether such claims are due or not at the time of the application, to grant an order placing the estate of any such person under provisional sequestration, upon the ground that he has committed an act of insolvency, or upon any other ground which to the Court may seem fit.

Acts of insolvency.

8. Any person shall be deemed to have committed an act of insolvency,

a. Depart from State with intent to evade payment of debts.

(*a.*) If, having any property, whether movable or immovable, personal or real, within this Republic, he shall depart therefrom, or being out of this Republic shall remain absent therefrom, or shall depart from his dwelling house, or otherwise absent himself with the intent, by any of these acts, to evade the payment of his debts.

b. Not satisfying judgment.

(*b.*) If, having against him the sentence of any competent Court, he being thereunto required, shall not satisfy the same, or shall not point out to the officer charged with the execution thereof sufficient disposable property to satisfy the same.

(c.) If he shall make any alienation within this Republic or elsewhere, or, if he mortgage or pledge any of his goods or effects, with the intent thereby to prejudice his creditors in their rights, or to prefer one creditor before another.

c. Alienate property with intent to defeat or prefer creditors.

9. Every petition as aforesaid shall be filed in Court in writing and shall be accompanied by:—

Petitioning creditor must make affidavit of truth of claim and cause thereof.

(a.) An affidavit in writing from every petitioning creditor of the cause of his claim and the justice thereof.

File certificate of having given security for necessary costs.

(b.) A certificate from the Master of the High Court, or from the Landdrost of the district in which he resides, or from the Special Landdrost of a mining area where his petition has been filed, that he has given security to the satisfaction of the said official for the payment of the necessary fees and charges for the prosecution of the said sequestration until the choice or appointment of a trustee.

10. The creditor or creditors upon whose petition any order of sequestration shall be made, shall, at his or their own cost, prosecute all the proceedings in the said sequestration until the election or appointment of a trustee.

Petitioning creditor to prosecute at own cost sequestration until election of trustee: trustee to reimburse taxed costs.

The said trustee shall reimburse such costs after they have been taxed by the Master of the High Court to the said creditor or creditors out of the first monies that shall be received from the estate.

11. Upon granting a provisional order for the sequestration of any estate, the Court shall at the same time grant a rule *nisi*, upon the return day of which the debtor shall have to appear to shew cause, if any, why a final order for the sequestration of his estate shall not be granted.

Upon provisional order for sequestration, rule *nisi* to issue, calling on debtor to show cause why final order shall not be granted. If debtor absent forty days, order to be affixed to Court House door, and published in *Staatscourant*.

The above rule shall be served upon the debtor in the usual way.

If, however, the debtor has been forty days absent from his usual place of residence or business within the Republic, copies of the said rule shall be affixed upon the outer door of the High Court, and at the same time published in the *Staatscourant*.

12. The said Court shall, upon the day of hearing, receive proofs of the matters in the aforesaid petition set forth, and adjudge thereon, whether the said debtor has appeared to answer the rule or not.

On return day of rule *nisi*, Court may receive proof and sequester debtor's estate whether he be present or not. Debtor may anticipate return day. Court may delay adjudication.

The Court may, upon application of the debtor, anticipate the day, due notice thereof having first been given to the petitioning creditor or creditors.

The Court may also, when sufficient reasons appear, delay the said adjudication for any reasonable time.

13. Whenever any petitioning creditor fails to appear or to prove his claim, or the act of insolvency wherewith the debtor

If petitioning creditor makes default, or

debt or act of insolvency be insufficient, provisional order may be set aside.

is charged, to the satisfaction of the Court, it shall be lawful for the Court to set aside such provisional order of sequestration and dismiss the petition, or to require further proof of the matters therein set forth. In the former case all matters and questions relating to the estate shall revert to their original position, and be determined as if no petition for the sequestration of the estate had ever been presented.

If petition unfounded and vexatious, Court may forthwith award damages to debtor, or leave him to proceed by action.

14. Whenever it shall appear to the Court, that the petition was unfounded and vexatious, it shall be lawful for the Court to allow the said debtor, on his application for leave to do so, forthwith to prove any damage alleged to have been by him sustained by reason of the provisional sequestration, and to award him such compensation as the Court shall deem fit, or to leave him to his action for damages.

Any other creditor may, on fulfilling requirements, move to revive superseded provisional sequestration.

15. It shall be lawful for the Court, if after any order for the provisional sequestration of any estate has been set aside on the ground that the claims of the petitioning creditor or creditors were insufficient, or in consequence of the consent or the default of the petitioning creditor, or his collusion with the insolvent, upon the application of any other creditor who has fulfilled the requirements of the law, to order that the said sequestration shall be revived and continued with all the consequences and effects thereof as if such order had never been set aside: save only that every alienation, payment, acquittance, surrender, or discharge made by the insolvent, and every hypothec or pledge by him executed between the time of the setting aside of the order for the sequestration and the time of the making of the order reviving the sequestration, shall be judged of and decided upon the like ground as if such order for revival were an original order for sequestration.

Saving transactions taking place during interval.

Agreement between debtor and petitioning creditor for undue benefit to creditor constitutes fresh act of insolvency.

16. If any debtor against whom any order for provisional sequestration has been made shall give or deliver to any creditor who obtained the same, any satisfaction or security for his debt or any portion thereof, whereby the latter shall obtain more than he would be entitled to receive if the sequestration had been proceeded in, with the intent thereby to secure the assistance of such creditor in the setting aside of the order for sequestration, he shall be held to have committed a new act of insolvency.

Every creditor so receiving such satisfaction or security shall, in the event of the sequestration being afterwards proceeded in, on petition of any other creditor in manner hereinbefore mentioned, deliver up the said security and repay the said excess over what he ought to have received for the benefit of the estate to such person as the Court shall appoint.

Such creditor to forfeit his claim.

He shall, in addition, pay all the costs incurred for obtaining the revival of the said sequestration, and he shall forfeit the whole of his claim against the estate.

17. And it shall be lawful in like manner, and upon due observance of the previous provisions, on a petition of one or more creditors, setting forth valid grounds for the same, to place under sequestration the estate of any partnership in consequence of any act of insolvency committed by one or more of the partners, or upon any other ground that to the Court may seem sufficient.

And independently of such sequestration, it shall be lawful for the creditors of any individual partner to proceed against the separate estate of any such partner in the ordinary manner, for the amount of the debt due to him personally.

Partnership estate may be compulsorily sequestrated upon act of insolvency by a partner, or for any other reason.
Rights of creditors of individual partner reserved.

18. And it shall moreover be competent for the Court to include in the same order for sequestration as well the separate estate or estates of any partner or partners of any company as the joint estate of such company.

In this case the creditors of the separate estate or estates, and of the estate of the partnership respectively, shall be equally entitled to vote in the election of trustees, and in all matters relating to the said estates. The trustees shall, however, be bound to keep separate the administration and settlement of the joint and separate estates, as hereinafter prescribed.

Sequestration of estate of any partner may be included in the order for sequestration of partnership estate.
But trustees to keep separate accounts of each estate.

19. And it shall be lawful for any creditor or creditors of the estate of any person deceased, or of any person legally or actually incapable of the administration of his estate, in like manner, and upon due observance of what is hereinbefore provided, to have such estate placed under sequestration as insolvent, on the ground that the person in whom the administration of the estate is legally vested, committed an act of insolvency, or upon any other ground which to the Court aforesaid may seem sufficient.

Estates of deceased or incapable persons may be compulsorily sequestrated.

20. Every partner in a partnership, and every person legally charged with the administration of the estate of any person deceased, or of any person legally or actually incapable of the administration of his estate, shall have the same rights and liabilities in respect to the claims of any such partnership, or any such estate against any other estate placed under sequestration, as is granted to and imposed upon any creditor by virtue of the provisions of this Law. The joint partners, however, of any partnership, and any persons in whom the joint administration of any estate is vested as aforesaid shall be entitled to one vote only, and shall be considered as one person.

Partners and administrators of estates to have same privileges and liabilities as creditors.

But joint partners or administrators to have one only vote.

21. The party obtaining an order for sequestration, whether such order be granted in respect to his own estate, or in respect to the estate of his debtor, shall immediately lodge the same with the High Sheriff of the Court at his office in Pretoria, or with the Deputy Sheriff of the district in which such order has been granted.

Order of sequestration to be lodged with Sheriff or his deputy.

Deputy Sheriff to enregister order and deliver same to Sheriff.

Who also enregisters same and delivers to Master.

Master notifies same in *Staatscourant*.

Insolvent obtaining order of sequestration to lodge within eight days list of creditors with Master.

On sequestration Master to cause attachment of estate to be made.

Petitioning creditor may accompany officer making attachment.

Duty of officer making attachment.

Sequestration vests property in Master until appointment of trustee.

22. And the Deputy Sheriff shall enregister the said order, and note thereon the day and hour of its production, and shall immediately transmit the same to the High Sheriff at his office.

The High Sheriff shall enregister every such order lodged with him, or received by him from the Deputy Sheriff, and note thereon the day and hour in which it was lodged or received, and shall immediately deliver the same to the master of the High Court.

The Master of the High Court shall cause such order to be published in the *Staatscourant*.

23. Every insolvent obtaining an order for sequestration upon his own petition shall, within eight days after the granting of such order of sequestration of his estate as insolvent, transmit to the Master of the High Court a list containing, to the best of his knowledge and belief, the names and places of abode of his several creditors.

24. And the Master of the High Court, shall, by the High Sheriff, or by his subordinate, or by any messenger of the Court, thereafter to be appointed, enter and lay an attachment upon every estate placed under sequestration, and make an inventory thereof.

It shall be lawful for the creditor upon whose petition an order of sequestration has been obtained, or any person authorised by him, to be present at the framing of the inventory aforesaid.

When the estate has been sequestrated upon the voluntary surrender of any insolvent, it shall be lawful for any of the creditors, to be present with the messenger while framing the inventory aforesaid.

25. It shall be lawful for the officer charged as above with the attachment of any property, to secure any movable article belonging to the estate by sealing up any chamber, closet or repository, provided he cause no unnecessary hindrance or inconvenience to any party by so doing, or to appoint some person in custody thereof.

When such person, however, leaves such goods in the possession of the person possessing them at the moment of attachment, he shall leave with the latter person a copy of the inventory, together with a notice that the property therein specified has been attached by him by virtue of an order for sequestration.

This notice shall also contain a statement of the penalty provided under Article 150.

The said officer shall forthwith report his execution of the attachment as aforesaid to the said Master.

26. The legal effect of every order of sequestration shall be that the custody of the estate placed under sequestration passes over to, and shall be legally vested in, the Master of the High Court, until such time as the appointment of a provisional trustee has been made, or until the final election and confirmation of such trustee.

The Master of the High Court shall, for the time being, in respect to any estate placed under sequestration, have the same powers and shall be subject to the same duties as are given and imposed upon the trustee elected by the vote of the creditors, in accordance with the provisions of this Law.

27. During the period which shall intervene between the time of the granting of the order for the sequestration and the making of the order confirming the liquidation account and the final plan of distribution, the insolvent, so long as he shall not have been rehabilitated (except in the certain cases to be hereinafter mentioned), shall be absolutely incapacitated to acquire or possess as against his trustee, or as against any other lawful administrator of his estate, any property whatsoever, whether movable or immovable, personal, or real, or any right to any such property: or to alienate, mortgage, or pledge any property belonging to the estate, so as to bind his trustee or other lawful administrator of his estate.

Unrehabilitated insolvent unable to acquire property as against trustee before confirmation of liquidation account, or to deal with property of estate.

Neither shall it be lawful to attach such estate or any portion thereof during the period aforesaid.

28. And during the aforesaid time the insolvent shall in nowise be able to bind himself, except with the consent in writing of his trustee, or other lawful administrator of his estate.

Insolvent cannot bind himself without authority in writing from trustee.

Provided always that any insolvent shall be competent to pass a valid title in pursuance of any alienation as above provided, while acting so far as he shall be authorised in writing so to do as the mandatory or agent of his trustee, or other lawful administrator of his estate, or with the written consent of the latter as the mandatory or agent of any other person by whom he shall have been authorised in writing so to do.

But may be mandatory of trustee or other person.

The insolvent shall likewise be entitled, for the support of himself and of his family, to carry on any trade, and to this end effectually to deliver to any person movable goods or effects in pursuance of any real and *bonâ fide* sale for a just price duly paid, or to pass title to any money paid by him in cash for any matter or thing purchased by him: provided always that his trustee or other lawful administrator of his estate shall be able to claim from the said insolvent for the benefit of the creditors, if necessary by legal process, any profits made by him by means of such trading, not strictly necessary for the support of himself and his family.

Or carry on a trade for support of himself and family. But trustee may claim profits not necessary for such support.

He shall also be entitled to receive and sue for, in his own name, the wages or reward of his work and labour, or that of any of his family, or any pension granted for work or service already performed, or so much thereof as the Court shall adjudge.

Insolvent may recover for his own work, &c., or that of family, or any pension subject to order of Court, or damages for personal injury.

The insolvent shall also be entitled to exact damages claimable by reason of any insult or any personal injury done to such insolvent, or any member of his family. All monies paid to him in this wise, and all goods purchased by him with such monies shall

Monies so recovered free from control of trustee.

be for his personal use, and remain free from the control of his trustee or other lawful administrator of his estate.

Life policy in force two years free from sequestration.

Any policy of life insurance by him *bonâ fide* effected for the benefit of his wife or children at least two years before the granting of any such order of sequestration, shall be excluded from the sequestrated estate, and, saving all lawful rights obtained thereto by third persons, be reserved to the insolvent.

Order of sequestration stays execution of all judgments.

29. The execution of all judgments against the insolvent or his estate shall be suspended from and after the time of the granting of any order of sequestration duly lodged at the office of the High Sheriff or any of his deputies, and for as long as the sequestration shall continue.

An insolvent if undergoing imprisonment may be released.

If any insolvent shall be imprisoned by reason of any order of civil imprisonment, he shall upon petition to the High Court, or to any Circuit Court to that effect, be discharged from such imprisonment, unless the Court decide otherwise.

Property attached or proceeds of execution returned to insolvent's estate.

Any property belonging to the insolvent under attachment in the execution of any judgment as above, or the proceeds thereof, shall be returned to the sequestrated estate.

Judgment creditor to prove his debt, and entitled to preference on goods attached or their proceeds for costs of execution but not for his claim.

30. Any creditor in whose behalf a judgment as herein above stated has been obtained, shall be entitled to prove his debt and the costs by him incurred in obtaining such judgment upon the sequestrated estate.

He shall be entitled on the distribution of the estate to a preference on all goods attached in manner as aforesaid, or the proceeds thereof, for the costs of the writ of execution and the execution of the same, but not for the amount of the judgment debt, or of costs of suit by him incurred before the suing out of such writ of execution.

Actions pending against insolvent stayed.

31. And all actions pending against any insolvent for any debt provable against his estate, and all proceedings therein, shall, upon any order being made for the sequestration of such estate, be stayed.

Plaintiff may prove his claim for debt and taxed costs.

And it shall be lawful for the plaintiff in any such action to prove his debt, together with the taxed costs of suit incurred up to that time against the sequestrated estate.

Actions for unliquidated damages stayed till trustee is appointed. Plaintiff may summon trustee and proceed to judgment.

All actions pending against the insolvent for damages alleged to have been sustained by any injury or personal wrong, or breach of any contract committed by him, such damages being still unascertained, or for the recovery of any claim unliquidated as to its amount, and all proceedings therein, shall, upon any order being made for the sequestration of his estate, be stayed until a trustee shall be elected for the administration thereof, and thereafter may be proceeded with against the latter.

The judgment awarded by the Court, together with the taxed costs of suit, shall be a debt provable against the sequestered estate.

Such judgment and costs provable against estate.

32. Any action commenced by any insolvent for any debt or demand due to the said insolvent's estate, and all proceedings therein, after an order of sequestration has been made, shall be stayed until a trustee shall have been elected.

Actions by insolvent stayed till trustee is elected.

The trustee shall make election to prosecute or discontinue the action which has been begun within six weeks after having been called upon by the defendant in any such action so to do, or otherwise shall be deemed to have lost his right to the same.

Trustee to elect to prosecute or discontinue such actions within six weeks.

The insolvent shall, however, remain competent to continue in his own name, and for his own benefit, any action commenced by him previous to his insolvency for any injury or personal wrong done to himself or any of his family.

Insolvent may continue in his own name actions for personal injury for his own benefit.

Any damages which may be recovered in any such action shall not be considered to belong to the sequestered estate.

33. Every alienation of, or any mortgage or pledge of any portion of his estate, made or confirmed by the insolvent at a time when he might (reasonably) have expected the sequestration of his estate, shall, unless the same shall have been made *bonâ fide* and for lawful consideration, be null and void.

Gratuitous alienations, &c., in contemplation of sequestration void.

Whenever the effect of any such act as hereinabove stated, shall be to cause an excess of liabilities over assets, then the same to the extent to which such excess shall have been thus produced shall be null and void.

When *bonâ fide* void in so far as they cause liabilities to exceed assets.

34. Every alienation of any part of his estate, and every payment made by any insolvent to any creditor, and every mortgage or pledge made by him for the benefit of any creditor on any portion of the estate, in the ordinary course of trade, although such insolvent might at the time reasonably have expected the sequestration of his estate, shall *primâ facie* be held and taken to have been made or given *bonâ fide*, and as having been made without intention to prefer such creditor.

Alienation in ordinary course of business *primâ facie* good.

It shall be necessary for the trustee seeking to set aside any such transaction to show such an intention to prefer on the part of the insolvent.

To set aside same trustee must prove intention to prefer.

35. Every payment obtained by any creditor before the making of the order of sequestration, whereof proof shall have been made that such payment has been obtained or facilitated by the fraudulent assistance of insolvent, or by collusion with the insolvent, who while he might (reasonably) have expected the sequestration of his estate, intended thereby to give such creditor a preference above the other creditors, shall be null and void.

Payments made or facilitated by insolvent contemplating sequestration and with intent to prefer, void.

36. All acquittances or discharges of any lawful debt, or of any security for any lawful debt or other matter, payment or satisfaction of which has not been actually and *bonâ fide* received, granted

Mala fide acquittances of debts by insolvent

contemplating sequestration void, and debtor collusively obtaining liable to pay double.

by any insolvent at a time when he might (reasonably) have expected the sequestration of his estate, having the effect to prejudice his creditors, shall be null and void.

In every case in which the person accepting from the insolvent any such acquittance or discharge, had knowledge, or might reasonably have suspected that the effect would be to prejudice the creditors of such insolvent, such person shall be bound not only to make good such debt, but also to pay the trustee in addition for the benefit of the creditors the value of the amount unlawfully remitted to him.

Alienation, &c., by insolvent contemplating sequestration and with intent to prefer a creditor or other person declared an undue preference and void.

37. Every alienation of any part of his estate, and every payment made by an insolvent to any creditor, and any mortgage or pledge made by such insolvent in favour of a creditor upon any part of his estate or effects, at a time when he might (reasonably) have expected the sequestration of his estate, with the intention to benefit such creditor, directly or indirectly, in preference to his other creditors, constitutes an undue preference, and shall be consequently null and void.

Every alienation made by the insolvent as above, and every mortgage or pledge passed by him in favour of any person whatsoever as above, with the intention thereby to prefer one of his creditors, directly or indirectly, above the others, shall constitute an undue preference, in so far as such creditor is thereby actually so benefited.

Trustee may recover from person preferred.

The trustee shall be entitled to demand and recover the amount or value of such undue preference from the creditor so benefited, or from any other person.

Alienations in contemplation of sequestration with intent to prefer surety, void.

38. Every alienation of any portion of the estate, and every payment made by the insolvent, and every mortgage or pledge passed upon any portion of his estate at a time when the insolvent might (reasonably) have expected the sequestration of his estate, and with the intention of thereby benefiting any person who would otherwise have become liable, either in the character of a surety, or in any other character by law analogous thereto, for such amount shall constitute an undue preference.

Trustee may recover from person preferred.

The trustee shall be entitled to claim and recover from the person so preferred the amount or the value of such undue preference.

Benefits conferred by ante-nuptial contract secures, except where sequestration takes place within two years from date of registration, and person proved at that time not solvent.

39. No benefits *bonâ fide* given by any person under any duly registered ante-nuptial contract, to wife or children, shall become null and void by reason of the sequestration of the estate of such person, save and except when the order of sequestration of his estate shall be made within a period of two years after the registration of such contract as aforesaid, and it shall be proved that at the time of the execution of the said ante-nuptial contract the said person was actually then in an insolvent condition: in which case such benefits shall be null and void, and they shall be claimable and recoverable by the trustee of any such estate for and on behalf of such estate. In every ante-nuptial contract

registered before the taking effect of this Law, the period of two years as hereinabove stated shall commence from the date of the taking effect of this Law.

40. Every alienation of any part of his estate, and every payment, acquittance or discharge made by any insolvent of any lawful debt, or of any security of such debt, or any other matter or thing whatsoever belonging to the estate, and every mortgage, and pledge by him executed on any part of his estate, after the making of the order of sequestration and before the confirmation of the final plan of distribution of the estate, shall be null and void, save and except in so far as the insolvent was thereunto justly entitled by virtue of the provisions of Section 28.

Alienations, &c., by insolvent after order of sequestration, and before confirmation of final account void, save as excepted under Sec. 28.

41. Every payment or satisfaction made to any insolvent, by or on behalf of any person who was the debtor of such insolvent, after the making of an order for the sequestration of the insolvent's estate, shall be null and void: unless the person making such payment or satisfaction shall have done so *bonâ fide* and without knowledge of such sequestration.

Payments, &c., to insolvent by creditor after order for sequestration, void, except where made *bonâ fide* and without knowledge of sequestration.

42. It shall be lawful for any person who has sold or delivered, or caused to be sold or delivered, to any insolvent any matter or thing, whether movable or immovable, personal or real, when such sale has been effected without determining any fixed period before the expiration of which the purchase price should not be payable, or with an express or tacit agreement that the purchase price shall immediately be paid or payable, to claim and recover such matter or thing out of the sequestrated estate, provided written notice of such claim shall have been made within a period of twenty-one days after delivery of the goods or property.

Goods sold or delivered to insolvent not on fixed terms of credit may be reclaimed within 21 days.

After the expiration of the aforesaid period, such claim for recovery may only be founded upon an act of fraud committed against him by the purchaser.

After 21 days cannot be reclaimed except on ground of fraud.

Any person having sold and delivered any such matter or thing upon credit, in the manner as hereinabove mentioned, shall not be entitled to have such sale cancelled, or to claim the purchase price from the trustee or any other lawful administrator of the sequestrated estate; the latter shall retain possession of the goods thus sold and delivered for the benefit of the estate.

Sales on credit.

43. Leases, or agreements to enter upon any lease or leases, undertaken and entered into by any insolvent, shall not lapse or be determined by any order of sequestration granted against his estate.

Leases, &c., do not, *ipso facto*, determine on sequestration, but trustee may elect within six weeks. In default of election, then they cease.

The trustee of such estate shall be bound, within a period of six weeks after the confirmation of his election as such trustee, to decide, in consultation with the creditors of such estate, whether he will adopt and carry out such leases or not, and in default of any such action on the part of the trustee they shall be held to have

Lessor may sue for rent and damage.

Trustee may sue lessor for improvements.

Master to call two meetings of creditors, the first for the proof of debts, and the second for like purpose and election of trustee.

If estate under £75 in value. Master proceeds at first meeting as directed by Section 47.

After confirmation of trustee, Master appoints third meeting of creditors for proof of debts, receiving trustee's report, and to give trustee directions as to management of estate. Trustee notifies time, place and purpose of meeting.

Creditor may call a meeting at own expense his debt.

When assets do not exceed £75, trustee appointed at

determined. The lessor or any other person making such contract may in every case summon the trustee before a competent Court for the recovery of the rent due up to the period of the cancellation or determination of such lease, or for any damages he shall prove to have sustained by reason of the non-performance of such lease or agreement of lease.

The trustee shall also have the right, as against the lessor or any other person making such contract, to summon such lessor or person before a competent Court for the recovery of the amount and value of the improvements made upon such property so leased before the sequestration.

CHAPTER II.

Meetings of Creditors.

44. The Master of the High Court shall, in the notice mentioned by Art. 22, appoint two public meetings of the creditors of such estate at such times and places as he shall deem most convenient for all the parties concerned; the first for receiving proofs of debt against the said estate, and the second for the same purpose, and for the election of a trustee.

It shall be lawful for him, moreover, to alter the times and places so fixed for the holding of any of the meetings aforesaid, provided timely notice of such alteration be given in the *Staatscourant*. When the assets of the estate do not exceed the value of £75 sterling, he shall give notice of the same in the said advertisement and he shall therein also announce that unless it shall be shown at the first meeting called as aforesaid that the goods and effects of the insolvent exceed the value of £75, he shall proceed to act under the provisions of Section 47.

45. The Master of the High Court may, so soon as the election of the trustee had at the second meeting of creditors shall have been duly confirmed, appoint a third meeting, to be held at such time and place as shall appear to him most convenient for all persons concerned, for receiving the proof of debts against the said estate, as well as the report of the trustee as to the state and condition of the estate of the insolvent, and also to give to the said trustee directions as to the management thereof.

The trustee shall specify, in the same advertisement in which he shall give notice of the confirmation of his election as trustee, the time, place and purpose of every such meeting.

46. Any creditor may, after the second meeting of creditors, at his own expense, call another meeting of creditors expressly for the purpose of proving his debt.

47. Whenever it shall appear at the first meeting of creditors that the assets of the estate do not exceed the value of £75, a trustee shall be then and there elected, the debts shall be proved,

ranked, and the estate distributed; and at the same time it shall be decided what part of their wearing apparel, bedding, household furniture, and tools of trade shall be allowed to the insolvent and his family.

first meeting, debts ranked, and estate summarily distributed.

48. If no creditors shall appear at any meeting appointed for the purpose of electing a trustee, then the Master of the High Court shall apply to the Court by petition to appoint a trustee for the due administration of the estate, or otherwise to set aside the order of sequestration.

If creditors do not appear at meeting to elect a trustee, Master applies to Court to appoint, or to set aside sequestration.

49. Where any meeting of creditors for the proof of debts of the election of a trustee shall be appointed to be held at Pretoria, the Master of the High Court at Pretoria shall preside at the same: and if in any district of this Republic, other than the district of Pretoria, the Landdrost of such district, or the Special Landdrost of the public diggings, shall preside.

Meetings in Pretoria held before Master, in other districts before Landdrost.

The presiding official may adjourn the meeting from time to time, if he shall deem it necessary.

Master or Landdrost may adjourn meeting if necessary.

50. Whenever the Master of the High Court or the Landdrost, or any Special Landdrost, shall be prevented by illness or any unavoidable cause from holding any meeting of creditors, the High Court or any Circuit Court may appoint a Special Commissioner for such purpose, who shall have the same powers as are given to the said Master, or Landdrost, or Special Landdrost respectively in that behalf.

In absence of Master or Landdrost, Court may appoint a Commissioner to hold meetings.

In default of such appointment, the Chief Clerk of the Landdrost or of the Special Landdrost, as the case may be, shall be charged with the duty of holding such meeting.

In default of appointment Chief Clerk to act.

51. The Landdrost, Special Landdrost, Special Commissioner, or Chief Clerk, as the case may be, shall forthwith report to the Master of the High Court on everything done by them in their aforesaid capacity.

Landdrost, Commissioner, or Clerk to report to Master.

52. In all cases of votes given by creditors in pursuance of this Law, when the creditors are to be counted in number, no creditor whose debt is below thirty pounds sterling shall be reckoned in number, but the debt due to such creditor shall be computed in value.

No creditor below £30 to reckon in number, but all reckon in value in voting.

Every creditor may attend and vote at such meeting either personally, or by agent authorized by power of attorney to that effect duly executed.

Creditor may attend personally or by agent.

All questions at any meeting of creditors shall be determined by a majority in value of creditors present and entitled to vote, unless otherwise expressly provided in law.

Majority in value decide, unless otherwise specially provided.

Insolvent or legal representative of estate to attend 1st, 2nd and 3rd meetings, and adjournments, unless authorized not to attend.

To attend any meeting when specially required so to do.

Insolvent to answer all lawful questions.

At second meeting to lodge an inventory.

And upon being required, surrender all books, vouchers, &c.

Insolvent may be examined on oath.

Presiding officer to send papers to Public Prosecutor if insolvent be suspected of fraudulent or culpable insolvency.

Insolvent must answer incriminating questions.

53. The insolvent, or the lawful administrator of any insolvent estate placed under sequestration, shall of his own accord attend before the creditors at the first, second, and third meetings of creditors to be held under and by virtue of the provisions of this law, as also at any meeting which may have been adjourned and continued, unless he shall have obtained leave from the presiding officer not to attend such meetings.

He shall moreover attend any other meeting of creditors held in pursuance of the provisions of this Law, whenever he shall be required so to do by a written notice from the officer presiding.

54. The insolvent shall, at every meeting of creditors which he shall attend, answer all such lawful questions as shall be put to him by the officer before whom the meeting is held concerning his affairs and estate, and the cause and reasons of his insolvency.

He shall, at the second meeting, being thereunto required by the creditors, lodge with the aforesaid presiding officer a true inventory of his estate, containing a true statement of all his effects, movable or immovable, personal or real, wheresoever the same may be situated, and of all estates and effects in expectancy or contingency, or to which the insolvent may have any right, and of all debts due to and by him, to the best of his knowledge and belief, and of all books, accounts, vouchers, and other documents relating to his estate which he has in his possession.

The said insolvent shall moreover upon being thereunto required surrender the said books, accounts, vouchers, and other documents to the presiding officer.

The presiding officer shall hand over the inventory and the said books, accounts, vouchers, and other documents to the trustee so soon as the latter's appointment shall have been confirmed.

55. It shall be lawful for any presiding officer, and also for every creditor, or his attorney or agent, at any meeting to examine the insolvent upon oath concerning all matters relating to his trade, dealings, or estate, which may tend to disclose any secret alienation or concealment of his estate, or any part thereof. The presiding officer shall cause his examination to be reduced to writing, and signed by him, and annexed to the proceedings in the said estate. If at such examination it shall appear that there are reasonable grounds for suspecting that the said insolvent has been guilty of culpable or fraudulent insolvency, it shall be the duty of such presiding officer to transmit the statements of the insolvent, with the other documents, to the State Attorney in order to enable him to take such steps as he may deem necessary for instituting criminal proceedings against such insolvent.

The insolvent shall not be entitled at such examination to refuse to answer any question put to him concerning his estate on the ground that he would incriminate himself by such answer.

CHAPTER III.

Proof and Ranking of Debts.

56. Every debt against the sequestrated estate which was due or the cause of which arose prior to the order for sequestration of any estate, may be proved at any meeting of the creditors, held at any time before the final distribution of the estate.

Provided always that when any debt is so proved at any meeting specified under Art. 46, no dividends which shall already have been paid shall in any way be disturbed or prejudiced; provided also, that when any such debt is proved after the plan of distribution of such estate has been confirmed, and in consequence of the proof of such debt any alteration in such plan of distribution or in any further proceedings in the sequestration shall be rendered necessary, the creditor proving such debt shall be liable for all expenses which may be incurred in consequence of any such alteration.

57. Every creditor shall prove his claim to the satisfaction of the officer presiding, who shall admit or reject any debt.

Such creditor shall prove his debts by affidavit, which shall be sworn before the Master of the High Court, Landdrost, or Justice of the Peace, or any Commissioner specially appointed by the High Court for administering oaths. Therein the creditor shall state the amount and nature of the said debt, what persons, if any, besides the insolvent, are liable for the said debt, the pledges or other securities given for the said debt; and shall depose, to the best of his knowledge and belief, that the debt is a true and lawful debt, and that all vouchers or evidence of debt which he shall produce with his affidavit are genuine.

58. It shall be lawful for the affidavit in the last preceding section mentioned, to be sworn to by any clerk, agent, or other person, who is more fully cognizant of the nature of the debt than the creditor himself.

Any creditor who may be out of this Republic, in case he have no known agent or mandatory within the Republic, may make the necessary affidavits for the proof of his debt before any person duly qualified to administer oaths in the place where he resides. Such affidavits shall be duly legalised or certified in accordance with the customs and rules of the High Court.

59. It shall be lawful for every person interested to appeal to the High Court, or any Circuit Court against the decision of the presiding officer as to the admission or rejection of any debt.

Any debt due or arising before order of sequestration may be proved at any meeting.

Dividends paid before proof of any debt not to be affected by such proof.

Expense of alteration of filed account necessitated by late proof to be borne by creditor.

Debt to be proved to satisfaction of presiding officer, who must admit or reject.

Affidavit of proof to state amount and nature of claim, and securities, if any, and that the debt is a true and just debt.

Vouchers to be produced with affidavit.

Affidavit may be sworn by clerk or agent who is more cognizant of facts.

Absent creditor having no local agent, may make affidavit before proper official of the place where he resides.

Any one interested may apply to High Court

or Circuit Court finally to adjudge of proof to be admitted or rejected.

Such Court as aforesaid shall adjudge finally, whether such debt shall be admitted or rejected. Before adjudging finally, however, as to the admission or rejection of any debt, it may remit such case to the presiding officer for further proof, or may direct that the validity of the claim be tried by such course as to the Court shall seem fit.

Court may require further proof, or direct action to try validity of claim.

It shall be lawful further for the Court to direct any action against the insolvent, which has in consequence of the sequestration been stayed, to be proceeded with after the election of a trustee. If the creditor thereafter shall obtain judgment thereon, he shall be ranked on the insolvent's estate for the amount of such judgment.

Where there are mutual credits, presiding officer states account and ranks creditor for balance.

60. When there has been mutual credit given by the insolvent and any creditor, or where there are mutual debts between the insolvent and any creditor, the presiding officer shall make up and strike a balance on either side of such account, and shall rank the creditor for such balance as may be found to be in his favour: Provided always that when such credit was given, or when the cause of his debt accrued, he shall have had no knowledge that any order of sequestration had been granted.

Person aggrieved may appeal to Court.

Any person interested, who shall consider himself aggrieved by any such decision of the presiding officer, may appeal against the same to the High Court, or any Circuit Court, which shall pronounce final judgment thereon, or direct such further proceedings as to the Court shall appear just.

Future debt provable, less rebate of interest at 6 per cent.

61. It shall be lawful for a creditor whose debt was not due and payable by the insolvent at the date of the granting of the order for the sequestration of his estate, to prove such debt; but he shall in such case only receive payment thereof or dividend thereon after deduction therefrom of a rebate of interest at the rate of six per cent. per annum, to be computed from the date of the order of sequestration to the time when such debt would have been payable. Such debt shall also be valued for voting at this reduced amount.

Debt valued at reduced amount for voting.

Secured creditor, in petitioning or in proving to state securities held, value same, and deduct amount from proof, without prejudice to subsequent rectification. May vote for full amount in election of trustee, and in dealing with securities.

62. Any creditor who shall hold a conventional or tacit right of preference upon any part of the insolvent estate shall, when he is the petitioning creditor, be obliged upon oath in the affidavit accompanying the petition, and when he is not the petitioning creditor in the affidavit produced by him at the time of proving his debt, to make mention of such preference. In case he has any security for his aforesaid preferent claim, he shall put a value upon such security, and deduct the amount of such value from the debt so proved by him, without prejudice, however, to any such valuation being afterwards corrected, and without any prejudice to the amount of his claim in other respects. He shall be entitled to vote to the full amount of his debt in the election of a trustee, and in all matters relating to the property over which he holds such

security ; in all other cases, however, for the balance only. He shall only be ranked for and receive payment or dividend for the balance.

In all other cases votes only for balance.

If any dispute shall arise about the value of such security, the creditor shall upon oath put a value upon it.

If dispute arises, creditor to value on oath.

The trustee shall then have an option either of taking over the security for the benefit of the creditors at large on payment of the amount of the valuation out of the assets of the estate, or of leaving the full realization of it to the creditor himself.

Trustee has option of taking over securities, or of reserving full effect to creditors.

63. No creditor whose debt depends upon a contingency or upon a condition shall be entitled to petition or join in the petition for sequestration of any estate, or to vote in the choice of trustee, or on any other matters relating to the estate, so long as the contingency shall not have happened, or the condition shall not have been fulfilled.

Contingent creditors cannot petition or vote until contingency happens.

The trustee shall, however, at the creditor's request set a value upon such debt, and admit such creditor to prove the amount so ascertained. Such creditor shall then be entitled to vote, and to receive payment or dividend for the amount of such valuation. If the contingency or condition upon which such debt depends shall have happened or shall have been fulfilled, then such creditor shall be ranked for the whole amount of his debt, and shall receive payment or dividend thereon.

Trustee to value claim, and creditor may prove such value. If contingency happens, then ranked for whole amount.

64. Whenever a value has not been placed upon any conditional debt as above specified, the trustees shall rank the same as if the contingency had happened, or the condition been fulfilled. The Court in such case shall grant an order, upon the petition of the trustee, securing to him the amount or the dividend to which such creditor shall be entitled so soon as the contingency shall have happened or the condition has been fulfilled. Any interest, however, which may in the meantime be received thereupon shall accrue to the benefit of the other creditors. For the purpose of voting on any offer of composition, a debt ranked in manner as above set forth shall be valued at an amount to be fixed by the master, subject to an appeal to the High Court.

Creditor on conditional debt ranks as if contingency had happened. And dividend thereon secured until contingency happens. Interest thereon accrues to creditors. For accepting composition, claim ranked at amount to be fixed by Master, subject to appeal.

65. When the Court shall be of opinion that by reason of the absence of any person from this Republic, or for any other cause appearing to the High Court, a creditor who has not proved a debt to the satisfaction of the Court may eventually be able to establish the same, it shall be lawful for the Court to cause such debt to be provisionally ranked in the proceedings of the insolvent estate, and to give such creditor reasonable time for proving the same, and in the meantime to make such order for securing the amount thereof, in case the said claim shall be afterwards proved.

When it appears to Court debt may eventually be established, it may be provisionally ranked in meantime.

Debt bearing interest to be ranked, with arrears of interest added.

66. Each debt upon which the payment of interest has been stipulated, shall be entered and ranked for the amount due thereon, together with the arrears of interest.

Rules for ranking creditors on partnership and private estates of partners.

67. In every case in which it shall happen that the estate of any partnership, and the estate or estates of one or more of the partners of such partnership shall be concurrently placed under sequestration, the ranking of the debts of the different creditors shall take place in accordance with the following rules:—

Company creditors on company estate, private creditors on private estate.

(a.) The debts of the creditors of the said partnership shall be ranked upon the estate of the partnership, and the debts of the creditors of each partner separately in the separate estate of such partner.

Company creditors not satisfied out of company estate assets, rank on surplus of private estate after private estate creditors are satisfied.

(b.) If there are no assets in the estate of the partnership, or insufficient to satisfy the creditors of the partnership, then the debts of such creditors shall be ranked upon the surplus of each estate of the individual partners which may remain after satisfying the separate creditors of that estate, either for the residue or the whole of his debt, as the case may be, provided, however, that no creditor shall receive in all more than the whole amount of his debt.

Private creditors not satisfied out of private estate assets, rank on surplus of company estate after company creditors are satisfied.

(c.) If there are no assets in the separate estate, or insufficient to satisfy the creditors of that estate, then the debts of such creditors shall be ranked upon any surplus of the partnership estate which shall remain after satisfying the creditors of that estate in proportion to the share of such surplus to which the particular partner would be entitled.

Trustee of estate to rank on estates of other partners for any amount paid by such private estate towards company liabilities.

(d.) If in the case specified under "b" the creditors of the partnership shall receive satisfaction wholly or in part out of the surplus of the separate estate of any of the partners, the trustee of the latter's estate shall be entitled to rank as creditor upon each separate estate of each of the partners for the whole amount he has paid out in satisfaction of the debts of the partnership. Provided, however, that such shall not operate to the prejudice of preferent claims.

But not to prejudice preferred claims or rights of other creditors.

Provided always that such can be done without any detriment to the rights of creditors of the partnership against each individual partner whose estate shall not have been placed under sequestration, and *vice versa*.

68. The creditors of any partnership, whether the estate of such partnership has been sequestrated or not, may prove their debts in the sequestrated separate estate of any one of the partners for the purpose of voting at the election of trustees, or on any offer of composition.

They shall not, however, be entitled to receive any dividend out of such separate estate before the creditors of such estate have been fully paid, unless the order for the sequestration of such estate has been granted upon their petition.

69. In every case not expressly provided for in this Law relating to the ranking as between each other of the creditors of any partnership, or of those of the separate estate of any partner, the general principles of law shall apply and be resorted to.

70. The assets of the estate shall, after payment of all costs lawfully incurred as hereinafter provided, be applied: In the first place to the payment of the preferent debts, together with such interest due thereon as shall according to law be preferent: thereafter to the payment of the capital sums of all concurrent debts, without interest, where the assets of the estate are insufficient to satisfy all the claims against the estate, but with interest from the date of the granting of the order of sequestration, in case there should be a surplus left after satisfying all claims against the estate.

CHAPTER IV.

Provisional and Elected Trustees.

71. It shall be lawful for the High Court or any Circuit Court upon petition made in writing, setting forth the grounds upon which such petition is based by the Master of the High Court, or any person interested, to appoint one or more fit persons as provisional trustee of any insolvent estate, whether provisionally or finally sequestrated.

Thereupon such estate shall pass out of the hands of the Master of the High Court and vest in the provisional trustee so appointed, and shall so remain vested in him until such time as an election of a trustee shall have been definitely made by the creditors and been duly confirmed, and otherwise until the account and final plan of distribution of the estate shall have been confirmed.

In the event of the death or the removal of a provisional trustee before that time, the estate shall revert to the Master of the High Court.

Partnership creditors may prove on private estate of partner, and vote for trustee, &c., but not entitled to dividend before private creditors are paid, unless he has petitioned for sequestration of private estate.

In cases not expressly provided for general principles of law to apply.

Estate to be applied in payment—
1. Of costs incurred. 2. Of preferent debts and arrears of interest. 3. Of capital of concurrent debts. 4. Of interest if assets sufficient after paying all claims.

Court may appoint provisional trustee to any estate provisionally or finally sequestrated.

Thereupon estate vests in such provisional trustee.

On removal of provisional trustee before that time, estate reverts to Master.

Provisional trustee to have same powers, &c., as elected trustee, but may not sell without authority of Court.

72. The provisional trustee shall have the same powers and authorities in respect to the administration and management of the estate, and shall be subject to the same obligations as the trustee elected by the creditors.

He shall, however, have no power to sell any part of the said estate without the authority of the High Court or of a Circuit Court.

Not more than two trustees to be elected at second meeting by majority of creditors present, whose collective debts exceed half of whole amount proved.

73. At the second meeting of creditors a trustee or trustees, not exceeding two in number, shall be chosen for the administration and management of the estate by the majority of the creditors present, whose collective debts proved shall amount to more than one-half of the whole value of all the debts represented and proved on the estate.

If no election, then the person receiving majority in number, and the person receiving majority in value, shall be trustees.

Whenever it shall appear that in the voting the above result has not been attained in manner as hereinabove set forth, then both the person who shall have obtained the votes of the greatest number of creditors, and the person who shall have obtained the vote of the creditors holding the largest amount in value of the debts represented at the meeting, shall be chosen as trustees.

Review of election of trustees by Court, upon notice given within two days.

74. It shall be lawful for every person interested in such estate who shall be aggrieved by such election, upon giving notice in writing of the particulars of such complaint to the officer presiding at the meeting before the election is confirmed, but in any case within two days after the said election, to bring the same under review in the High Court which shall decide summarily thereon.

Fraudulent or undue election may at any time be recalled.

It shall also be lawful for any person interested to apply to the Court even after the election has been confirmed to recall the confirmation, and set aside the election, on the ground that such election was fraudulently or unlawfully made.

Persons disqualified as trustees :—

75. Persons disqualified from being elected trustees :—

1. Insolvent.
2. Related to insolvent within fourth degree.
3. Minor.
4. Law agent or attorney.
5. Unrehabilitated insolvent.
6. Person non-resident within jurisdiction.

(a.) The insolvent himself.

(b.) Any person related to the insolvent by consanguinity or affinity within the fourth degree.

(c.) A minor.

(d.) A law agent or attorney.

(e.) Any person whose estate has at any time been placed under sequestration, and who has not been rehabilitated.

- (*f.*) Any one non-resident within the jurisdiction of the High Court.
- (*g.*) Any person having an interest opposed to the general interest of the creditors in the insolvent estate.
- (*h.*) A former trustee disqualified by virtue of the provisions of Article 90.
- (*i.*) Any person declared to be incapable of being elected by virtue of the provisions contained in the next succeeding article.

7. Having interest opposed to general interest of creditors. 8. Disqualified under Sec. 90. 9. Disqualified under Sec. 76.

76. It shall be lawful for the High Court or a Circuit Court, on the request of any person interested, either before or after the decree confirming the appointment of any trustee, to declare any person elected as trustee to have forfeited his office: and further, if it should so think fit, to declare such person incapable of being elected trustee under the provisions of this Law during his natural life, or such period as such Court shall determine for the offences hereinunder specified:—

Person elected forfeits office and declared disqualified for life or shorter period for following offences:—

- (*a.*) Whenever in order to exercise influence upon his election as trustee he has been guilty of procuring, or been privy to, the omission of the name of any creditor of the insolvent from the schedule of the insolvent as required under Section 23 of this Law.
- (*b.*) Or either directly or indirectly gives, or promises to give, to any creditor of the insolvent any valuable consideration in order to obtain his vote.
- (*c.*) Or to have agreed to secure and make good to any creditor some certain sum or dividend in discharge or diminution of his debt, upon condition and in order to obtain his vote.
- (*d.*) Or to have offered or agreed with any creditor to abstain from opening up or investigating some previous transactions between such creditor and the insolvent which were, or were supposed to be, of questionable validity, upon condition and in order to obtain his vote.
- (*e.*) Or if he has been guilty of or privy to any plan or arrangement by which debts belonging to some one or more persons have been divided among a greater number of persons for the purpose merely of increasing the number of votes, and thereby influencing his election as trustee.

1. Being party to omission of any creditor from schedule.
2. Promises consideration for vote.
3. Promises advantage out of estate for vote.
4. Offers to abstain from opening up questionable transactions to obtain vote.
5. Privy to dividing claims so as to multiply votes.
6. Agreeing to share commission with auctioneer or others.

(f.) Or if he has undertaken to accept from any agent, auctioneer or other person by him employed for and on behalf of the estate, any share of his commission or remuneration, or any other benefit whatsoever.

Court to order new election.

In all the aforesaid cases, the Court declaring the same shall order a new trustee to be elected.

Trustee may be removed by Court for :
1. Insolvency.
2. Misconduct.
3. Absence from the Republic.

77. It shall be lawful for the High Court, or any Circuit Court, upon petition by the master, or by any person interested setting forth the grounds of the same, to remove any trustee—

(a.) For insolvency ;

(b.) For any misconduct in the said trust, under which shall be deemed to be included any neglect or refusal to satisfy any lawful claim, made upon him by the Master of the High Court, or by any commissioner appointed by the court ;

(c.) On account of absence from this Republic.

On removal, death, resignation, &c., of trustee, new election to take place.

78. The Court shall in the case aforesaid, and as often as any trustee shall die, or shall become incapacitated, or shall obtain leave from the Court to resign, order a new trustee to be elected, and at the same time may make such order as the Court may deem necessary or expedient for the preservation of the insolvent estate until such new trustee shall be elected and confirmed.

Interim order for protection of estate.

During the period of time which shall lapse between the death or removal of any trustee and the confirmation of the election of a new trustee, the insolvent estate shall vest in the Master of the High Court, unless there shall still be left in office a trustee of the said estate.

New trustee entitled to demand accounts from former trustee.

79. The newly-appointed trustee shall be entitled to the same rights and be subject to the same obligations in respect to the estate as his predecessor in office.

He shall be entitled to demand from the latter an account of his administration of any part of the estate administered by him in his capacity as trustee.

Acts lawfully done remain of full force.

All things lawfully done by him in his capacity as such trustee shall remain in full force and effect.

Election of trustee to be confirmed by Master, who issues letters of administration.

80. Every election of a trustee shall be confirmed by the Master of the High Court, who shall deliver a letter of appointment to the trustee so elected, authorising him to administer and distribute the estate.

Whenever any objection to the election of a trustee has been taken, in accordance with the provisions of Section 74 of this Act, before the High Court, then the final confirmation of the election shall be made by the said Court.

When objection has been taken, Court decides on confirmation.

81. Every trustee shall forthwith, after the confirmation of his election as trustee, give notice thereof by advertisement in the *Staatscourant*. The Master of the High Court shall in like manner give notice of every order for the removal of a trustee.

Trustee to give notice of his election.
Master to give notice of any removal.

82. Whenever any trustee desires to resign his office, or whenever the plan of distribution of the insolvent estate has been confirmed, it shall be lawful for such trustee to apply to the High Court for leave to resign his office and to be discharged of his said trust. If no valid objection be stated, and if the Court be satisfied that the trustee has complied with the regulations of this, his application shall be granted by the Court, and the Court shall thereupon make such order as they shall see fit for the preservation and administration of the estate until a new trustee be chosen. If any objection be made to the application of the trustee to resign, the Court shall determine the same in a summary manner.

Trustee desirous to resign, or after confirmation of accounts, may apply to Court for leave to resign.

83. Any trustee, before making any application for leave to resign, shall render a full account of his administration of the insolvent estate, together with a full report of the condition thereof, and shall call a meeting of the creditors to consider the same, of which meeting at least twenty-eight days' notice shall be given by advertisement in the *Staatscourant*.

Before resigning trustee to frame account, and call meeting of creditors.

84. So soon as the appointment of a trustee shall have been confirmed, the Master of the High Court, or any provisional trustee, if any such person shall have been appointed, shall be divested of the estate, and it shall vest in the elected trustee, and remain vested in him as long as the sequestration shall continue, and until the confirmation of the account and of the final plan of distribution.

On confirmation of trustee, Master or provisional trustee divested of estate, and trustee vested therewith.

The trustee shall be entitled to use the same remedies to recover the estate of the insolvent, or any part thereof, in his own name, as the insolvent himself might have had if his estate had not been sequestrated: and generally have all powers which were vested in the insolvent before the sequestration.

Trustee may recover in his own name.

85. At any meeting of creditors of any insolvent estate, by resolution passed by the votes of the greater part in value of the creditors, the trustee may be required to give full and sufficient security at his own cost, to be approved of by the Master of the High Court, and to be placed in his hands, for the due administration and liquidation of the estate.

Trustee may be required to give security.

If security not found within fourteen days, election to be void.

Court may review amount of security.

Such security shall be provided within fourteen days after the passing of such resolution, and in default thereof his election, if not confirmed, shall be void, and if confirmed, he shall be removed from his trust; without prejudice, however, to the right of such trustee, or of any person interested in the due administration of the estate to bring the amount of such security in review before the High Court.

Security to be cancelled on confirmation of accounts, and payment, &c., of dividends.

Cancellation not to affect liability of trustee.

86. As soon as the final account of liquidation and distribution shall have been confirmed, and receipts for all dividends awarded to creditors, as well as the amounts of unclaimed dividend lodged with the Master of the High Court, every security given by a trustee shall lapse and be cancelled by the said Master. Provided, however, that the cancellation of such security shall not be taken in any way to affect the liability of the said trustee incurred in respect to his management of the same.

Creditors to fix on bank.

87. It shall be the duty of the creditors of any insolvent estate, at the meeting held for the election of trustees, immediately after such election by resolution of the majority of creditors, calculated upon the basis of the greater part in value of the said creditors, to nominate and appoint some certain bank or banks within this Republic, with which bank or banks it shall be the duty of the trustee to open an account in the name of the estate. Every provisional trustee appointed under the provisions of this Law, and every trustee whose election has been duly confirmed, shall open an account with one or more banks within this Republic, as he or they shall select, in case the creditors of any insolvent estate shall not have nominated any such bank or banks as aforesaid.

Every trustee to open account with bank.

Any sum over £20 to be banked.

Cheques to express cause of payment and signed by all the trustees.

88. All trustees, whether provisional or elected, shall, as soon as they have more than £20 in hand belonging to the estate, pay the same into some such bank or banks as aforesaid. All cheques or orders for the payment of any such monies out of the bank, shall truly express the cause of such payment, and the name of the person in whose favour it is drawn, and shall be signed by all the trustees, or by one of them on behalf of all. All trustees, whether provisional or elected, shall, in regard to all transactions with any such bank or banks, follow such directions as they shall receive from the creditors at any general meeting.

Trustee liable in double amount for any sums not banked or used by him or his co-trustee.

89. Every trustee, who, without any just and lawful cause, shall retain any sum of money exceeding twenty pounds sterling, being part of the estate, or shall knowingly permit any co-trustee so to do, longer than until the first day after his receiving the same upon which it shall be possible for him or his co-trustee to pay the said sum or cause it to be paid into some bank, or who shall employ any sum of money belonging to the estate for his own benefit, or knowingly permit any co-trustee so to do, shall have to pay into the estate double the amount of the sum so retained or employed.

The said sum may be deducted out of any claim the said trustee may have against the said estate, or otherwise recovered by action in any competent Court.

90. Any trustee who shall himself become insolvent whilst being indebted to the insolvent estate for any sum of money by him improperly retained and employed in manner as aforesaid, shall not be discharged from such debt by his rehabilitation, but shall remain liable for the amount in respect to any future property of which he may become possessed.

Rehabilitation of trustee becoming insolvent not to discharge such trustee from liability for estate funds.

He shall moreover in such case be for ever incapable of being again elected as trustee.

Such trustee for ever disqualified from future election.

91. The trustee shall keep a book, wherein he shall enter all monies, goods, books, accounts and other documents received by him from the insolvent, or on account of insolvent's estate, and all payments made by him on account of the insolvent's estate.

Trustee to keep account of all property received and of payments made; to be opened to inspection of creditors or Master.

This book may be inspected at all reasonable times by every creditor who shall have proved his debt.

The Master of the High Court, whenever he shall think necessary, may order the said trustee by writing to produce the said book for inspection, examination, verification or otherwise.

92. It shall be lawful for the trustee at any time to call a general meeting of creditors, and require their directions concerning the recovery or sale of any part of the estate, or concerning any matter or question relating to the administration of the said estate.

Trustee may call meetings to obtain directions of creditors.

It shall be the duty of such trustee to call such meeting whenever he is thereto required by one-fourth of the creditors in value who have produced and proven their claims.

Trustee must call meeting when required by one-fourth of creditors.

At least twenty-eight days' notice shall be given of every such meeting and of the purpose thereof in the *Staatscourant*, unless the presiding officer shall have allowed the trustee to call a meeting upon some shorter notice.

Notice of time and object of meeting to be given in Gazette.

93. The trustee shall follow the directions of the majority of the creditors attending such meeting; such majority shall not, however, be competent to direct the said trustee to do anything calculated to interfere with or injure the just rights of any creditor, who shall hold any conventional or tacit preference upon any part of the insolvent estate. In case any such direction shall nevertheless be given, any such creditor may apply to the High Court by motion to set aside such directions, which Court shall judge thereon as it shall deem just.

Trustee to follow directions of majority of creditors, saving rights of secured creditors.

Trustee may take legal advice and employ an attorney.

94. It shall be lawful for a trustee to take legal advice on any legal question affecting the insolvent estate or the administration thereof, and employ an attorney for the conduct of suits at law for or against the estate. All such costs as shall thereby be incurred shall be charged against the estate. They shall be taxed by the Master of the High Court, subject to the review of such Court upon the complaint of the attorney or of any other person interested.

Attorney improperly advising legal proceedings may be ordered to pay the costs.

95. If it shall appear to the High Court that any advising attorney has improperly advised the institution of an action or suit at law, with the purpose of thereby benefiting himself, and not the estate, or that he has improperly conducted such action, or has incurred any unnecessary or improper expense in such action, then it shall be lawful for the said Court to order the whole or any part of the costs to be borne by such attorney as the said Court shall think fit.

Trustee to sell property as soon as may be, after due notice in Gazette.

96. The trustee shall, subject to the direction of the creditors, as soon as may be, proceed to sell all the property belonging to the estate, after having given due notice thereof in the *Staatscourant*, and also such other notice as the creditors may deem necessary.

Insolvent's wearing apparel, &c., to be exempted from sale until creditors decide.

From the sale of the said movable property shall be excepted until the creditors shall determine thereon, the wearing apparel, bedding, household furniture, and tools of the insolvent and his family. The sale of the immovable property shall take place in such manner and under such conditions as shall be determined on by the majority of the creditors present at the meeting. The said conditions may, however, be submitted to the approval of the High Court or any Circuit Court on the application of any party interested.

Trustee may not be the auctioneer.

The trustee, however, shall not be entitled to act as the auctioneer at the sale of the goods of any insolvent estate as hereinabove set forth.

Allowance may be made to insolvent.

97. It shall be lawful for the Master of the High Court or any trustee, whether provisional or elected, to allow to the insolvent out of the assets of the insolvent estate, provisionally, such moderate sum or sums as to them shall seem indispensably necessary for the support of the insolvent and his family, the said Master or trustee, provisional or elected, may also employ the insolvent, or any other person, in the gathering and preservation of any crops or harvest or produce of any kind for any reasonable time necessary thereto: and also place the insolvent, or any other person in charge of any immovable property, manufactory, or concern belonging to the insolvent estate, until the same shall be sold, disposed of, or wound up, and make to the said insolvent or other person so employed a reasonable allowance for his labour.

Insolvent may be employed in preservation of estate.

98. The amount of every such allowance granted either for support or labour before the meeting of creditors which shall be first held after the second meeting of creditors directed by this Law, shall be submitted to the approval of creditors, who shall have power to decide whether any such allowance shall be maintained, and if so, for what length of time, and what shall be the amount thereof.

Any allowance made to insolvent to be submitted to meeting of creditors.

Every trustee who shall make any such allowance to an insolvent except with the consent of the creditors as aforesaid, shall forthwith report to the Master of the High Court the amount of and grounds for making such allowance. Every such allowance so made shall be subject to the review of the High Court upon the application of the said Master, or of any person interested.

High Court may review action of trustee.

99. The trustee may, with the consent of the majority of the creditors present at any meeting whereof twenty-eight days' notice shall have been given in the *Staatscourant*, and subject to the subsequent approval of the High Court, or of any Circuit Court, if any person interested so desires, permit the insolvent to retain for his own use the whole or part of his wearing apparel, bedding, household furniture, and tools of trade.

Insolvent may be allowed wearing apparel, bedding, furniture, tools of trade, &c.

100. The trustee shall collect all monies due to the estate, and for that purpose he shall, by advertisement in the *Staatscourant*, summon all debtors to pay at such time and place as shall be therein appointed for the purpose. Every person after such notice as aforesaid neglecting or refusing to make such payment, and being afterwards sued for any such debt, shall, if the said trustee obtain a judgment against him, unless he shall show reasons satisfactory to the Court awarding such judgment, for such neglect or refusal be condemned to pay to the said trustee double costs of suit for the benefit of the said estate. The advertisement in the *Staatscourant* shall be held to be sufficient notice for all persons who reasonably could be expected to have seen the same.

Trustee to collect all debts due to estate.

Debtor neglecting or refusing debt, may be mulcted in double costs.

101. The trustee shall be entitled, if necessary by process of law, to set aside all unlawful payments, alienations, or pledges or mortgages made by the insolvent.

Whenever the insolvent shall have entered into any agreement for the purchase or exchange of any estate, or any interest in any immovable property, the trustee may elect either to abide by or to abandon the same.

Trustee may take proceedings to set aside undue payments, &c.

Trustee may elect to abandon or to abide by contract of purchase of immovable property.

If the said trustee neglect to make such election, the vendor or person with whom the contract has been made shall be entitled to apply by motion to the High Court, which may thereupon order the trustee to give up any such contract and deliver the possession of the property which was the subject of the same to the vendor or other person, or make such other order therein as the Court shall think fit.

Vendor may compel trustee to elect.

Vendor suffering damage may sue trustee.

The vendor or person with whom the contract has been made shall, in any case, be entitled to sue the trustee in any competent Court for any damage and costs which he has sustained by reason of the non-observance of any such agreement.

Trustee may compound with debtors, subject to approval of creditors.

102. It shall be lawful for the trustee, subject to the approval of the creditors, to agree to any offer of composition made to the insolvent estate by any debtor who is himself insolvent, and to compound with any debtor to the insolvent estate and take any reasonable part of the debt in discharge of the whole, or to give a reasonable time or take a reasonable security for the payment of such debt.

Trustee may submit disputes to arbitration.

He may also submit any disputes between him and any person concerning the said estate to the determination of arbitrators, to be chosen by the said trustee and the party with whom he shall have such dispute, and the award of arbitrators so elected shall be binding on all the creditors.

The trustee shall give previous notice of all such proceedings as hereinabove set forth, for twenty-eight days, at least, by advertisement in the *Staatscourant*.

If there should be more than one trustee in such insolvent estate, in voting on such offer of composition the trustees signing shall be reckoned only as one creditor in number, and the value of the debt on the estate shall only be reckoned once.

Trustee may take up and continue action commenced by insolvent, discontinue same, and may defend actions brought against insolvent.

103. It shall be competent for the trustee to take up and continue an action commenced for any debt due to the estate, or to discontinue the same, as he shall see fit; and also to commence any new suit or action in any competent Court for any debt due to the estate; and also to defend any action brought against him, or pending against the insolvent, relating to the said estate.

Actions not to abate by reason of death or removal of trustee.

104. Whenever a trustee shall die, or the removal of a trustee shall take place, no action relative to the insolvent estate shall thereby lapse.

The Court in which any such action is pending may, upon receiving notice of such death or removal, allow the name of the surviving or new trustee to be substituted in the place of the former, and the action shall proceed as if such surviving or new trustee had originally commenced or defended the same.

Trustee entitled to reasonable remuneration.

105. Every trustee, whether provisional or elected, shall be entitled to a reasonable remuneration for his services, to be fixed by the Master of the High Court.

The said Court may, upon the petition of a trustee or of any creditor, or of any person having an interest in the estate, review the decision given by the Master thereupon.

CHAPTER V.

Composition.

105. At the third meeting of creditors, or at any subsequent meeting of creditors duly advertised in the *Staatscourant*, stating the purpose of such meeting, it shall be lawful for the insolvent to make an offer of composition, or of security for composition.

Offer of composition at or after third meeting.

If three-fourths of the creditors present, whose joint claims amount to three-fourths of the total amount of the claims represented at such meeting, agree to such offer, the trustee shall immediately convene another meeting for the purpose of definitely deciding thereon.

If accepted by three-fourths of creditors meeting called to decide finally upon offer.

At least forty-two days' notice shall be given beforehand by advertisement in the *Staatscourant*, specifying the time, place and purpose of such meeting.

107. Whenever at such meeting three-fourths of the creditors present, whose debts together amount to three-fourths of the whole amount of the debts represented at such meeting, shall accept such offer, the Master of the High Court shall give notice to the High Court of the acceptances of such offer.

If offer finally accepted by three-fourths of creditors present, Master certifies acceptance to Court.

108. Whenever the number of the creditors present at such meeting as aforesaid, agreeing to the offer of composition, or of security for composition, do not amount to two-thirds of the whole number of creditors, and their debts taken together do not amount to two-thirds of the whole amount of the debts proved against the insolvent estate, the Master of the High Court shall state such fact to the High Court.

If accepting creditors are less than two-thirds in number and value master reports to Court.

109. The right of any creditor entitled in law to be paid in preference shall in no way be prejudiced, unless such creditor shall have expressly consented to give up his preference.

Preferent creditors not affected by composition against their consent.

110. Every preference, gift, security or payment granted, made, promised or offered by the insolvent to or on behalf of any creditor, and all secret agreements or collusive arrangements entered into with any creditor to obtain his concurrence to the said offer of composition, or security for composition, shall be null and void. Any creditor who shall accept any money, or any matter or thing, or any promise of reward, as remuneration for or inducement to accept any such offer of composition, shall forfeit:—

Payments, &c., made to secure acceptance of composition void.

- (a.) A sum equal to the whole of the debt he originally proved against the estate.
- (b.) The amount of all moneys or other things that he shall have received by way of remuneration or inducement as hereinabove set forth.
- (c.) The amount of whatever shall have been paid or secured to him by virtue of the composition.

Penalties.

Moneys and penalties may be recovered by any creditor.

Notice to be given to other creditors who may wish to join.

Notice to be general terms, and not to contain name.

Administrative costs to be first charge on estate.

Creditors not liable for costs of action not authorised by them.

Costs of realization of mortgaged property to be paid out of proceeds of such property.

Trustee to file account with Master within six months unless Master grants extension of time.

111. Such action for the recovery of the moneys as above, or other things, may be instituted by anyone who was a creditor at the time of the acceptance of the composition, on behalf of himself or all other persons, who at the aforesaid time were creditors, and who shall, within twenty-eight days after he had given notice in the *Staatscourant* of his intention to institute an action, join with him and bind themselves to accept joint liability with him for the costs of the suit.

112. It shall not be necessary to set forth in the said notice the name of the person against whom such action is intended to be taken, but simply to notify that legal proceedings will be commenced in accordance with the provisions of Section 110, in a certain matter, the particulars of which may be more fully ascertained from the person subscribing the notice.

CHAPTER VI.

Liquidation of the Estate.

113. All costs incurred under any sequestration shall in the first place, before any other debt, be paid out of the free residue of the insolvent estate.

When the said free residue shall be insufficient for the payment thereof, all the creditors who have proved their claims against the estate shall be personally liable, in proportion to the amount of the claims so proved, for the amount unpaid.

The creditors, however, shall not be liable for any claims by persons employed by the trustee in relation to any suit or action at law affecting the said estate, except in so far as the trustee shall have acted under their instruction.

Such persons shall have recourse for their claims on the said estate or on the said trustee.

The costs incurred for the realization of any portion of the estate over which any creditor shall hold any special mortgage as security for his claim, shall be paid out of the proceeds of such property, and when the proceeds shall be insufficient for the same, such creditor shall be personally liable.

Costs of sequestration incurred for other purposes shall in the latter case not be recoverable from the proceeds of such property.

114. The trustee of any insolvent estate shall as soon as may be and not later than six months after the confirmation of his appointment, frame and lay before the Master of the High Court, unless the Master of the said Court, upon his application stating the grounds thereof, of which application he must give at least fourteen

days' notice previously in the *Staatscourant*, shall grant further time for that purpose :

I. An exact account of the said estate, stating—

- (a.) The proceeds of all sales.
- (b.) The amount of all debts collected.
- (c.) An account of all debts still outstanding.
- (d.) An inventory of all property and effects still unsold.
- (e.) All debts due by the estate.

II. A general plan for the distribution of the assets of the estate, stating—

- (a.) Such creditors as are preferent by law in the order of their legal preference.
- (b.) The concurrent creditors, and balance which remains for division among them.

115. When the place of residence of any insolvent shall be outside the limits of the district of Pretoria, the trustee shall before laying the account and plan aforesaid before the Master of the High Court, lay the same before the Landdrost of the district, or the Special Landdrost of the public diggings where the estate is situated, in whose office it shall remain for the inspection of creditors for at least seven days.

When insolvent resides outside Pretoria, accounts to be filed also with Landdrost.

Every Landdrost or Special Landdrost shall cause to be affixed in some public place, in or about his office, a list of all such accounts and plans as aforesaid lodged in his said office, together with the dates of their intended transmission to the Master of the High Court.

116. The account and plan of distribution before-mentioned shall also lie open at the office of the Master of the High Court for the inspection of creditors for a reasonable time, to be appointed by the said Master, not being less than fourteen days from the date at which the trustee or trustees of the said estate shall cause notice thereof to be given in the *Staatscourant*.

Account and plan of distribution to be open for inspection.

117. It shall be lawful for the insolvent, or any party interested in the estate under sequestration, within the time aforesaid, to enter objections against the said account and plan of distribution in writing with the said Master of the High Court, stating the grounds thereof.

Aggrieved person may object to account.

And it shall also be lawful for the High Court to permit such objection to be entered at any time before the final confirmation of the said account and plan upon sufficient cause to be shown to the satisfaction of the said Court, and upon such terms as the Court shall impose.

118. Any person lodging objections to the said account and plan of distribution shall call upon the trustee, and also upon the party

Interested party may bring objection

whose interest may be affected thereby, to appear before the High Court and to show cause why the plan shall not be altered or amended.

The hearing and adjudication by the High Court of such objection must take place within a period of fourteen days after such objection has been lodged; and in default of any such hearing and adjudication, the objection shall be deemed to have lapsed.

The said Court, after hearing the parties respectively, shall make such order as to them shall seem just.

Amended
account to be
open for
inspection.

When however any alteration or amendment in the plan shall be ordered by the said Court, whereby the interest of any party who has not made appearance in the said Court shall be affected, the same shall again lie open for inspection of the creditors, after notice thereof as aforesaid.

Master to con-
firm account
if no objec-
tions lodged.
If objections
lodged, Court
to decide.

119. If no objection has been lodged against the account and plan of distribution, the Master of the High Court shall confirm the same.

If objections have been lodged, then the High Court, after hearing such objections, shall decide upon the same, and upon the confirmation of the said account.

Confirmation
to have effect
of final
sentence.

Such confirmation either by the High Court, or by the Master of the High Court, shall have the effect of a final sentence, except against such creditors as shall afterwards be admitted by the said Court in manner hereinbefore provided to prove their debts and rank upon the said estate at any time before the final distribution thereof.

After con-
firmation of
account,
estate to be
distributed.
Creditor may
obtain order
against trustee
on motion.

120. After confirmation of the said account and plan of distribution, the trustee shall distribute the said estate according thereto.

During the continuance in office of the said trustee, any creditor may claim payment of any dividend due to him by motion in the High Court, or any Circuit Court.

Where neces-
sary, trustee
may frame
provisional
distribution
account.

121. If it shall be found impracticable from the nature of the said estate, or from other causes, to frame the plan of distribution so as to arrange the distribution of the whole of the insolvent estate according thereto, it shall be lawful for the trustee, as soon as may be, and in no case later than six months after the confirmation of the plan, unless further time be given for that purpose as before set forth, to frame and lay before the Master a scheme of provisional distribution, which shall contain a return of all such matters hereinbefore required in regard to the plan of distribution in the 114th Article of this Law mentioned, in so far as the condition of the estate shall permit.

He shall further act in accordance with the same rules in respect of his plan of provisional distribution, and after confirmation of the same, shall cause the distribution to be made in accordance with the same rules as are hereinbefore prescribed in regard to the said plan of distribution.

122. When after such provisional distribution it shall happen that any residue remains over for distribution, the trustee shall, as soon as may be, but in no case later than six months after the lapse of the six months above fixed by Article 121, unless, as above, further time be given for that purpose, file and give effect to a second such scheme of distribution, and so on from six months to six months until the whole estate shall have been finally distributed.

When there are assets, second account to be framed within six months after first account, and so on every six months.

123. The trustee shall, together with the account and plan of distribution of the estate, deliver to the Master of the High Court a duplicate or copy of the said account and plan of distribution, and in default thereof he shall be deemed not to have filed any account and plan of distribution at all.

Account to be filed in duplicate with Master.

124. The Master of the High Court shall endorse upon each such copy or duplicate lodged with him, the date upon which the account or plan of distribution has been confirmed, and shall examine or cause the same to be examined, and shall authenticate the same by affixing his signature thereunto.

Master to note particulars upon each copy of account filed.

125. He shall further, as soon as may be after the end of each month, transmit all such duplicates and copies received by him to the Landdrosts of the districts, or to the Special Landdrosts of the public diggings in which the estates are situated.

Master to send duplicates to Landdrosts of districts within which insolvent resides.

126. The Landdrosts and Special Landdrosts shall register and file all such copies or duplicates at their respective offices, where any person may, on any day except Sundays and holidays, inspect and take copies of the same.

Landdrost to file such accounts, which are to be open for inspection.

127. A copy of any original account or plan of distribution, or of a duplicate thereof, being duly signed and certified by the Landdrost or Special Landdrost as a true copy, and authenticated by the Master of the High Court, or by the Landdrost or Special Landdrost, as the case may be, shall be received in evidence in any Court, or by any person who by law, or by the consent of parties, is declared competent to take evidence.

Certified copies of accounts to be receivable in evidence.

128. Whenever any dividend is payable, the trustee shall give notice thereof in writing to all the creditors whose claims have been proved, as well as a public notice in the *Staatscourant*, stating that such dividend is in the course of payment, and calling upon all creditors entitled thereto to apply for and receive the same.

Trustee to give notice in Gazette when dividends are payable.

Unclaimed dividends to be paid into Orphan Chamber Fund.

In case any dividend shall remain unclaimed for the space of six months after the date of such notice, the trustee shall, should he still continue in office, or the Master of the High Court should the said trustee have been discharged, pay such unclaimed dividend into the Orphan Chamber Fund to the credit of the parties entitled thereto. Such payment shall be subject to the provisions of Law No. 12 of 1870, "Orphan Chamber Law."

When a trustee neglects to pay such dividend into the hands of the Master of the High Court, the said Master may summon him before the High Court or any Circuit Court to answer for such neglect.

The said Court shall summarily make such decision, and it shall be lawful to adjudge the trustee to pay into the Treasury, for the benefit of the Treasury, such sum as to it shall seem meet, not exceeding the amount of the dividend unduly detained.

Master may call on trustee to furnish proof of payment of dividends.

129. It shall be lawful for the Master of the High Court at all times after the confirmation of the account and plan of distribution, to call upon the trustee for accounts of what dividends have been paid. Any neglect or refusal on the part of any trustee by means of receipts, or other sufficient evidence, to prove the payment of any given dividend, shall be considered *prima facie* proof that the sum has not yet been claimed.

Attachment may issue against disobedient trustee.

130. It shall be lawful for the said Court, in case of disobedience by any such trustee to any order or decision of such Court made by virtue of the 120th and 129th Art. of this Law, to direct the sum in question to be recovered by attachment and sale of the goods of the said trustee, with or without his committal to prison until he shall have obeyed such order or decision of the Court.

Residue, if any, of estate payable to insolvent.

131. Any residue of the insolvent estate which may remain after the payment of all claims thereupon, shall be paid to the insolvent or his lawful assignees.

To the insolvent shall also be restored the property in all debts and other assets belonging to the estate which may then remain or be outstanding.

CHAPTER VII.

Discharge of the Order of Sequestration and Rehabilitation of the Insolvent.

Rehabilitation may be applied for forthwith after composition, other-

132. The insolvent may, when an offer of composition made by him has been accepted by his creditors, immediately upon the acceptance of such offer of composition, but otherwise not before six months have elapsed from the date of the final distribution of his estate, make application to the High Court for his rehabilitation.

In each case notice of such application shall have to be given at least six weeks previously, in writing, to the Master of the High Court, to the trustee of the estate, and by public advertisement in the *Staatscourant*, or in any other manner which the Court shall provide.

wise not
before lapse
of six months.

133. Before making any such application as in the last preceding section mentioned, the insolvent shall give sufficient security, up to the sum of twenty-five pounds, to the Registrar of the High Court, for the payment of the costs of any person who may appear to oppose such rehabilitation, and to whom the Court may award his costs.

Insolvent to
give security
before apply-
ing for his
rehabilitation.

134. Every insolvent applying to the Court, as aforesaid, for his rehabilitation, shall make and submit a sworn declaration in writing that he has made a full and fair surrender of his estate, and has not granted or promised any preference or security, or made or promised any payment, or entered into any secret agreement or collusive arrangement with intent to persuade his trustee or any creditor not to oppose his rehabilitation.

Insolvent to
make oath of
full and fair
surrender, &c.

135. Upon the day fixed for the hearing of such application, it shall be lawful for the trustee, or any of the creditors, or other person interested in the estate, to appear in person or by counsel to oppose the granting of the rehabilitation aforesaid.

Trustee or
creditors may
oppose grant-
ing of rehabi-
litation.

The Court may, whether the rehabilitation of such insolvent be opposed or not, grant or refuse to grant such rehabilitation, or suspend the granting of the same, or annex such conditions thereto as the justice of the case may require.

Court has
discretion to
grant or refuse
rehabilitation.

The Registrar of the High Court shall forthwith give notice to the Master of the High Court of every rehabilitation of an insolvent granted by the said Court.

136. An insolvent who committed an act of fraudulent insolvency, or who has been guilty of any fraudulent transaction, to the prejudice of any of his creditors, or of any transaction specified under Article 141 of this Law, shall not be entitled to rehabilitation.

Fraudulent
insolvent not
entitled to
rehabilitation.

137. No rehabilitation shall be granted to any insolvent until the Court shall have satisfied itself that no injury or wrong will be done to any person who, having been allowed by the said Court to make any claim against the estate, has not yet proved his debt against the said estate at the time of the making of the application for the rehabilitation of the insolvent, and until such time as the Court shall have ascertained, by putting the insolvent to his oath, or otherwise, whether there are or are not other creditors who, by reason of their absence from the Republic, or for other reasons, have not yet proved their lawful claims against the said estate.

Court to
protect rights
of creditors
who may not
have proved.

When it shall appear to the said Court that there are still such creditors, the said Court shall not grant the rehabilitation until such time as the Master of the High Court shall have certified to the said Court that the amounts due to such creditors have

Deposit to protect interest of unproved creditors.

been paid to him, or that the said amounts have been deposited with him or with some other person to his satisfaction for and on account of such creditors, such amounts being the same as such creditors would have been entitled to in accordance with any offer of composition, or in accordance with the plan of distribution of the estate in case they had proved their debts.

Distribution within reasonable time of any money so deposited.

138. When a creditor on whose behalf, as above stated, any sum of money, or any other matter or thing had been reserved or secured, shall not prove his right thereto within such reasonable time as the Court shall provide, the said Court shall, upon the application of any person interested in the said estate, order that such sum of money, or such other matter or thing, shall, after deduction of the costs for and on behalf of the person making such application, be divided in proportionate shares among the remaining creditors.

Rehabilitation to discharge insolvent from debt, and to reinstate him in his personal rights.

139. The effect in law of every rehabilitation of an insolvent shall be to discharge the estate of the said insolvent from sequestration, and to reinstate such insolvent in all the personal rights he enjoyed before the sequestration of his estate, and to discharge all the debts of the said insolvent existing at the time of the granting of the order of sequestration, save and except such claims as the creditors shall have against him by virtue of any offer of composition accepted by them, and which shall still remain unsatisfied.

Rehabilitation of insolvent does not discharge his surety.

140. No creditor shall by reason of the rehabilitation of any insolvent be deprived of his right to claim from any person, who is bound to him as a surety for the insolvent, the balance of any debt in respect whereof the suretyship was entered into.

All transactions, &c., entered into to induce trustee or creditor not to oppose rehabilitation, void.

141. All preferences, gifts, securities, or payments granted, made, promised, or offered by the insolvent to or for the benefit of his trustee or of any creditor, and all secret agreements or collusive arrangements entered into by him with such trustee or creditor with the intent and purpose of inducing such person not to oppose his rehabilitation shall be null and void.

Trustee or creditor accepting, forfeits for benefit of other creditors.

The trustee or creditor who shall accept any offer made as hereinabove set forth shall forfeit for the benefit of all the other creditors jointly (the creditor who has accepted such offer always excepted) a sum of money equal to double the amount or double the value of whatever he shall have so received from the insolvent.

Sequestration continues where no rehabilitation, notwithstanding final distribution of estate.

142. As long as the insolvent is not rehabilitated in manner as above set forth, the sequestration of his estate shall continue in force, even after the final distribution of his estate and the discharge from office of his trustee.

143. Whenever pending such time it shall appear that there are further assets belonging to the estate which were not known at the time of the distribution of the estate, or that the insolvent has acquired fresh assets, whether by inheritance or otherwise, or that the profits made by the insolvent in the business carried on by him, by virtue of Art. 28, amount to more than was strictly necessary for the maintenance of himself and his family, then any creditors who shall have proved any debt upon the estate of any such insolvent may apply to the High Court for an order for the distribution of such assets respectively among the creditors who have so proved their debts upon the estate.

Pending sequestration after acquired property liable to attachment upon order of Court.

144. It shall be lawful for the Court, whenever it shall find that there is a sum of at least £50 available for distribution, after deduction of costs, to order the Master of the High Court to call a meeting of creditors for the election of a trustee, according to the provisions of this law, who shall be charged with the distribution of such sum.

Where £50 at least is available for distribution, meeting of creditors to be called to elect a trustee.

145. All the provisions of this Law relating to the trustee and to the distribution of the estate shall, *mutatis mutandis*, apply to any such trustee and any such distribution as is referred to under Art. 144.

All provisions of this Act to apply to such trustee and to the distribution of money.

CHAPTER VIII.

Fraudulent and Culpable Insolvency.

146. An insolvent shall be deemed to be guilty of the crime of fraudulent insolvency, and shall be punished for the same by imprisonment, with or without hard labour, for a period not exceeding seven years :

What constitutes fraudulent insolvency, and punishment therefor.

- (a.) If he, either before or after the making of the order of sequestration, has alienated, mortgaged, pledged, embezzled, concealed or removed anything belonging to his estate to the value of £10 or upwards with intent to prejudice the rights of his creditors.
- (b.) If he has concealed or removed, destroyed or mutilated any office books, accounts, receipts, or any other documents relating to his estate, with intent thereby to defraud his creditors.
- (c.) If he has fraudulently contracted any debt.
- (d.) If he shall, at the second meeting of his creditors, or any adjournment thereof, wilfully file any inventory containing any false statement about his estate or any part thereof, or any debt due to or by him, or

1. Alienation, &c., of property with intent to defraud creditors.

2. Concealing &c., books, vouchers, &c.

3. Fraudulently contracting debts.

4. Wilfully lodging false statements, &c.

5. Producing false books, &c. (e.) If he shall produce any office books, accounts, receipts, or any other documents which are false, or on which any erasure or alteration has been made or caused to be made by him, or with his knowledge, with intent to defraud his creditors: or
6. Conniving at proof of false debt. (f.) If he shall have connived at, or by not at once communicating the fact to the trustee fail to prevent such person from proving a false claim against the estate.
7. Wilfully makes false answers. (g.) If at any time when examined by the Court or by the Presiding Officer, or by any creditor at a meeting of creditors, he makes any false answer to any lawful question with the intent to defraud his creditors.
- Absenting himself after being summoned. (h.) If he shall, being summoned to appear in accordance with the provisions of Art. 159, leave the Republic, or otherwise remove himself, or conceal himself with the intent by so doing to avoid the trial referred to under that Article, or to avoid any writ of arrest issued against him under Art. 160.

What constitutes culpable insolvency and punishment.

147. An insolvent shall be deemed to be guilty of the crime of culpable insolvency, and shall be punished for the same by imprisonment, with or without hard labour, for any period not exceeding six months:

1. Failing to attend meeting of creditors. (a.) If he shall fail to attend before his creditors at the first, second or third meetings of his insolvent estate, or shall remain away from any adjournment of any of the said meetings without leave from the presiding officer: or if he fail to attend at any other meeting of his creditors after being duly required to do so.
2. Not keeping proper books and accounts. (b.) If he has kept no adequate or proper books or accounts containing all such entries relating to and exhibiting the nature of his dealings as (regard being had to his particular trade or calling), might reasonably be expected or required.
3. Not accounting for money or property possessed recently before sequestration. (c.) If at any meeting of creditors in his insolvent estate, being thereto required by the presiding officer, he cannot account for or discover what has become of any money, security or other property, which shall have been proved to have been in his possession so recently before the sequestration as to make it his duty so to do:
4. Not explaining cause of insolvency. (d.) If he shall not be able, after having been requested in writing by the said trustee so to do, to give a true and sufficient explanation of the cause of his insolvency:
5. Giving undue preference. (e.) If he shall have given to any of his creditors an undue preference:
6. Contracting debt of £50 without expectation of being able to pay same. (f.) If he shall have contracted any debt or debts to the amount of £50, without any reasonable or probable expectation of being able to discharge the same:

(g.) Or, if he shall have granted, made, or promised to any creditor any gift, payment, security or any other unlawful consideration in order to procure the consent and concurrence of such creditor to any offer of composition, or to prevent opposition to his rehabilitation.

7. Making or promising any gift, &c., to obtain composition or to prevent opposition to rehabilitation.

148. Every trustee and every creditor of the estate of any insolvent shall, with regard to the prosecution of any offence of culpable insolvency, which has been committed, have the same right of prosecution which any private person has by law with regard to any offence committed against his person or property.

Trustee or creditor has right of prosecuting for culpable insolvency.

No creditor shall, however, be entitled to exercise such right without first obtaining from the trustee, and producing a certificate that the trustee declines to institute such prosecution.

Provided no creditor can prosecute unless trustee declines.

149. The crimes of fraudulent and culpable insolvency shall be tried before a jury.

Fraudulent and culpable insolvency to be tried by jury.

CHAPTER IX.

Miscellaneous Provisions

150. Any person who shall alienate, remove, conceal, embezzle, or receive any property belonging to any insolvent estate which has been attached by virtue of any order for the sequestration thereof, knowing the same to have been so attached and with intent to defeat the said attachment, shall be punished by imprisonment, with or without hard labour, for a period not exceeding seven years.

Penalty for removing, &c., property attached under sequestration.

151. Any person who shall accept from any insolvent any alienation, mortgage, or pledge, knowing at the time the same to have been fraudulently made or passed with the intent thereby to prejudice the rights of his creditors, shall be punished by imprisonment, with or without hard labour, for a period not exceeding seven years.

Penalty for accepting fraudulent alienation, &c.

152. When from declarations made under oath, it shall appear to the satisfaction of any judge of the High Court, or of any Landdrost, or of any Justice of the Peace, that there is reason to believe or suspect that property belonging to any insolvent estate is concealed in a house or other place not belonging to the insolvent, it shall be lawful for the said judge, Landdrost or Justice of the Peace, upon the application of the Master of the High Court or of the trustee of the estate, to grant a warrant to search for and take possession of the said property. Such warrant shall be executed in like manner as a search warrant for property reputed to be stolen or concealed.

Search warrants obtainable where insolvent's property is suspected to be concealed

Any property of the insolvent so found shall be delivered to the Master of the High Court, as long as no trustee has hitherto been appointed, or otherwise to the trustee, or to any person appointed by the said Master or trustee to receive the same.

Creditor obtaining undue preference by collusion, not allowed to prove on estate.

153. Any person, whether actually a creditor or not, who shall be obliged by virtue of the 35th, 37th and 38th Articles to restore the amount of any undue preference which had been granted to him, when such preference was received by such person or through any fraudulent arrangement, mutual agreement, or common consent between such person and the insolvent, shall not be entitled to prove as a debt the amount of the undue preference so restored upon the estate.

In action for undue preference trustee may pray Court to declare forfeiture.

154. It shall be lawful for the trustee of any insolvent estate in any suit or action which he may institute against any person for the restoration of the amount of any undue preference, to claim in such suit or action that such person shall be declared by the judgment of the Court to have forfeited, on behalf of the insolvent estate, the amount in which he shall be found to have been unduly preferred by reason of the fraudulent arrangement, mutual agreement, or common consent in the last preceding section mentioned.

In case no such action is instituted as above set forth, but the claim of any such last-mentioned person for the amount so restored be disputed, then such right shall be determined in accordance with the provisions of this Law for the regulations of the proof of debts.

Creditor acting *bonâ fide* who has lost recourse through receiving undue preference entitled to indemnity from trustee.

155. In case a creditor has received an undue preference, but under circumstances which do not by virtue of the above Article occasion a forfeiture, viz.: in respect of any bill of exchange or promissory note with recourse on other parties, payable by the insolvent, and in possession of the creditor, or in respect of any debt of the insolvent for which such creditor had any security which by reason of the act of the insolvent constituting such undue preference, such creditor has *bonâ fide* given up, or which he has omitted to take legal proceedings to recover, he shall not be liable to restore to the trustee the value of such undue preference, unless the trustee will indemnify him in respect of whatever loss such creditor would sustain in case he were unconditionally condemned to restore the amount or value aforesaid.

Third party *bonâ fide* obtaining estate property improperly alienated, protected.

156. In case any third party shall *bonâ fide* purchase or otherwise acquire for lawful consideration any bills of exchange, promissory notes, or other money securities, or any goods or effects from any person to whom they have been alienated by the insolvent under circumstances which would, in accordance with the provisions of this Law, make them null and void, then and in such case the rights which such third party so buying or obtaining shall have lawfully acquired in such goods and effects shall not lapse or be impeachable. But the person to whom the same were

But persons improperly

alienated, as above, shall be obliged to pay the true value of all such goods and effects by him disposed of to any third party, to the trustee of the insolvent estate, for the benefit of the creditors thereof.

alienating same, to pay true value thereof to estate.

157. Whenever in any action for setting aside an undue preference, under and by virtue of Articles 35, 36, 37 and 38 of this Law, it shall be proved that the alienation, payment, mortgage or pledge in respect of which the action is brought, was made or passed within six months of the sequestration of the insolvent's estate, and at a time when the liabilities of the insolvent fairly calculated exceeded his assets fairly valued, it shall be deemed that the insolvent might reasonably have expected the sequestration of his estate at the time, unless the defendant in such action shall prove the contrary.

Alienation within six months of sequestration, when presumed to be in contemplation of sequestration.

The evidence of the insolvent alone shall not be deemed sufficient proof to the contrary.

158. Every provision of this Law relative to what shall be deemed undue preferences made by an insolvent, shall be deemed and taken to apply to preferences given out of the assets of the estate which they administer by persons lawfully charged with the administration of such estates.

Persons legally invested with estates liable to same provisions as to undue preferences.

Where such undue preferences, as aforesaid, have been granted by any person who was lawfully charged with the administration of any estate before the sequestration, the trustee may prosecute either the person legally administering the estate or the person to whom or for whose benefit such undue preference shall have been given, first one and then another, but not both concurrently, for the repayment of the value or amount of any such undue preference. Provided always, however, that he shall in no case recover more than the amount or value of such undue preference, together with his costs and charges.

159. In all cases under Article 103, or in any action instituted between parties relating to and concerning the legality of the debt of any person claiming to be a creditor on the estate, or in respect of the right of any person to have a preference upon any part thereof, it shall be competent for any insolvent to give evidence either in favour of or against the trustee.

Insolvent a competent witness.

160. It shall be lawful for the High Court or any Circuit Court whenever such Court shall think fit, upon the application of the trustee, to summon the insolvent to appear before such Court or the Commissioner of such Court, to be examined under oath upon all such matters and things as are under Article 55 of this Law referred to.

Court may direct insolvent to be summoned for examination.

The said Court or the said Commissioner shall cause every such examination of the insolvent to be reduced to writing, and signed by him, and annexed to the proceedings of his estate.

Such examination to be reduced to writing, and signed by insolvent.

Insolvent not obeying summons may be arrested and imprisoned.

161. If any insolvent being duly summoned as aforesaid shall not come at the time and place appointed in the summons for his appearance (without his having proved to the satisfaction of such Court or Commissioner that he was prevented from doing so by some lawful cause), it shall be lawful for such Court or Commissioner to grant a warrant authorising any officer of the law or other person to apprehend such insolvent and bring him before such Court or Commissioner, or to lodge him in any prison, therein to be detained until the time which such Court or Commissioner shall have appointed anew for his examination upon application of the trustee.

In the latter case the gaoler of every such prison shall be bound to produce the said insolvent before the Court or before the Commissioner aforesaid.

Insolvent failing to lodge accounts, or to answer questions, &c., may be committed to prison without bail till he comply.

162. If any insolvent shall at the second meeting of creditors, or any adjournment thereof, being thereunto required, refuse to lodge a true inventory of his estate, as provided by Article 54, or to surrender the books, accounts, vouchers or other documents as provided by the same Article, or shall at any meeting of creditors, or before the Court or the Commissioner of such Court as aforesaid, refuse to be sworn, or shall refuse to answer any lawful questions put to him by such Court or such Commissioner, or by the presiding officer, or by any creditor, touching any of the matters provided for under Article 55, or shall without lawful cause refuse to sign or subscribe his examination so reduced into writing as aforesaid, it shall be lawful for the Court or the Commissioner or the presiding officer, by warrant under their hand, wherein shall be set out whatever questions the insolvent may have refused to answer, to commit him to such prison as the Court or presiding officer shall think fit, there to remain without bail until he shall withdraw his said refusal.

Wife of insolvent or third person suspected of detaining estate property or capable of giving information may be summoned for examination.

163. It shall be lawful for the High Court or any Circuit Court after the sequestration of any estate, upon the application of the trustee, to summon before the said Court, or the said Circuit Court, the wife of the insolvent, or any person known or suspected to have in possession any of the estate of the insolvent or to be indebted to the insolvent or any person whom the Court may see reason to believe capable of giving information concerning the person, trade, business or estate of such insolvent, or any information material to the full disclosure of the affairs of the estate, to appear before the said Court, and at the same time order him or her to produce any books, accounts, vouchers or any other documents in his or her custody which may appear to the said Court necessary to establish or verify any fact affecting the estate.

The said Court or its Commissioner may examine every such person upon oath, and shall cause his or her examination to be reduced to writing, and signed by him or her, and annexed to the documents relating to the estate.

164. If any such person shall, upon being lawfully summoned, fail to appear at the time and place appointed in the summons, without having proved to the satisfaction of the Court or Commissioner before whom such person is summoned that he was prevented from so doing by some lawful cause, it shall be lawful for such Court or such Commissioner under his hand to grant a warrant, authorising any officer of the law or other person to apprehend the person so summoned, and to bring the said person before such Court or such Commissioner, or to commit the said person to any prison, therein to be detained until the time which such Court or Commissioner shall on the application of the trustee appoint anew for his or her examination.

Such person making default may be arrested.

In such latter case the gaoler of any prison shall be bound to produce such person before such Court or Commissioner.

165. If any such person so summoned or brought before the Court or Commissioner for examination shall refuse to be sworn, or shall refuse to answer any lawful question put by such Court or Commissioner touching any of the matters upon which he is being examined, or shall refuse to sign his or her examination so reduced into writing as aforesaid, not having any lawful ground of excuse, or shall not, being thereunto required, produce all books, accounts, vouchers, and other documents, to the production of which there shall be no legal objection, it shall be lawful for the Court or the Commissioner by warrant, stating the questions he may have refused to answer, to commit such person to such prison as they shall think fit, there to remain without bail until such person shall withdraw his said refusal.

Such person refusing to answer, &c., may be committed to prison without bail till he comply.

166. The trustee shall supply the insolvent and every other person summoned to appear before the High Court or the Circuit Court, or a Commissioner to be examined as above, with pecuniary compensation in like manner as by law required upon service of a subpoena to a witness in any civil suit.

Insolvent and other persons summoned to have necessary expenses tendered.

Such compensation shall also be allowed to every insolvent for his attendance at any meeting of creditors, other than the first, second and third meetings, or any adjournment of any such meetings, at which he has been required to be present by the presiding officer.

167. Every insolvent or other person, who on being examined as above, shall wilfully make any false answer to any lawful question put by such Court, Commissioner or presiding officer, or any creditor, shall be deemed to have committed the crime of perjury.

Person making false answer guilty of perjury.

168. It shall be lawful for the insolvent or any person committed to prison as aforesaid under the provisions of Articles 160, 161, 164, 165 of this Law to make application to the High Court or any Circuit Court to be discharged from custody. It shall be lawful for the Court to order his discharge either on the ground of any illegality or informality in the form of the warrant, or if it shall

Person committed to prison may apply to Court for discharge upon showing sufficient grounds.

appear on examination that the said insolvent or other person had a lawful reason for refusing to answer.

Commissioner or presiding officer committing to prison to have same protection as a Justice of the Peace.

169. In case any suit or action shall be instituted against the Commissioner or presiding officer by reason of any commitment to prison of the insolvent or other person, the said Commissioner or said presiding officer shall possess in reference to such action and the proceedings therein, the same rights and obligations as are by law allowed to and imposed on Justices of the Peace for anything done by them in the execution of their office.

In case the action shall be instituted by reason of a commitment to prison for refusing to answer questions, the Court shall take into consideration the whole examination of which such question formed a part.

After confirmation of account and before rehabilitation, insolvent may be summoned for writ of civil imprisonment.

170. At any time after the plan for distribution of any insolvent estate has been confirmed, or after the distribution of the estate has been directed to be made under the provisions of the 46th Article, and before the insolvent shall have obtained his rehabilitation, it shall be lawful for the Master of the High Court, the trustee, or any creditor, to apply to the High Court or any Circuit Court for the process of the said Court for the civil imprisonment of the said insolvent; provided the insolvent shall first have been duly summoned to appear before such Court.

Court has discretion to grant or refuse warrant or impose terms.

Upon proof to the satisfaction of the said Court that the said estate is not sufficient to discharge the debts proved or provable against the said estate aforesaid, it shall be lawful for the Court to grant such civil imprisonment absolutely or conditionally, or reject the same. If the application for civil imprisonment has been made by one or more creditors, and the said Court shall suspend the same upon the condition of the insolvent paying any sum of money, such payment shall be made to the trustee, and if there be no trustee in office, then to the Master of the High Court, for the benefit of the said creditor or creditors, or of such other creditors as shall before distribution claim to be admitted to a share thereof.

Insolvent may apply for a protection order on giving six weeks' notice in *Gazette*.

171. At any time after the plan for distribution of any insolvent estate has been confirmed, or after the distribution of the said estate has been directed under the provisions of Art. 47 of this Law, and before the insolvent shall have obtained his rehabilitation, it shall be lawful for such insolvent to apply by motion to the High Court or to any Circuit Court for an order declaring that he shall not be liable to process of civil imprisonment as above set forth.

At least six weeks' notice of the day on which such motion is to be made shall be given by advertisement in the *Staatscourant*.

Creditors entitled to be heard against

172. Upon the making of such motion any creditor of the insolvent estate, whose claim has not been fully satisfied and paid, may object to the said order.

The Court may either grant the application conditionally or unconditionally, or reject the same.

granting of protection order.

Every such order granting such application shall have the same effect of protecting the prisoner against any decree of civil imprisonment as his rehabilitation would have had. Every creditor, however, shall retain his right to prosecute his claim in accordance with the provisions of this Law against all present and future assets of the estate.

If it be proved that any such order as aforesaid was fraudulently or unduly obtained, it shall be lawful for such Court to recall the same.

Order fraudulently obtained may be recalled.

173. It shall be lawful for the High Court from time to time, as often as it shall think fit, to make such rules, orders and regulations for carrying this Law into effect, and also touching the manner and form of proceeding as it shall consider advisable.

Court may frame rules.

174. In all cases in which, in accordance with the provisions of this Law, the co-operation or decision of the High Court shall be deemed to be necessary, such co-operation or decision may be given by a Judge in Chambers. From every such decision given by any Judge in Chambers as hereinabove set forth, there shall be an appeal to the full High Court.

Judge in Chambers may give orders under this Law, subject to appeal to full Court.

175. The Master of the High Court shall, at the cost of the State, publish every three months in the *Staatscourant*—

Master to publish every three months lists of unrehabilitated insolvents.

(a.) An alphabetical list, giving the name and place of residence of every unrehabilitated insolvent, the account and plan of distribution of whose estate has not yet been confirmed : also the date at which the order for the sequestration of the estate was granted :

(b.) An alphabetical list, giving the name and place of residence of every unrehabilitated insolvent, the account and plan of distribution of whose estate shall have been confirmed, together with the date of such confirmation.

176. The Master of the High Court shall enter of record and have the custody of all documents relating to every registered estate.

Master to enter of record and have custody of all proceedings. Certified extracts to be received in evidence.

The insolvent or any creditor who has proved his debt shall at all reasonable times have inspection of the documents, and be permitted to take extracts or copies therefrom. Extracts of such proceedings signed by the Master shall be received as evidence in all Courts of Justice within this Republic.

177. The Landdrosts in their respective districts, the Special Landdrosts in the public diggings, and the Resident Justices of the Peace, shall give their aid in the administration of this Law, and to that end shall do whatever may be required of them by any rule or order of the High Court granted or made under the provisions of this Law.

Landdrosts and Justices of the Peace to aid in carrying out the Law.

Sheriffs,
Deputy-
Sheriffs and
Messengers
thereunto
required to
perform duty.
And shall
receive
remuneration
therefor.

178. The High Sheriff and his Deputy Sheriffs, as also the Messengers of the Landdrosts' Courts, being thereunto required by the Master of the High Court, shall perform all such duties as may be required of them within their respective districts under the provisions of this Law.

And they shall receive such remuneration for their services out of the assets of the insolvent estate as shall be fixed by the High Court.

This Law to
apply as far as
possible to
estates
already
sequestered.

179. This Law shall apply to every estate which was placed under sequestration before the coming into operation thereof, in so far as it shall be possible to apply the provisions hereof having regard to the condition of the estate at the time of such coming into operation as aforesaid.

The rights of any person to any property lawfully attached by reason of any action which such person may have instituted at the time of the coming into operation of this Law, and all suits or actions-at-law pending in the Courts at such time as aforesaid, shall be adjudicated upon and determined in accordance with the provisions of Law No. 21 of 1880.

The crimes made punishable by Law No. 21 of 1880, and committed before the coming into operation of this Law shall be prosecuted and punished in accordance with the provisions of the said Law 21 of 1880.

Meaning of
word "estate."

180. The word "estate" in this Law shall, within the meaning of this Law, comprise all present and future property, whether movable or immovable, personal or real, and all rights of whatsoever description to such property, wherever they may be found to exist, belonging to or due to the insolvent at the time of the granting of the order of sequestration, or which shall subsequently at any time before rehabilitation be acquired by or become due to such insolvent. (Save and except such as are under Sections 28 and 32 referred to).

Repeal of
inconsistent
enactments.

181. All enactments inconsistent with the provisions of this Law are hereby repealed.

Act to take
effect from
January 1st,
1896.

182. This Law shall come into operation on January 1st, 1896.

S. J. P. KRUGER,
President.

Dr. J. W. LEYDS,
State Secretary.

Government Offices, Pretoria,
4th August, 1895.

LAW No. 14, 1895.

AMENDMENT OF LAW 19, 1894.

Costs in Law Cases.

Superseded by 12 of 1899, except the tariff for the Registrar's office, Art. 10, last paragraph, as follows:—

	<i>s.</i>	<i>d.</i>
Power to prosecute or defend - - - -	2	0
Substitution of power - - - -	2	0
Summons, subpoena or writ - - - -	2	0
Any pleadings - - - -	2	0
Petition or notice of application - - - -	2	0
Notice of putting a case on the roll - - - -	2	0
Sworn declaration - - - -	2	0
Certified copy of a document - - - -	2	0
Ordinary copy - - - -	2	0
Liquid document in provisional cases - - - -	2	0
Document in illiquid cases - - - -	2	0
Orders and interdicts - - - -	5	0
Notice of withdrawal of a case - - - -	2	0
Petition for leave to appeal - - - -	5	0
Deed of security in case of appeal - - - -	2	0
Judgment of an arbitrator - - - -	2	0
Memo. of an investigation - - - -	2	0

Bills of costs in all cases and applications to be taxed 1 p.c. on the amount.

LAW No. 16, 1895.*

REGULATIONS FOR VEHICLES WHICH ARE FOR HIRE ON PUBLIC SQUARES OR STREETS IN PRETORIA.

(Approved by Resolution of the Second Volksraad, Art. 1249, dated 10th August, 1895, noted and accepted by the First Volksraad by Art. 999, dated 26th August, 1895.)

2. When the request for the licence is made it shall be stated whether such vehicle is intended for hiring out to white or coloured persons, and, if intended for the former, no coloured person may be conveyed therein, such coloured persons excepted as are accompanying their lawful masters or mistresses.

No coloured persons in carriages intended for white persons.

A vehicle intended for the conveyance of coloured persons shall bear a label in a clearly visible place "Coloured Persons."

Label coloured persons.

* The Articles omitted are repealed by Ord. 8, of 1902.

Penalties.

20. Letters or hirers of vehicles or drivers who contravene any of the provisions of these regulations shall be liable to a fine of from 10s. to £5 sterling, or, in default of payment, to imprisonment for a period of from seven to thirty days with or without hard labour. The hirers shall also be liable to such fine if they refuse to pay the fare; the amount of such fare to be paid remaining undiminished.

The owners of all vehicles for hire shall remain co-responsible with their drivers or coachmen, and liable for all contraventions of these regulations.

Competence of Judge to include fare in his sentence.

23. The Landdrost or Judge before whom the accused hirer shall be brought to trial shall, in pronouncing sentence against the accused, fix the fare, and this shall be paid at the same time with the fine inflicted, without the driver or keeper of the vehicle being required to institute a civil action for the recovery of such fare.

Withdrawal or suspension of licence.

24. In case any driver or coachman is found guilty of any contravention of these Regulations, the licence both of such driver and of the vehicle of which he was driver or coachman may be withdrawn or suspended, without affecting the punishment further to be inflicted on him by the Court competent thereto.

S. J. P. KRUGER

President.

DR. W. J. LEYDS,

State Secretary.

Government Offices, Pretoria,
9th September, 1895.

LAW No. 21, 1895.

AMENDMENT OF LAW No. 11, 1887.

(Approved and enacted by the First Volksraad by Art. 1200, dated 16 September, 1895.)

WHEREAS it has been found necessary to take measures for the prevention of the spread of infectious and contagious diseases, the preservation of a good general state of health in the Republic, the safety of its population, to the encouragement of free labour and the protection of fixed property, to check the squatting, living or congregating of natives or other coloured persons in places other than those appointed for them by the Government, it is hereby provided as follows:—

First Volksraad decides about locations.

1. If, besides the locations and other places already appointed by the Government for the residence of natives, further locations may be required, the Government shall make request for the same to the First Volksraad.

- 2.** Outside the locations or places already appointed, or to be appointed in terms of Art. 1, not more than five native families may live together on private properties, and such natives shall be inhabitants or hired servants under white persons, who shall be responsible for and supervise the health and safety of such natives. The express consent of the Government acting on the proposal of the officials concerned, shall be necessary before a larger number of families shall be allowed to live together.
- Not more than five native households allowed on private property.
Government may dispense with this provision.
- 3.** Every white owner of a farm shall have the right to keep five coloured families as servants under him for each farm owned by him ; with this proviso, however, that such families shall be kept subject to the provisions of Art. 2, and on condition further that an owner of more than five farms may not keep more than 25 households on one farm.
- Larger number of households may live together when owner has more farms than one.
- 4.** Every white person of full age, living on a farm as lessee, tenant or "bijwoner," shall have the same right as the owner to keep five families provided the owner permits it.
- Rights of white lessees and bijwoners.
- 5.** Every portion of a farm, provided it is separately transferred to the name of a white owner, shall be considered as a farm for the purposes of this Law, provided however that portions of the same farm, transferred to the same person, even if separately transferred, shall only be considered as one farm.
- What is understood by one farm.
- 6.** The number of families mentioned in Arts. 3, 4 and 5, may not be exceeded except with the express consent of the Government acting on the proposal of the officials concerned.
- Government may grant dispensation.
- 7.** Every owner, hirer, or inhabitant shall give a written permit to reside to the heads of the families which he keeps under the provisions of this Law, showing the place where they may establish themselves, provided it is on his own ground, or, with the consent of the owner, on the ground of another.
- Permit to natives.
- Every person who gives a permit to reside to more families than he is entitled to, shall be fined in a sum not exceeding £10 for every such family.
- Every head of a coloured family living on a farm without such permit to reside shall be considered as a vagabond and shall be subject to a fine not exceeding £10 or imprisonment for a period not exceeding one month, and on repetition of the offence to lashes not exceeding ten in number.
- All coloured persons living on a farm without a lawful permit to reside, shall be removed by the Commissioner or Sub-Commissioner as soon as such comes to his knowledge.

Coloured persons who wish to leave such residences must give three months' previous notice.
Penalty.

8. Coloured persons who, under the provisions of this Law, live on private properties, may only depart, unless a special agreement has been come to thereon, after having given three months' notice, both to the owner or tenant of the farm and to the Commissioner or Sub-Commissioner, or in case of the absence of such owner or tenant, to the aforesaid official, who shall then, if possible, give notice to the owner of the ground.

A coloured person contravening this Art. shall be punished by a fine not exceeding £10 or imprisonment for a period not exceeding one month.

Three months' notice to coloured person.

A similar notice of three months shall be given by the owner or tenant to any native lawfully kept by him, whom he does not wish to remain any longer; but in any case such coloured person shall have the right to harvest his standing crops.

Rules about farms belonging to natives.

9. On farms owned or possessed by natives, as well as on farms belonging to white persons, a number of families not exceeding five shall be allowed, and these families shall receive their written permit to reside from the Superintendent of Natives, and shall not in that case fall under the provisions of Art. 7 of this Law.

Repealing clause.

10. Law No. 11 of 1887, is hereby repealed.

Operation.

11. This Law shall come into operation on the 1st January, 1896. []

S. J. P. KRUGER,
President.

DR. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 16th October, 1895.

FIRST VOLKSRAAD RESOLUTION, 20th June, 1895.

420. Noted and accepted Second Volksraads Resolution dated 1st June, 1895, Art. 298.

Said Resolution reads as follows:—

Art. 23 of this Law (Law No. 2, 1887) shall become Art. 24, and Art. 23 shall read as follows:—

Copyright.

The President shall have the right to confer by proclamation all privileges granted under this Law on owners of copyright of books,

¹This Law was published for the first time in the *Staatscourant* of 23rd October, 1895.

writings, plates, maps, music, dramatic works, &c., published in any State or Colony and there printed, provided that all privileges in accordance with the law of copyright existing there are conferred by such State or Colony on owners of the copyright of books, writings, plates, maps, music, dramatic works, published and printed within this Republic.

FIRST VOLKSRAAD RESOLUTIONS, 2nd July, 1895.

557 to 569. Regulations for the Inspector of Baths at the Warm Baths.

FIRST VOLKSRAAD RESOLUTION, 3rd July, 1895.

580. The proposal of the State Attorney was approved.

It was to the following effect:—to insert the words “and any person in the service of the Republic” after the word “official” in Law No. 10, 1894.

Amendment
of Law
No. 10, 1894.

FIRST VOLKSRAAD RESOLUTIONS, 5th July, 1895.

595-616. Boring Regulations.

FIRST VOLKSRAAD RESOLUTION, 22nd July, 1895.

695. Volksraad Resolution, Art. 787, 11th July, 1894, repealed. And Volksraad Resolution, Art. 114, 22nd May, 1875, amended so that the admission fees for doctors and apothecaries are raised to £25 and £12. 10s. respectively.

Admission
fees for
doctors.

FIRST VOLKSRAAD RESOLUTION, 30th August, 1895.
Art. 1058.

Xanthium
Spinosum.

Eradication of Xanthium Spinosum on outspans shall be carried out at the expense of the State.

FIRST VOLKSRAAD RESOLUTION, 31st August, 1895.

1066. The First Volksraad having considered Govt. Note B.B. 1369/95 with the accompanying draft proclamation, now on the order :

Resolves to approve said draft proclamation and to declare it to have the force of law immediately after publication in the *Staatscourant*.

This Proclamation was dated 21st September, 1895, and was first published in the *Staatscourant* of 25th September, 1895. It reads as follows :—

Interference
with natives.

Whereas it has happened and happens that various persons, without the authorisation or permission of this Government, meddle with the affairs of the Natives, and with the policy of this Government with regard to the Natives both within and beyond the limits of this State.

Be it hereby enacted that the only persons who have power and authority to treat with the Native tribes, their chiefs, and their Captains, in the name of this State are :—the Superintendent of Natives, the Commissioners for Natives and the Sub-Commissioners for Natives in the South African Republic.

And be it further made known that if any other person than the aforesaid officials shall be found to meddle with the Natives in any way, or to negotiate for any other appointment of officials in connection with native affairs or in any way to meddle or interfere with affairs affecting the Natives, without having been specially authorised thereto by the Government or Superintendent of Natives on behalf of the Government, such person shall be punished :

For the first offence with a fine not exceeding £200 or with imprisonment with hard labour for a period not exceeding 12 months.

For the second offence with a fine not exceeding £500 or imprisonment with hard labour for a period not exceeding two years.

For the third offence with imprisonment for three years with hard labour.

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
21st September, 1895.

FIRST VOLKSRAAD RESOLUTIONS, 3rd October, 1895.

1479. Section 1 (of the report on the labour question) with the recommendations is approved.

One of the recommendations reads as follows:—With regard to the inclusion of Mission Stations under the operation of the Squatters Law Your Commission is informed by the Government that some of the old stations were recognised by the previous Government, and notice was given to them thereafter to transfer their ground as locations to the name of the Superintendent of Natives. Several of these stations have complied therewith and Your Commission recommends the Government to direct such old recognised stations, where they have not already done so, to comply with the terms of the above notice. Failing to do so such stations, like all other stations, shall fall under the provisions of the Squatters Law.

Mission stations.

Squatters Law.

Your Commission does not think it possible to bring the old recognised stations which have complied with the terms of the above notice, or which do so without delay, within the provisions of the Squatters Law.

At the same time Your Commission suggests that the Government direct a list of such old recognised stations with all particulars to be laid before this Raad.

LAW No. 6, 1896.

Amendment of Law No. 2, 1874, being extension of Art. 7.

(Approved by Second Volksraad, Art. 266, dated 23rd May, 1896, noted and accepted by First Volksraad, Art. 563, dated 12th June, 1896.)

7. After the coming into operation of this Law, any Landdrost, Justice of the Peace, or Chief Constable, or other person appointed for the purpose by the Government, shall be entitled at all reasonable times to enter any place, within the limits of his district, where goods are kept for sale, or where any trade by measure or weight is carried on, and then and there inspect all measures, weights, scales, steel-yards and other weighing machines which may be there, and compare and test the same with and according to the Standard Model Weights and Measures which are kept by the Treasurer-General, or the respective Landdrosts, as prescribed by Arts. 3 and 4. The measures, weights, scales and weighing machines so tested, compared and inspected, if found correct, may be marked in such manner as the Government may determine.

Inspection of scales, &c.

Further, the Landdrosts in the districts and the Mining Commissioners on the Goldfields shall be obliged at least twice a year to have all measures, weights, scales, steel-yards or other weighing machines within their jurisdiction, marked, and shall

Inspection to be held twice a year.

report the result each year in the month of January to the Government.

This amendment shall come into operation on the 1st September, 1896.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
19th June, 1896.

—
LAW No. 8, 1896.

AMENDMENT OF ART. 38 OF LAW No. 12, 1894.

(Approved by Second Volksraad, Art. 291, dated 26th May, 1896 :
noted and accepted by the First Volksraad, Art. 566,
dated 12th June, 1896.)

WHEREAS it is deemed necessary to amend Art. 38 of Law No. 12, 1894, it is hereby enacted as follows :—

1. Art. 38 of Law No. 12, 1894, shall hereby lapse, and shall be superseded by the following Article :—

Adulteration
of liquors.

Art. 38. It is prohibited to adulterate or dilute with any foreign substance any distilled liquors or liquids, whether prepared from imported products or materials or not, or from any article manufactured from such products or materials or not, and whether described in this Law or not; or to sell such liquors or liquids, or to keep such liquors or liquids in stock in any building or any locality in which a wholesale or retail trade in distilled liquors is being carried on.

The term adulterated or diluted liquors and liquids as above referred to shall, for the purposes of this Law, be taken to apply, *inter alia*, to :—

Distilled
liquors.

- (a.) Distilled liquors or liquids, irrespective of the substance from which they are manufactured, which have an alcoholic standard strength of less than 40 per cent. and a higher alcoholic standard strength than 56 per cent., measured according to the Tralles Alcoholometer.
- (b.) Distilled liquors or liquids to which foreign substances have been added, whether to increase the bulk or to reduce or conceal the alcoholic standard strength.
- (c.) Distilled liquors or liquids in which sulphuric acid (*acidum sulphuricum*), or any other foreign substance is present.
- (d.) Distilled liquors or liquids which contain more than 0·3 per cent. of fusel oil.
- (e.) Distilled liquors or liquids of which the exact standard strength amounts to more than 1 per cent.

Exceptions to the above are :—

Methylated spirits stored in jars, bottles or casks, provided with a label, on which the words “Poison, Methylated Spirits,” are clearly printed in red letters.

Contravention of this Article shall be punished in terms of Art. 49g, of this Law.

2. This Law shall come into operation on 1st September, 1896. Operation.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
19th June, 1896.

LAW No. 11, 1896.

AMENDMENT OF LAW No. 10, 1885, AND THE SUBSEQUENT LAWS
AND VOLKSRAAD RESOLUTIONS CONNECTED THEREWITH.

(Approved and enacted by Second Volksraad, Art. 519–537, dated 10th June, 1896; noted and accepted by First Volksraad, Art. 710, dated 26th June, 1896.)

WHEREAS it has appeared desirable to make better and further provision for the collection of direct taxes, as also to make a compilation of the various laws and enactments having reference thereto. It is hereby enacted and provided as follows :—

1. The direct taxes shall be paid before the 1st July of each year at the office of the Receiver of Taxes, appointed for the district where the taxpayer resides, or in respect of taxes due on land, where the ground is situate. Direct Taxes where and when payable.

Taxes for land, situate in another district to that in which the taxpayer resides, may be paid direct to the Receiver of Taxes of the district wherein the taxpayer resides, provided that he submits the last receipt or a certificate showing the amount of taxes last paid, the place and date of payment, as also how much per annum is due by him to the Treasury as at the time of payment. Payment in other district than where land is situate.

2. The Sub-commissioners of Natives shall have the right within their respective jurisdictions to collect taxes from natives residing on private property, and not on beacons-off locations. Natives.

3. The Receivers of Taxes shall be obliged to grant receipts for each payment immediately payment is made. Tax Receipt.

4. The Receivers of Taxes shall not accept any payment of taxes for the current year unless the taxes for the previous year shall have been paid. Taxes for previous years.

They shall, if the amount due for previous years has not yet been paid, appropriate the amount tendered to payment of the taxes for such previous years, and issue receipt accordingly.

No payments
in advance
allowed.

No payment of taxes shall be accepted by the said Receivers of Taxes in advance.

Lost Receipts.

5. Should a receipt be lost or mislaid, the Receiver of Taxes shall issue a duplicate to the applicant upon payment of a stamp of one shilling, which stamp shall be affixed to the duplicate receipt and cancelled.

Register of
taxpayers.

6. The Receiver of Taxes of any district shall be obliged to keep a proper Register in order to give the owners of fixed property situate within his jurisdiction, or their representatives, an opportunity to have their names and addresses registered.

Notice to
taxpayers.
of overdue
taxes.

7. As soon as the period mentioned in Art. 1 shall have expired, the Receiver of Taxes of the district shall send to each taxpayer who has remained in default to pay his taxes, and whose residence is known to him, or whose address has been registered in terms of the previous article, a duly specified letter of demand by registered post, setting out the name of the taxpayer, the amount and nature of the tax which is due, the place of payment, and fixing a date before or on which the payment is to be made on pain of legal process being issued.

Notice by
registered
letter.

8. Wherever, with reference to the tax due on fixed property, the taxpayer does not live in the district where the tax is payable, the letter of demand shall be sent him by registered post to the place where he resides, or to his agent, or, in the case of companies, to the secretary or representative of the company in question, if the name and address are registered in terms of Art. 6, or are otherwise known to the Receiver of Taxes.

Citation in
Gazette for
overdue taxes
where
taxpayer's
address
unknown.

9. Should the residence of the owner of fixed property or of his agent be unknown to the Receiver of Taxes, the latter shall cite the owner three times to pay.

These citations shall be published in the *Staatscourant*, and the contents thereof shall be similar to those of the letter of demand mentioned in Art. 7.

For each citation in the *Staatscourant* a sum of two shillings and sixpence, recoverable in the same way as the overdue tax itself, shall be paid by the taxpayer for the benefit of the State in respect of each farm or erf or portion thereof

Insolvency
of taxpayer.

10. The direct taxes shall become immediately recoverable, even before expiry of the time fixed by Art. 1, as soon as the taxpayer shall be declared insolvent, as also in the case of an attachment in execution of his movable or immovable property.

11. The personal obligation to pay the tax shall continue notwithstanding the sequestration of the taxpayer's estate.

Summary
Execution.

12. Where the taxpayer still neglects after the citation or summons mentioned in Arts. 7, 8 and 9 of this Law to pay the overdue tax, the Receiver of Taxes shall transmit to the Landdrost

of the district a writ of execution to be issued by him, to which the right of summary (*parate*) execution shall be attached, that is, the right to execute against the movable and immovable property of the debtor without further proceedings or a judgment.

This writ shall be presented by the Messenger of the Court to the taxpayer personally, or at his residence or place of abode, and payment requested, and in default of payment the goods of the taxpayer shall be attached, and the writ executed in manner provided by the "civil procedure" in Courts of Law with regard to judgments.

The Landdrost shall have jurisdiction herein.

Monies and goods movable as well as immovable, in the hands of agents, executors of estates of deceased persons, trustees of insolvent estates, and any other persons who undertake the administration of the affairs of another person, shall be subject to such attachment.

13. Should the residence of the taxpayer or of his representative or agent be unknown, and a writ of summary (*parate*) execution be issued against him, it shall, in lieu of service, be sufficient to publish three times in succession an intimation in the *Staatscourant*, that a writ as above mentioned has been issued, and to refer therein to the citation published according to Art. 9 of this Law.

Publication in
Staatscourant.

The taxpayer shall pay for each such publication the sum of 2/6, recoverable in the same way as the overdue tax.

If within two months after the date of the first publication the tax has not yet been paid, execution shall be further levied as laid down in Art. 12 of this Law.

14. Before it may be taken for granted that the residence of a taxpayer is unknown, the Receiver of Taxes shall cause careful enquiry to be instituted as to his place of residence, either through the Landdrost in whose district the last payment by the taxpayer had been made, or through the agent or representative who made such payment for him, or in any other way whereby the required information may be obtained.

Enquiries
as to
whereabouts
of taxpayer.

15. In summary executions the sale of immovable property shall be duly advertised and published at least thrice in the *Staatscourant*, and in a newspaper published in the district where the immovable property aforesaid shall be situate, or if there be no such paper, then in a newspaper published at Pretoria.

Advertising
sales in
execution.

The costs of such advertising and publication shall be recoverable in the same manner as the overdue tax.

The sale aforesaid shall be held without reserve, and always in the month of December, in the principal town of the district where the land is situate.

Place, time
and conditions
of sale.

16. The execution of the writ may not be suspended otherwise than upon a protest which shall enumerate in clear terms the grounds on which it is based. Such protest may in no case be

Protests
against writ.

based or grounded on an allegation of ignorance of the law, or that a demand was not received, or the citation not read.

The Landdrost of the district shall deal summarily with such protests, making an estimate of the costs.

Should the protest be dismissed, no appeal shall be allowed until the amount of the overdue tax and the costs shall first have been deposited in the hands of the Registrar of the Landdrost Court.

Messenger serving writ shall accept payment with costs if tendered.

17. Where, at the time of service and execution of the writ, the amount of the tax with costs is tendered to the Messenger, he shall be obliged to receive the money and give a receipt therefor there and then, which receipt shall be exchanged for one from the Receiver of Taxes.

The Messenger shall make his report with reference thereto to the Landdrost, through whom the writ is issued.

Stamp Duty.

18. The demands, writs and further judicial documents and deeds issued, or served in terms of this Law, shall be free of stamp duty.

Tacit Hypothec of State.

19. The State shall have a tacit Hypothec and right of preference :—

1. As far as the direct taxes are concerned, on all movable or immovable property of the taxpayer :
2. As far as specially concerns the tax on fixed property :
 - (a.) On the field and tree fruits belonging to the taxpayer, and other products of the property subject to the tax.
 - (b.) On the rents and monies due and to become due thereon.
 - (c.) And on the property itself which is subject to the tax.

Provided always that no immovable property of the taxpayer shall be sold in execution, unless his movable assets shall have been found by the Messenger of the Court to be insufficient to cover the taxes and the costs.

This right of preference shall rank above all others, even above pledges and mortgages, the costs of execution being specially excepted.

Supervision of administration.

20. The supervision of the administration of this Law shall be committed to the Auditor-General. All publications affecting the Law shall pass through his office, and be supervised by him in consultation with the State Solicitor, as also all writs of summary (*parate*) execution, sales connected therewith and all the procedure further necessary.

Exemption from taxation.

21. Exemption from payment of taxes may be granted to decrepit or old, and at the same time impoverished, persons, either wholly or in part as is hereinafter provided.

No exemption of fixed property.

22. No exemption from taxation may be granted in respect of fixed property, claims or stands.

Exemption may only be granted in respect of arrear taxes and those for the current year.

23. Persons who desire to obtain such exemption from payment of taxes shall make written application to that end to the local Receiver of Taxes, setting out the grounds thereof. Application for exemption.

The local Receiver of Taxes shall transmit such application with his report to the Auditor-General.

The Auditor-General shall have the right, in consultation with the Treasurer-General, to require such proofs as it may in his opinion be necessary to have, before deciding on the application.

The Auditor-General and the Treasurer-General shall, after consideration of the reasons and proofs produced, finally decide upon the application, either granting partial or total exemption, or disallowing the application.

24. All Laws and enactments conflicting with this Law are hereby repealed. Repeal.

25. This Law shall come into operation immediately after publication in the *Staatscourant*. Operation.

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
6th July, 1896.

LAW 18, 1896.

TRADING ON MINING PREMISES (TRUCK LAW).

(Modified and enacted by Second Volksraad, Art. 1047, dated 3rd August, 1896; noted and accepted by First Volksraad, Art. 1221, dated 18th August, 1896.)

1. No trading licence shall in future be granted or renewed for a place or premises pegged off or held under licence for mining purposes, which is closed off or fenced in. No trading licences for Compounds.

2. No Director or Secretary of a Company, or employer of labour for a Company, and no Mine Manager shall have the right to be a shareholder in any store or business on mining premises. Directors, &c., of Companies.

They shall neither directly nor indirectly be shareholders thereof, under penalty of the amount mentioned in Art. 5.

3. The employer of labour who, on behalf of any Mining Company, and authorised by it so to do, pays out the wage of a work- Wages must be paid in cash only.

Penalties.

man or employee of any Mine, or any advance on such wage otherwise than in current coin, or who stands security for the debts of such workman or employee in any store or canteen, shall be punished for the first offence by a fine not exceeding £100, or imprisonment for a period not exceeding one month, and upon a second or further contravention, by a fine not exceeding £300, or imprisonment for a period not exceeding twelve months.

Where the employer referred to in the preceding paragraph is a Company or a Syndicate, such Company or Syndicate may be prosecuted upon contravention of the provisions contained in that paragraph.

The service of the summons against such Company or Syndicate may be effected either on the Secretary or on one of the Managers or Directors.

Upon non-payment within three days, a writ shall be issued against the goods of such Company or Syndicate without further form of process.

Sale of
amalgam, &c.

4. No person, who has been convicted of selling unwrought precious metals, amalgam or precious stones, or of being concerned therein, may, after such conviction, carry on business on any mining property.

Penalties.

5. Every contravention of the provisions of Articles 1, 2 and 4 of this Law, shall be punished upon the first contravention, by a fine not exceeding £100, or in default of payment by imprisonment, with or without hard labour, for a period not exceeding three months, and upon the second contravention by a fine not exceeding £200, or in default of payment, by imprisonment, with or without hard labour, for a period not exceeding six months, and upon a third contravention, by a fine not exceeding £300 or in default of payment, by imprisonment, with or without hard labour, for a period not exceeding 18 months, and cancellation of the licence issued.

Jurisdiction.

6. The Landdrosts, Special Landdrosts, Assistant Landdrosts, and Resident Justices of the Peace, shall have jurisdiction in respect of all contraventions of this Law.

7. This Law shall come into operation on the 1st January, 1897.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Office,
Pretoria, 27th August, 1896.

LAW No. 19, 1896.

(Being supplement to Law No. 1, 1893. Modified and enacted by First Volksraad Articles 1238-1251, dated 20 & 21 August, 1896.)

WHEREAS it appears necessary to supplement Law No. 1, 1893, by certain provisions relating to transport-riders who reside in foreign parts, it is hereby enacted as follows.—

1. Between Articles 15 and 16 of the said Law the following new Articles shall be inserted.—

Art. 15 “a.” Every transport-rider residing beyond the limits of this State, who wishes to ride transport and to operate as a common carrier within this Republic, shall be provided with a licence issued to him by some Landdrost or such official as may be appointed by the Government for that purpose, upon payment of £2 per wagon per quarter. Carriers’
Licence.

Art. 15 “b.” The said licence shall upon request be exhibited by him to any Landdrost, Mining Commissioner, Field-Cornet, Assistant Field-Cornet, Justice of the Peace, Tax Collector or Police Official.

Art. 15 “c.” Every transport-rider or carrier residing beyond the limits of this Republic, shall henceforth have a board attached to his wagon, whereon the name of the owner, his residence and occupation at his place of residence shall be set forth in clear characters. Board on
wagon.

Art. 15 “d.” Contravention of Arts. 15 a, 15 b, and 15 c, shall be punished by a fine equivalent to three times the amount of the licence and the costs of suit, or in default of payment, imprisonment, with or without hard labour, for a period not exceeding three months. Penalties.

The transport-rider residing outside the limits of this State, on whose board as referred to in Art. 15 c, any false statement appears, shall be punished by imprisonment, with or without hard labour, for a period not exceeding six months.

The following persons shall, in terms of this Law, be taken to be transport-riders or carriers not residing in this State, viz:— Definition.

Those who cannot prove that they are *bonâ fide* inhabitants of this country, and registered as such in the Field-Cornet’s books.

2. This Law shall come into operation three months after publication in the *Staatscourant*. Operation.

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
29th August, 1896.

LAW No. 20, 1896.

Regulating Hawkets' Licences. Modified and enacted by Resolution Second Volksraad, Art, 283a, dd. 17th August, 1896: noted and accepted by First Volksraad, Art. 1337, dd. 3rd September, 1896.

WHEREAS it has appeared desirable, to make provision for the issue of licences, regulating the business of Hawkets and Pedlars:—

It is hereby enacted:—

Amount.

1. The Licence for Hawkets and Pedlars is hereby fixed at £5 per year or 10/- per month.

Selling without licence.

2. No one shall be permitted to vend merchandise in the public roads or from house to house, unless he be provided with a licence, upon pain or penalty as fixed by Art. 4, Law No. 6, 1882.

Operation.

3. This Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 11th September, 1896.

LAW No. 22, 1896.

BEING AMENDMENT OF LAW No. 3, 1884.

“TELEGRAPHS.”

(Approved by Second Volksraad, Art. 1410, dated 26th August, 1896; noted and accepted by First Volksraad, Art. 1754, dated 22nd September, 1896.)

Preservation of copies of telegrams.

1. The telegraph tapes, as well as the minutes and copies of telegrams, shall be kept in safe custody, with all necessary precaution as to secrecy, at least twelve months as and from the day that the telegram was handed in or received.

After the expiry of this term they may be destroyed.

Operation.

2. The Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 26th September, 1896.

LAW No. 23, 1896.

BEING AMENDMENT OF ART. 11, LAW NO. 9, 1880.

(Confirmed by Second Volksraad, Art. 1403, dd. 26 August, 1896, and First Volksraad, Art. 1753 dd. 22 September, 1896.)

1. 11. Any person who shall transmit or shall cause to be transmitted any message or item of news, by telegraph, for which the amount fixed by law has not been paid, intending thereby to defraud the owner or owners of such a telegraph, or

Telegrams not duly paid for.

Any person who shall tender or cause to be tendered to any telegraph office for transmission a message or item of news or report which is mendacious, incorrect, or beside the truth, or which is in contravention of the laws of the country, or prejudicial to public order, or the safety of the State, or public morals, or

False messages.

Any telegraph official, who shall wilfully transmit or cause to be transmitted, or shall deliver or cause to be delivered, any message or item of news, or report as in paragraph 2 of this article mentioned, shall, if found guilty, be subject to a fine not exceeding one hundred pounds sterling, or to imprisonment, with or without hard labour, for a period not exceeding six calendar months, or to both imprisonment and fine.

Telegraph Officials.

2. This Law shall come into operation immediately after publication in the *Staatscourant*.

Operation.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 26 September, 1896.

LAW No. 27, 1896.

ON EXPLOSIVES.

(Approved by First Volksraad, Art. 1972, dated 6th November, 1896.)

A.—General Provisions.

1. These provisions have reference to all explosives compounded from nitro-glycerine, besides all explosives which are customarily exploded only by means of detonators, all sorts of gun-powder, blasting-powder, gun-cotton (with exception of collodion cotton), all sorts of explosive mediums or contrivances (with the exception of fuse), and ammunition for fire-arms.

Articles affected by this law.

Wherever traffic shall be carried on in explosives, which are not included in the above description, the Government may, with the

consent of the Executive Council, lay down regulations with regard to such explosives.

Prohibited traffic.

2. The offering for conveyance, conveying and use of the following explosives is prohibited :—

- (a.) Pure nitro-glycerine.
- (b.) Dry fulminating gold (hard or as a powder), fulminating mercury, fulminating silver and preparations therefrom, except when they occur in detonators.
- (c.) Nitrated salts of sugar, nitrated salts of amyllum, and the compounds prepared therefrom.
- (d.) Compounds which allow nitro-glycerine to ooze out, or cartridges, which are externally moist with nitro-glycerine.

The conveyance of damaged or spoiled explosives by transport wagon shall however be allowed under the supervision of an expert, for the purpose of re-working the materials, or destroying the same.

- (e.) Explosives, which are liable to spontaneous combustion at the ordinary temperature.
- (f.) Explosives, which contain picric acids or the acids of chlorine, save only in detonators.
- (g.) Explosives, which are not of the requisite good quality, due regard being had to safety; what is provided under letter "d" as to conveyance, is also of application here.

The Government may, upon advice of the State Mining Engineer, based on later discoveries, permit of exceptions to this prohibition.

Military ammunition.

3. This Law shall not apply to ammunition for fire-arms, which is conveyed, stored, or used for military purposes, with reference to which the necessary regulations shall be made by the Commandant-General.

Town Council regulations.

4. All regulations made by a Town Council or other local authority in conflict with the terms of this Law, or conflicting with the regulations to be framed by the Government by virtue of this Law, shall be of no effect.

Inspector of Explosives.

5. The supervision as to a strict compliance with the terms of this Law shall be entrusted to an Inspector of Explosives to be appointed by the Government.

This Inspector shall be subordinate to the State Mining Engineer, and the necessary technical and administrative help shall be given him.

The Government may, upon recommendation of such Inspector, authorise another official to exercise his powers and duties.

Duty of Inspector.

6. It shall be the duty of the Inspector of Explosives to enquire whether explosives intended for conveyance or sale are of the required quality. He may, to that end, whenever he deems it

necessary, take samples of any explosives which are being conveyed, and of those stored in magazines, and may submit the same to a proper test.

From the decision of the Inspector of Explosives as to the quality of the explosives, an appeal shall lie to a Commission consisting of the State Mining Engineer and two experts, of whom one shall be nominated by the State Mining Engineer, and the other by the Government Agent for Explosives. The costs occasioned by this testing shall, if the samples do not conform to the appointed requirements, be borne by the parties who are responsible for bringing the said explosives into traffic of commerce. Appeal.

In the event of it being decided that the samples do conform to the appointed requirements, the Government shall pay the special expenses incurred in respect of these tests.

7. Whosoever is in possession of explosives, whether as manufacturer, consignor, carrier, receiver, consumer, or in whatever capacity, shall be obliged to notify to and acquaint his employees, whose business it is to conform to the requirements of this Law, with these provisions whether by means of posters or otherwise. Possession of explosives.

Neglect of such notification shall, however, not discharge the subordinate who contravenes these regulations, from the punishment provided.

B.—Packing.

8. Explosives shall be tendered for conveyance only when packed in the following manner:— Packing of dynamite, &c.

(a.) Dynamite and all other explosives, which are only combusted by means of detonators, shall either—

1. Be moulded in cartridges, wrapped up in suitable paper which is impervious to damp, tied in packets firmly packed in wooden boxes, or
2. Be done up in separate larger parcels, but no parcel shall weigh more than fifteen pounds, packed in such a manner in wooden boxes that the parcels lie firmly together in the boxes.

In the packing referred to in par. 2, an oiled silk cretonne bag, or other similar cover, shall be wrapped round the explosives.

The boxes referred to in pars. 1 and 2, shall be made of sound planks, at least $\frac{9}{16}$ of an inch or 15 m/m thick, and dovetailed, unless otherwise authorised by the Government; they shall not be fixed together, nor closed by means of iron nails, nor iron screws, and no box may contain more than seventy-five pounds nett weight.

(b.) Gunpowder may be packed only in stout wooden boxes or casks, the strength of which shall be proportionate to the weight, and no iron shall be used in any form whatsoever thereon, either internally or externally. Packing gunpowder.

Packing in so-called American casks (manufactured from compressed and varnished paper) is, however, allowed. The boxes or casks must be so constructed that the powder cannot escape, and the weight when packed may not exceed 100 pounds nett.

In addition to the outer packing, blasting-powder (in grains) shall be done up in bags of leather, india-rubber, calico or similar stuff, not exceeding ten pounds in weight.

Blasting-powder "compressed into cartridges," shall be done up in paper covers.

Gunpowder must be done up in bags of leather, india-rubber, calico or similar stuffs, not more than ten pounds in weight, or in flasks of tin or similar metal, not more than five pounds in weight.

The packing shall be such that the bags, parcels or flasks cannot shift about.

Packing of cartridges.

Rifle or gun cartridges shall be done up in cardboard boxes or paper covers and these again packed in strong wooden boxes.

Caps shall be packed in tin boxes enclosed in strong wooden cases.

Gun-cotton.

(c.) Gun-cotton may, when mixed with 25 per cent. of water, be packed loose in wooden boxes provided with water-tight inside covering. Dry gun-cotton may be conveyed only in the compressed form, and shall first of all be done up in packets with stout paper wrappers.

The gross weight of damp gun-cotton done up in one parcel may not exceed 200 pounds, and of dry compressed gun-cotton 80 pounds.

Detonators.

(d.) Detonators shall be packed as follows:—

By the hundred in tin boxes provided with sawdust or a similar substance, and shall be kept separate from the tin by paper along the sides, and above and below by pieces of cloth, and packed in a strong case enclosed in a second case, whilst all intervening spaces shall be filled up with sawdust or similar material. It is also permitted without the use of sawdust to fix the inside box so firmly by means of wooden laths that it cannot shift about.

The sawdust or similar substance may likewise be dispensed with in the tin boxes, when the detonators are so fitted, *e.g.*, by means of an isolation of the explosives by tin-foil or similar substance that the explosive cannot escape during the conveyance thereof.

The covers of the boxes must be provided with screws; a box may not contain more than 12,500 detonators. Handles shall be attached to the boxes referred to in this Article, and shall be firmly fixed.

Packing of different explosives in one case prohibited.

The packing of explosives in one box with other substances, or different sorts of explosive substances in one box, unless where the explosives occur in rifle or gun cartridges, is prohibited.

A description of contents shall be clearly inscribed in good legible characters on all boxes or casks, such as, *e.g.*, gunpowder, dynamite, and such like; besides this, the factory mark of the Government Agent, and the consecutive number shall be clearly stated, except in respect of explosives imported by the Government; finally all packets of cartridges shall bear the said factory mark, as also a statement of contents, such as, *e.g.*, dynamite, powder, &c., except in respect of explosives imported by the Government.

Contents to be described.

C.—General Provisions as to Consignment.

9. A. The conveyance of powder, to a weight of not exceeding 20 lbs., and of rifle or gun cartridges not exceeding 2,000 cartridges, by conveyance drawn by animal power is permissible.

Conveyance of gunpowder. Amount limited without permission.

The same applies to consignments of other explosives admitted to traffic, not exceeding a weight of 10 lbs. and the detonators appertaining thereto, exclusively required for the private use of burghers residing outside the towns.

B. For the conveyance of ammunition for the use of burghers, viz., of powder, to a weight from 20 to 25 lbs. and of cartridges to a quantity of from 2,000 to 10,000 rounds, the written consent of the Landdrost is required, who shall give notice thereof to the Inspector of Explosives, setting out—

Ammunition for burghers.

- (a.) The quantity conveyed.
- (b.) The place and time of departure.
- (c.) The destination and probable time of arrival.

The permit of the Landdrost or an officially certified copy thereof shall throughout accompany the conveyance.

C. For the conveyance of ammunition, viz. :—Of powder over a weight of 20 lbs. and of more than 2,000 cartridges, subject to what is provided by letter B of this Article and of any quantity of other explosives, due regard being had so far as the latter is concerned, to what is provided in the second paragraph of this Article, the written permission of the Inspector of Explosives is required, which permission shall be applied for by the consignor, who shall specify in his application—

Permission for conveyance necessary.

- (a.) The quantity to be conveyed.
- (b.) The place and time of departure.
- (c.) The destination and probable time of arrival.

The permit may be issued as a continuing one, save in respect of powder and ammunition; such permit may, however, at any time be withdrawn.

In granting or refusing the ordinary or continuing permit, the Inspector shall conform to the instructions of the Government.

Continuing permit.

Permit to accompany conveyance.

The permit or an officially certified copy thereof, or as it may happen, of the continuing permit, must always accompany the conveyance, as also the permit which may be granted to convey detonators together with explosives in one conveyance. (Art. 15, par. 2.)

Notice of conveyance.

As soon as a conveyance for which a permit has been granted departs, the consignor shall give notice thereof to the Inspector of Explosives. If any change is made as to the time of departure and arrival, as set out in the application for a permit, this shall be mentioned in such notice.

Continuing permits.

In case a continuing permit is issued, notice of each consignment shall be given to the Inspector of Explosives, specifying the particulars, hereinbefore set out under (a), (b), and (c).

Receipt.

The consignee is obliged, immediately after arrival of the consignment, to send a receipt to the consignor as well as to the Inspector of Explosives.

Loading and off-loading.

10. The loading and off-loading of explosives, except in the case of powder to a quantity of 25 lbs., and of cartridges not exceeding 10,000 in number, may take place, except in cases of necessity, only on the factory premises in front of the magazine at the off-loading places along the railway line, or at the place of destination, for loading or off-loading at other places the consent of the Inspector is required.

Uncovered lights.

Whilst loading or off-loading no fire may be made or uncovered light burned, and no smoking shall be allowed. The loading and off-loading of gunpowder by night is prohibited, and in respect of other explosives, may only take place in case of necessity, and only by safely protected lighting arrangements or electric light.

Loading and off-loading by night.

Shaking and jolting shall as much as possible be avoided, the boxes may not be thrown down, but must always be lifted down.

Boxes, which so far as can be judged from the outside, are not in accordance with the provisions of Art. 8, and boxes, in respect of which any deterioration of the contents thereof can be perceived, shall not be offered nor accepted for conveyance. The carrier is, however, not responsible for the acceptance of such boxes, if they are offered him in closed trucks.

Transmission by post prohibited.

11. The tendering for transmission and the conveyance of explosives by letter-post and by parcel-post is prohibited.

D.—*Consignment by Conveyance drawn by Animal Power.*

Consignment by post carts, &c., prohibited.

12. The consignment of explosives by post carts and coaches is prohibited, with the exception of ammunition for firearms carried by passengers for their own use, in duly closed packages, in a quantity not exceeding 50 rifle or gun cartridges. It is, however, prohibited for passengers to carry loaded firearms or any quantity of explosives, however small.

Consignment regulations.

13. Upon consignment by conveyance of powder over 20 lbs. in weight, of other explosives over 10 lbs. in weight (and the

thereto appertaining detonators), or of more than 2,000 rifle or gun cartridges, the person in charge of the conveyance shall observe the following rules:—

- 14.** All iron or steel portions of the conveyance which may come into contact with the boxes, shall be covered with wood, leather, stuff, sail-cloth, lining, raw ox-hide or other appropriate material. Covering of metal.
- Each consignment of explosives shall during the conveyance, as a protection against damp and against fire, be covered and protected by wagon covers of suitable material, in cases where they are not conveyed in tented wagons. Explosives to be covered.
- 15.** Dynamite and other explosives may be conveyed together in one conveyance, but the loading-up of these materials together with powder, detonators, fuses, easily or spontaneously inflammable materials, acids and uncovered metals is prohibited. Conveyance together of explosives.
- It is likewise prohibited to convey powder on a conveyance together with detonators, fuses, easily or spontaneously inflammable materials and uncovered metals. Prohibitions.
- The loading together on one conveyance of explosives and detonators is, however, permitted in those cases in which the Inspector considers it unavoidable, by reason of the great expense of separately conveying explosives and detonators which are required for use at the same time and for one purpose. Exception.
- In that case the explosives shall be completely separated from the boxes with detonators by special partitions, such as stout packing cases or such like, in which no uncovered iron or steel is present, and which partitions are sufficiently weighted or fixed to secure them against shifting, and which shall be at least two feet in width and be placed right across the conveyance. Conditions to be observed.
- In the above case, the Inspector shall give his consent in writing, and may, in addition to the above, order the taking of further precautionary measures. Consent of Inspector necessary.
- 16.** The conveyances may not be loaded up to more than 75 per cent. of their capacity, nor with more than 6,000 lbs. On the conveyance each separate box shall be so fixed, that it cannot be shaken backwards or forwards, but the use of chains to secure it is prohibited. Limit of load and manner of loading.
- The boxes loaded on the conveyance must stand on cloths or skins. Powder barrels must whilst being conveyed be kept in position, resting on their bilge, by underlying pieces of wood.
- 17.** When in process of transit the vehicles must always remain under the supervision of a trustworthy white person, whose name must be stated on the way-bill. When a halt is unavoidable during the journey, either by day or by night, should this take place at a less distance than 500 yards from an inhabited place or much frequented spot, a guard must be present, who must keep an unbroken watch. Conveyance : Guard to be provided.

- Pace.** 18. The conveyances shall, where possible, proceed only at a walking pace, and other conveyances passing them may proceed only at a walk.
- Red flag.** So long as any explosives are in the conveyance, it shall carry a clearly discernible red flag.
- Careless driving.** Careless driving is strongly prohibited, and all jolting of the conveyance and any shifting of a portion of the load shall be provided against with the greatest possible care.
- Not to be approached.** 19. Immediately after receipt of the explosives, the carriers shall proceed to their destination, and duly take all such precautionary measures as may prevent other persons, whose presence is not needed, from approaching the conveyance.
- Distance between conveyances.** 20. Where the consignment is loaded on two or more conveyances, these shall be kept at a distance of at least thirty yards from each other.
- Smoking and fires prohibited.** 21. Smoking is strictly prohibited in or on the conveyance. Fires or uncovered lights in, under, or in the neighbourhood of the conveyance are likewise prohibited.
- Centres of population to be avoided.** 22. As far as circumstances permit, towns, villages, and densely populated parts shall be avoided. Delay in such places is forbidden, save only for the purpose of off-loading and loading, and in the event of mischance.
- Route of conveyance.** The Government has the power to prohibit, or, as the case may be, to direct the conveyance of explosives along defined roads, ways and streets. Disregard of what the Government may in this connection prescribe shall be punished as a contravention of this Law.
- Manner of loading and off-loading.** 23. Explosives must not be tilted or thrown about, but must be carefully lifted on and off the vehicles and loaded up with the greatest caution, so that during transit a minimum of shifting will be ensured.
- Engines, &c., to be avoided.** 24. The conveyance shall keep at as great a distance as possible from railway trains, locomotives, steam-ploughs, steam-rollers and such like engines.
- Before crossing a railway track, the conductor shall first satisfy himself that no train is approaching.
- Inhabited buildings.** During thunderstorms the conveyance shall, when possible, stop at a distance not less than 300 yards from any inhabited buildings or farmhouses, which may be surrounded by very high trees or other lofty objects.
- Precautions in off-loading en route.** 25. Where for any urgent reason it is unavoidably necessary to off-load the explosives, or any portion thereof, from the conveyance in the course of the journey, the greatest care shall be taken in guarding the same, and protecting it against fire or damp: and to prevent its being run over, its coming into contact with iron, steel, acids or easily inflammable stuffs: and all persons, animals or

conveyances, whose presence is not required there, shall be kept at a distance.

Even under these circumstances the explosives shall not be stored in the neighbourhood of inhabited houses, where that can be avoided, and shall as soon as possible be again loaded on the conveyance.

26. Whoever sends explosives by conveyance is obliged to notify and acquaint the man in charge, referred to in Art. 17, of and with the provisions contained in Arts. 12 to 26 inclusive, where that has not already been done: neglect of such notification shall, however, not relieve the latter, in the event of any contravention, from the punishment provided therefor: the aforesaid Arts. 12 to 26 shall moreover be printed on the way-bill.

Notification
to person in
charge.

27. The Inspector of Explosives shall have the right to detain any conveyance of explosives, and enquire whether the provisions of this Law are being complied with: should it appear to him that these provisions are not conformed to, or that the conveyance is in general not being effected with the necessary caution, he may give such directions as shall appear to him applicable, which directions shall be unconditionally followed.

Powers of
Inspector.

The person, mentioned in Art. 17, is obliged to assist the Inspector in his enquiry.

E.—Conveyance per Railway or Steam Tramway.

28. All explosives, which are packed in the manner above prescribed, with the exception of the explosives mentioned in Art. 2, may be conveyed by rail or steam tramway, due regard being had to the provisions hereinafter set out.

Conveyance
by railway.

29. In so far as the loading and off-loading of the truck can not be effected on the premises of the factory, or at the door of the magazines, special and isolated off-loading and loading places may be established on side lines by the Railway Administrations concerned, after consultation with the Government, unless existing isolated sidings are deemed suitable for the purpose and are thereto appointed by the Inspector of Explosives.

Special places
for loading
and off-
loading.

The Government may order the establishment of such off-loading places.

It is prohibited to lay out and erect villages, groups of houses, and buildings which are to serve as human abodes, within the distances from the off-loading places hereinbelow defined.

Off-loading
places; dis-
tances to be
observed.

The off-loading places shall be at least 500 yards removed from any passenger stations, villages, and groups of houses, and at least 250 yards from isolated buildings occupied by human beings not belonging to the railway. (This Article is suspended until further notice, see Proclamation, *Gazette* 1898, page 2,297.)

30. Except in the case of necessity, the loading of explosives shall be effected only by and on behalf of the consignor, and the

Consignor and
consignee

shall load and off-load.

off-loading by or on behalf of the consignee, under supervision of the station-master or his substitute.

Public excluded.

31. During the loading or off-loading of explosives, only persons who are employed in loading or off-loading shall be permitted to approach the conveyances. As soon as a conveyance is loaded it shall be at once closed up.

Opening of cases prohibited.

32. The opening of boxes or casks containing explosives at the station, even by Customs officials, is strictly prohibited.

Special goods trains.

33. The conveyance of explosives is, as a rule, to be effected by special goods trains, not carrying passengers, according to tariff provisions and regulations to be approved of by the Government.

Days for conveyance may be limited.

The railway management is entitled to limit the conveyance of explosives to certain days of the week.

Regulation of traffic.

The Government may, after having heard the railway administrations concerned, and the Government Agent for Explosives, regulate and limit this traffic at any very busy place.

Quantity by special goods train.

Such traffic is also likewise allowed by goods trains in quantities not exceeding one truck load. The quantity to be conveyed per any special goods train may not exceed 70 tons of 2,000 lbs. to the ton.

Such trains shall have a guard's van at either end.

Attendant appointed by Inspector.

34. No consignment of explosives shall be conveyed by rail or steam-tram which is not accompanied by an attendant appointed by the Inspector of Explosives, which attendant shall, for the purposes of this Law, have the rights and be charged with the duties of a Special Constable.

This attendant shall not leave the consignment from the time that the loading commences to the time that the delivery is completed.

He attends to the loading and off-loading, and sees that the provisions of this Law are complied with.

He shall report to the Inspector any contraventions that have come to his notice. The costs of this attendance shall be made good to the Government by the consignor.

Travellers ammunition.

35. Travellers may carry with them ammunition for fire-arms for their own use to a quantity of 100 cartridges in a properly closed packet, the carrying of loaded fire-arms by any traveller is, however, prohibited; so also with regard to even the smallest quantity of any explosive.

Maximum load.

36. The trucks intended for the conveyance of explosives may be loaded only up to 75 per cent. of their carrying power. The trucks shall be previously carefully cleansed.

Trucks prescribed.

Only covered and closed goods trucks, with efficient wagon and buffer springs, closed sides and closely fitting doors may be employed for the conveyance.

Brakes.

These trucks, shall, as a rule, not be provided with hand-brakes; should it happen, as an exception, that a truck with a hand-brake is being used for the conveyance here referred to, the brake shall be

disconnected and left out of use. Iron portions of the brake which may happen to extend inside of the truck, shall be wrapped round with linen or leather or covered with wood.

The trucks shall be clearly distinguished by means of two black flags hoisted above on the top of the truck, and by two easily discernible labels, one on each side of the truck consisting of the word "Explosives." Labels.

37. Special trains shall, if possible, journey right through to their destination without delay. For that purpose precedence may be given to such trains over other trains. No stoppage.

No change may be made at any of the stations *en route* in the arrangement of special trains, save in case of necessity.

38. Dynamite and such-like other explosives may be conveyed together in one truck, but it is prohibited to load such explosives on the same truck with powder, fuse, easily or spontaneously igniting substances, acids, and uncovered metals. Gunpowder may likewise not be conveyed in one truck with fuse, easily or spontaneously igniting substances, and uncovered metal. Conveyance together of explosives.

Should dynamite and such-like other explosives or powder be conveyed with fuses, easily or spontaneously igniting substances, in one train, there shall be hooked on in between the trucks with explosives and the truck with the last referred to articles and stuffs, at least three empty trucks, or trucks loaded with harmless articles; the same applies whenever dynamite and other explosives are conveyed in the same train with gunpowder. Trucks to separate explosives from fuses, &c.

39. It is prohibited to convey detonators in the same train with any other explosives; they may be conveyed per the ordinary goods trains. Detonators.

40. The boxes or casks with explosives shall be so packed in the trucks that shifting or rolling about thereof may be as much as possible obviated. Packing.

The boxes shall be loaded only in full horizontal layers, and should spaces be left open between the boxes and the sides of the truck, the boxes shall be shored up against the sides in an efficient manner.

Casks shall not be placed on their ends, but must be laid down parallel to the direction of the railway, and the rolling of the casks prevented by means of hair cloths or similar stuffs.

41. Whenever by way of exemption, a consignment of explosives is not sent by special train, or whenever trucks full of explosives are conveyed in an ordinary goods train, the trucks loaded with explosives shall be placed as near as possible in the middle of the train, and in any case be separated from the locomotive and the back end of the train by at least three empty trucks or trucks loaded with harmless substances. Trucks with explosives in the middle of train.

42. Trains laden with explosives shall be accompanied by competent railway officials, and the locomotives driven by fully experienced engine-drivers. Special railway officials.

The shunting, arranging, and coupling of the trains shall be effected with great caution.

It is forbidden in the shunting of the train to push off trucks containing explosives and let them run up by themselves.

No delays.

43. The trains with explosives shall start and proceed at once without unnecessary delay.

Unnecessary delay shall be strictly avoided in town, or where groups of houses stand, and at passenger stations.

Station-master's duties.

44. The off-loading of explosives shall always be effected without delay; if delay is occasioned by default of the consignee, the station-master shall, after consultation with the person in charge of the consignment, take all measures necessary to place the special trains, or the loaded trucks, at as safe a place as possible.

The station-master shall thereafter notify the Inspector of Explosives by telegram of what he has done, and await his instructions as to how to act further.

The measures ordered by the Inspector shall be taken at the cost of the party who is in default.

Consignee in default.

The consignee, who is in default, shall, quite apart from his civil liability, be subject to the punishment set out in Art. 82.

Notice of forwarding.

45. The consignor shall give at least 24 hours' previous notice to the station-master of the forwarding station of the proposed consignment of explosives.

Time for loading.

The station-master shall inform the consignor of the time of departure of the train, and give him notice of the time granted him, within which the loading is to be effected; this time shall be made as short as possible, and calculated according to the size and quantity of the consignment.

Intermediate stations to be advised.

The station-master of the forwarding station shall immediately notify all stations situate between that station and the place of destination, that a consignment of explosives is *en route*.

Consignee to be notified by Station-master.

At the place of destination the consignee shall as soon as possible be notified by the station-master of the expected arrival of the consignment of explosives, and called upon to receive and remove such consignment at a specified time.

By consignor.

The consignor shall also at once, after the consignment has left, inform the consignee by telegraph of the time of departure.

No storage in public sheds.

46. Explosives may not be stored in goods sheds which are at the same time open to public access.

Way-bill and declaration.

47. The consignor shall, before despatch of the consignment, submit to the railway officials, together with the way-bill, the Government permit, or an officially certified copy thereof and therewith a declaration signed by him in the form determined by the railway, stating—

1. The exact quantity and the contents of the consignment tendered by him.

- 2. That the packing has been done in accordance with this Law.
- 3. That arrangements have already been made with the consignee for the immediate off-loading and discharge upon arrival.

48. The provisions of Arts. 33, 34, 36, 41, 42, 43, 44, and 45, shall not apply to the conveyance of powder not exceeding 100 lbs., and other explosives not exceeding 50 lbs.; but the conveyance of the last-named stuffs by passenger train is forbidden. Small quantities.

49. The Inspector of Explosives is authorised, so far as the traffic is not impeded thereby, to inspect trains, which are conveying explosives, in order to see whether the above provisions are being observed. Duty of Inspectors.

The railway staff is obliged to give him all information desired by him.

50. Where any means of conveyance not mentioned in this Law come into use, the Government may, with advice and consent of the Executive Council, prescribe precautionary measures as to the transport by such means of conveyance. Other means of conveyance.

F.—Storage.

51. Explosives may be stored only in magazines specially erected for that purpose. Magazines.

52. For permission to erect the magazines referred to in Art. 51, application must be made to the Inspector of Explosives. The permit to erect such magazines shall bear a stamp of £5; and a yearly tax of £1 shall be paid for Government Inspection. Permits to erect.

A description of the magazine to be erected, and a plan showing its situation, shall be attached in duplicate to the application.

The plan of the locality shall show the situation of the nearest buildings, public roads and railways, if such there be.

53. The quantity of explosives in magazines built above ground may not exceed 25,000 lbs., and that stored in underground magazines 125,000 lbs. Above and underground.

The magazines which are built above ground shall be at least 700 yards, and the underground magazines at least 350 yards, removed from buildings which are customarily frequented by people, as also from public roads and railways, the latter not including loop lines and sidings. A less distance is permissible only with the special consent of the State Mining Engineer, who shall take the local conditions and the quantity of explosives which are to be stored into due regard. Distances to be observed.

The erection of buildings intended for ordinary human use or the construction of public roads and railways, with the exception of side lines and sidings, is prohibited within the limits above specified. Exception by consent of State Mining Engineer.

The erection of buildings intended for ordinary human use or the construction of public roads and railways, with the exception of side lines and sidings, is prohibited within the limits above specified. Building prohibited within limits.

- Distance between magazines. Magazines shall not be less than 150 feet apart.
- Construction of magazines. The roofing of all magazines, and also the sides of the above-ground magazines, shall, without exception, be constructed of the lightest possible materials; the height from floor to ceiling shall be at least 7 feet.
- Ramparts. Every above-ground magazine shall be surrounded by an earthen wall; the inner base whereof shall be at least 3 feet separate from the magazine itself, and the summit shall be at least 3 feet wide, and at least as high as the ridge of the roof.
- Entrance. The entrance to the magazine, as also that to an underground magazine, shall either be in a broken or zig-zag line, or be protected by an earthen rampart placed in front of it.
- Description of magazine. **54.** Every magazine shall have at least two separate compartments, the storage chamber and the lobby; the former shall only be approachable from the latter.
- Light and ventilation. There shall be no window to the magazine. The required light shall be obtained through the open door. The ventilation openings shall be so arranged that nothing can be thrown inside from the outside, and so that rain and sunshine cannot penetrate.
- Doors. The outside door of the lobby must be strong and made of wood, provided with a good lock of copper or brass, and shall open outwards only, the door to the storage room shall likewise be made of wood and provided with a similar lock.
- Interior construction. The compartments of the magazines must be well ventilated. The ceiling and the inner wainscoting of the sides of the magazine must be of wood; between the wainscoting and the outside of the wall there shall be an intervening space of about three inches. The floor shall be of sufficiently heavy wood and be well ventilated underneath; and care shall be taken that the floor is continually kept in a dry condition by special drains.
- Roof. Roofs of iron plates shall be lined with wood on the inner side.
- Nails, &c. All nails, locks, bolts and keys, &c., in the magazine, shall be of wood, brass or copper.
- Inscription. The outer door shall bear the inscription "Explosives" in clear characters.
- Registered No. The front wall shall bear the registered number of the magazine, which the Inspector shall supply.
- Lightning conductor. Every magazine shall be provided with at least one lightning conductor. The protection against lightning may also be effected in any other way which may be approved of by competent experts.
- Regulations to be posted. The provisions against lightning shall be inspected at least once a year by experts.
- Thermometer. A copy of Arts. 54 to 69 inclusive of this Law shall be posted on the inside of the outer door.
- Separation of explosives. A maximum and minimum thermometer shall be hung up in the storage chamber.
- Where explosives composed from nitro-glycerine are to be stored with other explosives in one and the same magazine, a separate storage room shall be erected for each of these two kinds.

- It is strictly prohibited to store or keep detonators in the same magazine with explosives. Detonators separate.
- The magazines shall be effectually protected against grass fires. Protection from grass fires.
- 55.** A magazine may not be taken into use before the written consent of the Inspector of Explosives is granted thereto. Approved by Inspector.
- 56.** For each magazine a person must be appointed as Magazine Master, who will be recognised as responsible for the observance of the directions in this Law within the sphere of his labours. Magazine Master.
- 57.** The Magazine Master shall keep a book, the magazine book, from which the receipts and issues of explosives, besides the supply at any time on hand, may be seen. Magazine book.
- 58.** The boxes may not be thrown on the ground or used as rests for other burdens, but shall be carefully moved and guarded against shocks. Moving of boxes.
- 59.** The boxes shall be stored in regular layers, wherein not more than 6 boxes may be placed, the one above the other, they shall be so packed that the air can freely circulate in between. Storage.
- It is prohibited to roll casks of powder or place them one above another.
- 60.** The opening and closing of the boxes shall not take place in the storage chamber. Opening and closing of boxes.
- Iron tools may never be used for that purpose, but only copper, brass, bronze or wooden tools, iron screw-drivers may be used only for unscrewing the screws of the lid, except in opening powder casks, but they shall not be used for any other purpose whatsoever.
- 61.** Empty boxes, which carry traces of explosives, shall be burnt under the supervision of the Magazine Master at an isolated safe place. Empty boxes.
- 62.** Portions of explosives scattered on the ground shall be carefully picked up and destroyed outside the magazine at a safe place, by burning, or in other ways. Portions of explosives.
- 63.** It is only permitted to enter the magazine in company, and on the responsibility of the Magazine Master. Entering magazine.
- 64.** The magazines shall be kept scrupulously clean. No fire or light shall ever be introduced into the magazine, and no smoking allowed there, and no greater number of persons shall be in the magazine than is required for the work. Magazine to be kept clean.
- 65.** It is forbidden to smoke, light or work with fires, or linger in the neighbourhood of magazines for explosives. Smoking.
- 66.** In working in the magazine, the persons charged therewith may not carry with them any inflammable articles; before entering any magazine in which powder is stored, the shoes should be removed, or felt or gutta-percha slippers put on over them. Precautions. Working in magazines.

Repair of
buildings.

67. The Inspector of Explosives shall be previously notified of every alteration in, or repairs to, the buildings or construction of magazines. He may prescribe measures of precaution to be observed in effecting such repairs or alterations.

Magazines
existing
before this
Law.

68. Magazines which already existed before the coming into operation of this Law, may continue to be used, but shall within three months after that time, be altered in accordance with the above provisions. The Inspector of Explosives shall be duly notified of the alteration made.

Inspection of
magazines.

69. The Inspector of Explosives may at all times inspect the magazines, and the Magazine Master is obliged to accompany him thereon, submit to him the magazine book, and the issue book (Art. 74), and supply him with all required information.

Removal of
dangerous
erections, &c.

Should the Inspector find in a magazine, an erection or a mode of working, whereby the life and health of the workmen or the public safety is endangered, he shall order the removal of the danger.

Retail of
explosives.

70. Persons or Corporations who, whether as Government Agent, or as appointed by him, are competent to sell powder and other explosives by retail; may have in stock in the shop itself not more than 200 pounds of powder, and one box of dynamite, and elsewhere, at a safe place at a distance from the shop, or, as it may happen, from the town, not more than 1,000 pounds of powder and 10 boxes of dynamite.

Supervision
by Inspector.

The Inspector of Explosives is entitled to exercise supervision over the retail trade in explosives, the traders shall be obliged to show him their stock, and give him all required information.

Stock
permitted
without
permit.

It is permitted to have powder in stock without permit in towns and villages to a maximum weight of 5 pounds, and beyond the limits of towns and villages, to a maximum weight of 20 pounds. The country people are likewise permitted to have in stock at the most 10 pounds of dynamite and 2,000 rifle or gun cartridges, to serve exclusively for personal use.

Detonators.

71. The above provisions do not apply to detonators; these shall in all cases be so kept separated, and stored separately from explosives of any kind whatsoever, that an explosion of the former, should it occur, would not also occasion an explosion of the latter; moreover, in the storage of detonators special precautions shall be taken against fire.

The supervision of the carrying out of the above provisions is entrusted to the Inspector of Explosives.

G.—*Distribution.*

Rules.

72. Where explosives are distributed or used for the blasting of stones, whether for the construction of railways, or wherever else, the provisions of this and the following chapter shall be strictly conformed to.

- 73.** The issue of explosives for use on such work may be made only by the Magazine Master, and only to the persons named in Art. 76. Issue.
- 74.** A separate book shall be kept of the issues, in which the names of the receivers, the times of issue and the weight of stuffs issued, shall be entered. Issue book.
- The totals of the issue book shall be carried forward at least once on each day to the Magazine book.
- 75.** The issue of spoilt explosives is strictly prohibited. Spoilt explosives.
- It is prohibited to issue dynamite in a frozen condition. Thawing dynamite.
- The thawing of frozen dynamite may not be effected by placing it near a fire, nor in a place which is warmer than 40° C., "104° F."
- The conveyance of loose powder from the distributing magazine to the various working places may only take place in completely closed flasks of galvanised or tin-plated cast iron, metal or wood, or in bags through which the powder cannot escape. Conveyance of loose powder.

H.—Use in Work.

- 76.** The Contractors of Works in which explosives are used are obliged to supply the Inspector of Explosives with a list of the persons under whose supervision the blasting is to be done. Contractors and blasting operations.
- Such lists shall, in the case of works to be newly started, be sent in at least three days before commencement of the work, and, in the case of works already in progress, within one month after the coming into operation of this Law.
- The supervision may be entrusted only to trustworthy and competent persons. Supervision.
- It is prohibited to carry on blasting or cause it to be carried on without the supervision of the above-mentioned persons.
- 77.** Articles 73, 74, and 76 are not applicable where explosives are employed by private persons for their own use beyond the limits of towns and villages. Private persons using explosives outside towns, &c.
- 78.** In the use of explosives, the following rules are to be observed :— Rules for use of explosives.
- (a.) The explosives shall be stored at the places of operation in stout wooden boxes, which shall be kept locked in a dry place at a safe distance from the place of immediate use, and the keys of such boxes shall be kept by one of the persons referred to in Art 76. No other materials or implements, with the exception of fuses, may be stored in the box with the explosives. Stored in box in a dry place and safe distance.
- Detonators shall be kept in a separate box, locked and placed at a sufficient distance. Detonators to be kept separate.
- (b.) It is prohibited to smoke or have fires or uncovered lights whilst loading and preparing blasting charges. Uncovered lights, &c., prohibited.
- (c.) Dynamite and such like other explosives may be used only in the form of cartridges; powder may also be used in other forms. Dynamite to be in cartridges.

Ramrods
forbidden.

(*d.*) The use of iron charging instruments and ramrods in loading the charges is forbidden.

Tamping.

For tamping only sand, loosely thrown in, soft clay, or water may be used.

Where powder is used, such kinds of stone, with the exception of coal, as cannot give rise to sparks, may also be used for filling up (tamping) the bore holes.

Warning
before
blasting.

(*e.*) Before lighting the charges, precautions must be taken so that other persons may not approach the place; the workmen shall be warned thereof by calling out the word "Fire."

Shots to be
counted.

(*f.*) If several charges are fired at the same time, at least two persons shall count the shots as they go off; if the two do not agree as to the number of charges which have gone off, a delay of at least 15 minutes shall be made before the place of operations is again visited. In no case shall the place of operations be left under such circumstances until it shall first have been examined and found safe.

Electric
firing.

Where electricity is used to explode the charges, and any of the charges have not gone off, the place of operations may be entered immediately after disconnection of the current.

Extracting
explosives
from holes
prohibited.

(*g.*) The extraction of an explosive from a hole which has once been charged is prohibited.

Boring in
old holes
prohibited.

(*h.*) Further boring in portions of bore-holes, which have remained over, is prohibited.

Care in
boring.

(*i.*) Holes which are bored in the neighbourhood of charges which have not gone off, or of portions of bore-holes which have remained over, shall be bored in such a direction that they may not come into contact with the latter.

Surface to be
cleaned.

(*k.*) Before commencing with the boring of new holes, the surface to be operated on shall be cleaned; that is, all loose and loosened stone and debris shall be removed.

Removal of
explosives.

79. It is forbidden to remove the explosives, issued for use on a certain locality, beyond the limits of the workplace.

Works under
supervision of
Inspector.

80. All works, in connection with which explosives are used, are under the supervision of the Inspector of Explosives.

The latter is entitled to visit such works during the working hours; those in charge shall accompany him in his inspection of the work, and supply him with all required information with reference thereto.

Exceptions.

This Article is not applicable to the cases where private persons, beyond the limits of towns or villages, for their own use, employ explosives.

I.—*Penalties.*

81. He who tenders for conveyance, whether by conveyance drawn by animal power or by rail or steam tram, or makes use of the explosives prohibited in terms of Art. 2 of this Law, shall be punished by a fine not exceeding £150, and, in default of payment, by imprisonment for a period not exceeding three months; or by imprisonment for a period not exceeding three months.

Penalties :
Tendering for
conveyance
of or using
prohibited
explosives.

He who conveys such substances, knowing that they belong to the classes referred to in Art. 2, shall be punished by a fine not exceeding £100, and, in default of payment, by imprisonment for a period not exceeding two months, or by imprisonment for a period not exceeding two months.

Conveying
prohibited
explosives.

Fine and imprisonment may be inflicted separately as well as jointly.

82. He who commits any other offence in respect of the provisions of this Law shall be punishable by a fine not exceeding £150, and, in default of payment, by imprisonment for a period not exceeding three months, or by imprisonment for a period not exceeding three months. Fine and imprisonment may be inflicted separately as well as jointly.

Other
offences.

These punishments apply in the first instance to offences personally committed; should, however, the offences be committed by a subordinate, who was unacquainted with these regulations, his employer shall incur the punishment as well, should he have neglected to acquaint such employee in terms of Art. 7 with the regulations which have been contravened.

Responsi-
bility of
employer.

83. He to whose fault an explosion is to be ascribed shall be punished—

Personal acts.

(a.) By imprisonment for a period not exceeding three months, or by fine not exceeding £150, and, in default of payment, imprisonment for a period not exceeding three months, in case danger to property was thereby occasioned.

(b.) By imprisonment for a period not exceeding six months, or fine not exceeding £300, and, in default of payment, imprisonment for a period not exceeding six months, in case the life of another person was placed in jeopardy.

(c.) By imprisonment for a period not exceeding one year, or fine of not exceeding £600, and, in default of payment, by imprisonment for a period not exceeding one year, in case the death of another person has been thereby caused.

84. He who, by means of an explosion, wilfully occasions a common danger to property, shall be punished by imprisonment for a period not exceeding twelve years with hard labour.

Wilfully
endangering
property.

He who, by means of an explosion, wilfully imperils the life of another, shall be punished by imprisonment for a period not exceeding fifteen years with hard labour.

Wilfully
imperilling
life.

In case of death.

He who, by means of an explosion, wilfully imperils the life of another, shall, if the explosion occasions the death of anyone, be punished by life-long imprisonment or temporary imprisonment for a period not exceeding twenty years with hard labour.

Jurisdiction.

85. The Landdrosts, Special Landdrosts, Assistant Landdrosts, and Mining Commissioners shall have jurisdiction in respect of all contraventions of this Law, except in respect of cases occurring which fall under Art. 83 (c) and Art. 84.

K.—Concluding Provisions.

Articles not applicable to mines and explosives factories.

Laws repealed.

86. Arts. 54 to 80 inclusive are not applicable to the storage, distribution, and use of explosives at mines, and at factories of explosives.^[1]

87. This Law abrogates—

- (a.) The provisions of Law No. 4, 1884, and of the Volksraad Besluit of 21st July, 1888, relating to the conveyance of ammunition, in so far as they may conflict with the provisions of this Law.
- (b.) The Arts. 1 to 20 inclusive and the words “10 lbs. for powder, for kieselguhr mixed with nitro-glycerine, for dynamite and blasting gelatine in cartridges, and for detonators” occurring in Art. 28 of Law No. 16, 1892, for the conveyance of dangerous goods by rail and steam tramways.
- (c.) The provisional regulations for the conveyance of dangerous goods by rail or steam tramway, dated 9th June, 1896, saving only what is laid down by Art. 88 of this Law.
- (d.) Article 14 and 30 to 34 inclusive of Law No. 14, 1892, Police Law for Steam-tram and Railways.

Operation of Law.

88. This Law shall come into operation at a period to be proclaimed by the Government in the *Staatscourant*, with exception of the provisions relating to packing, which shall come into operation six months thereafter, during which time the provisions relating thereto of the provisional regulations for the conveyance of dangerous articles by rail or steam tramway, dated 9th June, 1896, shall remain in force, and also apply to the traffic by conveyance drawn by animal power. (In terms of Government Notice, page 1, *Gazette* 1898, this Law came into operation on 1st January, 1898.)

Amendments to this Law.

89. The Government may, with consent of the Executive Council, make any amendments or additions to this Law which

¹ Words in italics repealed by Ord. 4 of 1903.

may appear to be urgently necessary, and the same shall have the force of law until the First Volksraad shall finally decide thereon in its next succeeding ordinary session.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
10th November, 1896.

LAW No. 28, 1896.

SUNDAY LAW.

(Approved and enacted by the First Volksraad, Article 2,028, dated 13th November, 1896.)

WHEREAS it has been found desirable to make provision for the due observance and against the violation of the Sabbath, it is hereby enacted and provided as follows:—

1. The following persons shall, as being guilty of a violation of the Sabbath, be punished for each offence by imprisonment for a period not exceeding one month, or by a fine not exceeding five pounds sterling, or in default of payment, by imprisonment for a period not exceeding one month, viz. :—

Penalty for breaking the Sabbath.

(a.) He who on Sunday does any field or garden work, except where such work is done for the preservation of field and other fruits, and in cases of pressing necessity.

Field or garden work.

(b.) He who fires off a gun or other firearm, without being duly authorised by law or otherwise (*sic*) so to do, unless he does so for the purpose of self-defence and protection of his property.

Shooting.

(c.) He who goes out shooting wild or other animals on Sunday, or goes out hunting the same with dogs or other animals. It shall, however, be permissible to kill vermin which do damage on Sunday on anyone's ground.

Hunting.

(d.) A transport-rider or overseer of a transport wagon who enters the bounds of a town on Sunday, or, being in the town travels through it, or loads or off-loads freight on Sunday, or causes it to be loaded or off-loaded.

Transport-riders in towns.

(e.) He who on Sunday causes disturbance or hindrance, whether by driving or riding, whether by making a din or noise, or in any other way.

2. The following persons shall, as being guilty of a violation of the Sabbath, be punished for each offence by imprisonment for a period not exceeding six months, or fine not exceeding one hundred pounds sterling, or in default of payment, by imprisonment for a period not exceeding six months.

Penalties in other cases.

- Selling goods. (a.) He, who on Sunday sells or offers for sale or exposes for sale goods, merchandise, cattle or other live stock.
- Keeping shops open. (b.) He who on Sunday keeps open a shop, store or other place with the object of selling or trading, or shall be engaged as haircutter, barber or hairdresser.
- Steam machines, &c. (c.) He who on Sunday works with steam or other machines or causes the same to be worked. Working with machinery in the public service, *e.g.*, on railways, for lighting or pumping of water for public use, is excepted from the operation of this Law.^[1]

Attachment of goods, &c., with which offence committed.

3. The goods, merchandise, the cattle or other live stock, and the fire-arms with which or wherewith the offence "stated in Artt. 1 and 2" has been committed, may be seized and attached by any Justice of the Peace, Field-Cornet, Assistant Field-Cornet, Constable or Gamekeeper, and may in the event of a fine being inflicted, be sold in order that the fine may be recovered from the proceeds thereof, if the fine is not paid within three weeks after the sentence has become final.

4. Permissible and not punishable are :—

Permissible are :—
Sale of medicines.

(a.) The selling on Sunday of medicines by apothecaries and druggists, and the keeping open on that day of a shop, store, or other place by such persons with the object of selling medicines.

Supply of necessaries to travellers, &c., at Hotels, &c.

(b.) The supplying on Sunday of the necessary food and drink to travellers and inmates by licensed hotel or boarding-house keepers.

Sale of bread, &c., before 9.0 a.m.

(c.) The selling on Sunday before 9 o'clock in the morning of meat, bread or fish by butchers, bakers or fishmongers, and the keeping open during these hours by the said persons of shop, store or other places with the object of selling meat, bread or fish.

Sale of milk before 9.0 a.m. and after 4.0 p.m.

(d.) The selling of milk on Sunday before 9 o'clock in the morning and after 4 o'clock in the afternoon by milk dealers, and the keeping open during these hours of a shop, store, or other place with the object of selling milk.

Government supply contracts.

5. The Government shall have the right to permit or order the delivery on Sunday of eatables or other goods by a Government Contractor.

Penalty against Market-masters selling on Sunday.

6. The Market-master or other person charged with the care or supervision over the market, who on Sunday on the market sells, offers for sale or permits another person so to sell or offer for sale, goods, merchandise, cattle or other live stock, shall, as being guilty of a violation of the Sabbath, be punished for each offence by imprisonment for a period not exceeding thirty days, or a fine not

¹ See Ord. 54 of 1903.

exceeding five pounds sterling, or in default of payment, by imprisonment for a period not exceeding thirty days.

7. The owner, lessor or manager of a public billiard room, or other public place of recreation, who allows or permits any game to be played there on Sunday, or any public entertainment to be held there, such as theatrical displays, café-chantants, public dances, concerts (except for sacred music), races, shall be punished by imprisonment for a period not exceeding one month or fine not exceeding fifty pounds sterling, or in default of payment by imprisonment for a period not exceeding one month.

Billiard-rooms, concerts, races, &c.

8. All Landdrosts, Justices of the Peace, Field-Cornets, Assistant Field-Cornets, and Police Officials, shall have the right to disperse persons assembled on Sunday at a public or open place to play or gamble there, or hold dog or cock fights there, or hold races there, or pit animals to run against each other for the purpose of betting, or in order to attend any such sports, as also in cases of beer and dance parties held by natives, and to seize and attach, destroy, or in other ways dispose of the contrivances, instruments or animals used thereat.

Powers of Police, &c., to disperse persons assembled at sport meetings on Sundays.

All persons as aforesaid engaged in playing or gambling, or in holding dog or cock fights, races, or in pitting animals to run against each other, or making bets thereon, or attending on such occasions, may be arrested and punished by imprisonment for a period not exceeding six months, or by a fine not exceeding one hundred pounds sterling, or, in default of payment, by imprisonment for a period not exceeding six months.

9. Landdrosts, other officials with similar jurisdiction, and all Resident Justices of the Peace, shall have jurisdiction in all cases of contravention of this Law.

Jurisdiction.

10. The Government shall have the power in each separate case to define what portion of the fine, the forfeited goods, or the proceeds thereof shall be awarded to the informant, and who, with regard hereto, is to be deemed the informant.

Awarding a portion of fine to informant.

11. The Laws No. 2, 1888, and No. 16, 1894, are hereby repealed.

Repeal.

12. This Law shall come into operation immediately after publication in the *Staatscourant*.

Operation.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
19th November, 1896.

LAW No. 29 of 1896.

AMENDMENT OF LAW 2, 1895.

(Approved and amended by Arts. 2,073 and 2,077 of the minutes of the First Volksraad, dated 19th November, 1896.)

WHEREAS the necessity has appeared to lay down regulations about the sale of adulterated and tainted food-stuffs, liquors and medicines, it is hereby enacted as follows :—

Penalty against the sale of adulterated food-stuffs.

1. Whoever shall sell, offer for sale, exchange or have in his possession, with the object of selling or exchanging, or shall cause to be sold, offered for sale, traded in, or exchanged, any adulterated or tainted food-stuffs, liquors or medicines deleterious for human consumption, shall be punished by a fine not exceeding £50 sterling, or in case of non-payment, by imprisonment for a period not exceeding 12 months, with or without hard labour.

Grain, &c., corresponding with sample, excluded.

Grain, potatoes, fruits, vegetables, fruits of the soil and eggs, of which a sample can be delivered, shall be excluded from the operation of paragraph 1 of this Article.^[1]

Penalty for adulteration of food-stuffs, &c.

2. Whoever shall intentionally adulterate and render deleterious for human consumption any food-stuffs and liquors or medicines, and shall sell the same, offer for sale, or have the same in his possession with the object of selling, or shall cause the same to be sold or offered for sale, shall be punished by a fine not exceeding a hundred pounds sterling (£100), or in case of non-payment, by imprisonment for a period not exceeding twelve months, with or without hard labour.

Seizure and destruction.

3. Adulterated or tainted food-stuffs and liquors or medicines, deleterious for human consumption, shall be immediately seized and destroyed without any compensation.

Jurisdiction.

4. The Lower Courts in this Republic shall have jurisdiction in cases of contravention of this Law.

Inspectors.

5. In every district and on every goldfield, where such is necessary, the Government may appoint a competent person who shall be charged and shall be entitled to test and to examine all food-stuffs, liquors, or medicines, which have been sold, offered for sale, delivered, or are in anyone's possession.

Meaning of adulteration.

6. The word adulteration in this Law shall be taken to mean the act of mixing or adding any substance deleterious to health, or done with the object of increasing the quality of anything, or deteriorating or concealing the quality.

¹ Note.—This paragraph, as printed in Dr. V. Leeuwen's official copy of the Local Laws for 1896, omits the following words contained in the corresponding paragraph of Law No. 2, 1895, which has not been formally repealed, although in other respects superseded by this Law, to wit :—"Where the articles sold correspond with the sample."

7. From the moment of this Law coming into operation, all cases which occur shall be punished under this Law without exception. Penalty.

8. This Law shall come into operation one month after publication in the *Staatscourant*. Operation.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
1st December, 1896.

LAW No. 3, 1897 [¹].

REGULATING THE MARRIAGES OF COLOURED PEOPLE WITHIN THE
SOUTH AFRICAN REPUBLIC.

(Approved by Resolution of the First Volksraad, Art. 530,
dated 9th July, 1897.)

INASMUCH as the People allows the dissemination of the Gospel among coloured people, and provision was made by Law No. 3, 1871 [²], that the marriages of coloured persons should be regulated by law, and inasmuch as the People will not tolerate any equalisation between whites and blacks either in Church or State; and inasmuch as there are coloured persons who by education and civilization have become distinguished from barbarians, and who therefore desire to live in a christian and civilized manner and accordingly wish to be lawfully united in marriage, be it hereby enacted as follows:—

1. Male and female coloured persons who have reached a marriageable age may contract a lawful marriage with each other.

Lawful marriage between male and female coloured persons allowed.

2. Every coloured person who wishes to contract a marriage as above must make an application to that effect to a person or persons to be appointed for that purpose by the Government. He must submit therewith a certificate from their parents, or, where there are no parents alive, from their guardians, or from his Captain or other chief of natives, that according to law there is no obstacle to the proposed marriage, or if they are Christians, of the Minister of their Church.

What is required for the contracting of such marriage.

Coloured persons coming from beyond the limits of this State and wishing to enter upon marriage here will have to show to the satisfaction of the above-mentioned person, by means of a certificate or other sufficient evidence, that there is no obstacle according to law to the proposed marriage.

What is required for the contracting of such marriage for coloured persons coming from beyond the limits of the State.

¹ This Law was published for the first time in the *Staatscourant* of 21st July, 1897.

² See Local Laws 1849-1885, page 442.

What if parties live in different districts.

3. When the parties who wish to enter upon marriage live in different districts, it is left to them to choose in which of the two districts they prefer to have their marriage contracted.

The person mentioned in Art. 2 who shall solemnise the marriage, shall have a certificate submitted to him from his fellow-official of the district where the other party lives, certifying in virtue of a certificate handed in to him as mentioned in Art. 2 that no obstacle exists to the proposed marriage.

The person mentioned in Art. 2, who has solemnised the marriage shall give notice of the same, by sending a certified copy from his register to his said fellow-official.

Obligation of the marriage officer.

4. Before solemnising a marriage between coloured persons, the person mentioned in Art. 2 shall satisfy himself that the man has complied with the different laws which are in force in this State with reference to natives (as the pass law, &c.).

Similarly he shall, when the woman has been already married, satisfy himself that 300 days have already elapsed since the dissolution of the previous marriage.

Obligation of the marriage officer.

5. Before the solemnisation of the marriage the person mentioned in Art. 2 shall clearly and emphatically expound and explain to parties the moral and legal significance of the marriage, and after they have declared that they have understood him clearly shall direct the following questions to each separately :—

“Do you A. B. solemnly declare that so far as you know, there is no hindrance whatever to your proposed marriage with C. D. here present, and that you call all present to witness that you recognise C. D. as your lawful wife (or husband) ?”

Thereupon parties shall give each other the right hand and the person mentioned in Art. 2 shall declare the marriage completed in the following words :—

“I declare that A. B. and C. D. here present are in the eye of the Law lawfully united in the married state.”

Obligation of the marriage officer for minister.

6. Every minister of coloured persons to whom is granted individually by the Government the right to solemnise marriages under this Law, shall be entitled to do so on production of a Certificate of the person mentioned in Art. 2, that the provisions of this Law have been complied with. In the solemnisation of such marriage the minister may follow the formulary in use in his church.

He shall within eight days after the solemnisation of such marriage give notice of the same by means of a certified copy from his register to the person mentioned in Art. 2, in the district where the marriage has been solemnised.

Penalty for acting in conflict with this article.

Every person who solemnises a marriage in conflict with this Article, or who does not act in accordance with the form prescribed in the instructions given in the preceding paragraph, shall be punished with a fine not exceeding £50, or with imprisonment with hard labour for a period not exceeding six months.

7. The solemnisation of the marriage shall take place between the hours of eight o'clock in the morning and four o'clock in the afternoon, at a place which the person mentioned in Art. 2, or the minister shall consider suitable for that purpose, and in the presence of at least two male witnesses above the age of sixteen years.

When and where the solemnisation of marriage takes place.

8. Coloured persons who wish to have a marriage consecrated in church, may, if the parties or one of them belongs to a Christian or any other communion recognised by this State, on a certificate of the person mentioned in Art. 2 to the effect that the requirements specified in Art. 5 have been complied with, have such marriage consecrated in church, by any minister authorised thereto by the Government, according to the usage and rights of the church concerned as mentioned in Art. 6.

Consecration of such marriage in church.

9. No coloured person may be compelled by any judicial sentence or order for any reason whatever to contract a marriage.

Coloured person may not be compelled to marry.

10. A marriage, which has been solemnised in accordance with the regulations of this Law, may be dissolved by divorce on the grounds and with due observance of the regulations laid down with reference thereto by the Common Law. ^[1]

Divorce is in accordance with general law.

11. The coloured person who contracts a marriage before a previous marriage entered into by him has been dissolved, shall be punished by imprisonment with hard labour for a period not exceeding five years,

Penalty for coloured person who commits bigamy.

12. The person mentioned in Art. 2 or any minister who unites any coloured person in marriage knowing that a marriage previously entered into by that person has not yet been dissolved, shall be punished by imprisonment with hard labour for a period not exceeding three years.

Penalty for marriage officer, &c., &c. who celebrates a bigamous marriage.

13. Every person mentioned in Art. 2 shall keep a register in duplicate in which he enters :—

Registers to be kept by marriage officers.

- (a.) The marriage of coloured persons solemnised by himself, and those brought to his notice in accordance with Artt. 3 & 6 by any of his fellow-officials or by any minister authorised thereto by the Government. ^[1]

He shall preserve the original register in his office and forward the duplicate every year before the 15th January to the Superintendent of Natives.

Where the original and duplicate register must be preserved.

When parties so desire he shall issue to them a certified copy from his register. Other persons may demand similar copies from his register, in which case the copy shall be provided with a stamp to the amount of 2s. 6d., to be paid by the applicant.

Copies of registers.

The form of the register and the certificates are determined by the Superintendent of Natives.

Form of register and certificate.

¹ See Proclamation 25 of 1902.

£3 to be paid for solemnisation of marriage.

14. Before the solemnisation of a marriage according to this Law the sum of £3 in terms of Volksraadsbesluit, Art. 117, of June, 1876, as the only payment specified in that resolution, shall be paid to the person mentioned in Art. 2.

Law 3, 1871, and General Law may apply.

15. So far as no provision is made by this Law, the provisions of Law No. 3, 1871, and of the General Law shall apply as far as possible according to circumstances.

16 and 17. Repealed by Proclamation 28 of 1902.

Meaning of "coloured person."

18. The term "coloured person" in this Law shall mean any person belonging to, or being a descendant of, any native race in South Africa and persons being descendants of one of the races mentioned in Art. 1, Law No. 3, 1885.

Operation.

19. This Law shall come into operation on 1st January, 1898.

S. J. P. KRUGER,
President.

C. VAN BOESCHOTEN,
Acting State Secretary.

Government Offices,
16th July, 1897.

LAW No. 4, 1897.

Replacing Law No. 2, 1892.

Amending Law No. 1, 1872.

(Amended and approved by Second Volksraad's Resolution, Art. 584, dated 7th July, 1897, and this Resolution noted and accepted by the First Volksraad, Art. 664 of its minutes dated 22nd July, 1897.)

The Executive Council, authorised thereto by Volksraad Resolution dated 22nd February, 1872, Art. 551, resolves with reference to certain weeds—the Xanthium Spinosum and the Scotch Thistle—which are increasing very considerably in various parts of the South African Republic, and which render the wool valueless where they grow, as follows:—

Duties of the burghers.

1. It shall be the duty of all burghers to eradicate the same on their properties.

Duties of Field-Cornets and Assistant Field-Cornets.

2. Field-Cornets and Assistant Field-Cornets shall notify their subordinates of this Law at meetings and shall represent to them the importance of the matter.

Penalty in case of neglect.

3. In case the owners, lessees or tenants of farms, erven, stands or any other piece of ground, or the inhabitants of locations, as also the officials charged with the supervision of Government grounds, are negligent in respect of this duty, they shall be liable

to a fine not exceeding £1, or, in case of non-payment thereof, to imprisonment with or without hard labour for a period not exceeding three days for the first offence, or for a second offence to a fine not exceeding £5, or in case of non-payment thereof to imprisonment for a period not exceeding 14 days with or without hard labour, and for each successive offence to a fine not exceeding £20 in addition to imprisonment for a period not exceeding six weeks with or without hard labour, and in case of contumacy the Government shall have the right to eradicate the weeds at the expense of the offender.

In each case the Court shall at the same time be competent in giving sentence to condemn the accused to pay the costs of the trial.

Court can adjudge the offender to pay costs.

3a. The Government may grant a part, but not more than a third of the fines which have been imposed, to the informant.

Part of the fine goes to the informant.

4. Field-Cornets and Assistant Field-Cornets shall eradicate the weeds on Government grounds at the expense of the Government.

Weeds on Govt. grounds at the expense of the Govt.

5. Municipalities or other corporations having supervision over grounds not under the care of the Government, shall take due measures for the eradication of the weed, and shall be subject to the provisions of Art. 3 of this Law.

Duties of municipalities and other corporations.

6. If the owner of a farm or erf is a foreigner or his residence is not known, the Government may eradicate the weeds at the expense of such owner and claim repayment in the Courts of the country in the manner prescribed by the laws of the country.

What if the owner of a farm is a foreigner or his residence is not known.

7. This Law shall come into operation immediately after publication.

Operation.

S. J. P. KRUGER,
President.

C. VAN BOESCHOTEN,
Acting State Secretary.

Government Offices, Pretoria,
29th July, 1897.

LAW No. 7, 1897.

Amendment of Law No. 9, 1891.

(Approved by the First Volksraad by its Resolutions of 2nd and 3rd August, 1897.)

ART. 1. Amended Art. 4.

Six weeks before the surveying of any survey district is begun, notice of the same shall be given in the *Staatscourant*, and in this notice the name and limits of the survey district shall be specified as accurately as possible.

Notice in *Staatscourant* six weeks before the survey begins in a survey district.

Duties of the Field-Cornet.

The Field-Cornets in such districts shall be obliged without delay to acquaint their burghers with the contents of such notice.

Surveyor proceeds with work in case the Owners are not present, following knowledge of neighbours who are acquainted with beacons.

In case the owners of occupied or unoccupied farms are not present, the Surveyor shall proceed with the work, following the directions given by neighbours and other persons who are acquainted with the beacons recognised by law, in agreement with the description and diagrams of the adjoining farms.

If the latter cannot be done, and if the owner or owners of a farm still neglects, after due personal summons and written notice served upon him by the Surveyor who has been detailed to survey that section, to point out the beacons of his farm or to have them pointed out, the Surveyor shall be entitled to summon one of the old inspectors or other persons acquainted with the beacons of the farm, to point out to him the beacons of the same.

Remuneration for surveying.

Remuneration for the same shall be according to the tariff fixed for pointing out beacons for inspectors, and the costs shall be added to the costs of surveying and shall be recoverable in the same way. When it is a question of pointing out the beacons of farms which have been defined by special commissions, such shall be done by those inspectors by whom such farms have been inspected without its entitling them to any further remuneration for the same.

Pointing out beacons of farms settled by a Special Commission.

ART. 2. Amended Art. 7.

Any approved diagram shall be cancelled by the Surveyor General on request of the owner or owners of the farms, after the former has published a notice in the *Staatscourant* and has further sent a written notice to the parties interested whereby the owners of the adjoining farms are summoned and warned to forward to the Surveyor General, within three months from the date of the publication of the summons and the date of notice, any objections they may have to the annulling of the diagram.

If the Surveyor General consider the objections sound, he shall not proceed to annul the diagram.

Surveyor is not allowed to survey a farm as long as there are controversies about it.
Exception.

ART. 3. Amended Art. 22.

In case it appears that there are questions or differences with regard to a farm which the Surveyor has been ordered to survey, he shall not proceed to survey that farm until all questions affecting it have been solved or brought to a settlement.

If however the survey of the farm is expressly desired by the owner or owners, the Surveyor may proceed with the survey. In that case the owner shall be responsible for the costs of survey if the controversy is settled subsequently to his disadvantage and the survey already made and the diagram have to be altered.

Duties of owner of farm to have

The owner or owners shall be bound, with 14 days, after receiving the notice of the Surveyor that the latter is going to

survey the farm, to take the necessary steps to have the existing controversies or differences settled by arbitration or otherwise: controversies settled by arbitration or otherwise.

If this is not done by the owner or owners of the farm within 14 days, then the Surveyor shall proceed with the survey as if no differences existed.

This Law shall come into operation immediately after publication in the *Staatscourant*. Operation.

S. J. P. KRUGER,
President.

C. VAN BOESCHOTEN,
Acting State Secretary.

LAW No. 8, 1897.[¹]

THE USE OF HIGH AND OTHER TRANSPORT ROADS.

(Approved by the Second Volksraad by Art. 829 of its minutes, dated 30th July, 1897, and noted and accepted by the First Volksraad, Art. 896 of its minutes, dated 23rd August.

INASMUCH as it has appeared to be desirable to make regulations and provisions for the use of the recognised Highways and other Transport Roads, whether made by the Government or by District Councils; and

INASMUCH as it has appeared to be necessary to prevent the injuring of the Highways and other Transport Roads and bridges, and to define the manner in which the same shall be used, and to ensure to a greater extent the safety of persons and goods passing over these roads and bridges, it is hereby provided and enacted, as follows:—

1. Wagons which pass over roads and bridges may not be loaded more heavily than to a weight of 8,000 lbs., unless the freight consist of one piece which cannot be divided. Maximum weight with which wagons may be loaded to pass along public roads.

Motor cars, locomotives and other steam engines may not be propelled by steam along the Highways and other Transport Roads unless a special permission to that effect has been obtained from the road inspector or District Council particularly concerned. Provision with regard to Locomotives, &c.

Traffic in Sledges along the Highways and other Transport Roads is prohibited. Traffic in sledges is forbidden.

2. The special permission mentioned in Art. 1 shall first be submitted to the approval of the Chief Inspector of Roads for traffic on Government Roads. Chief Inspector of Roads must give permission for Government roads.

3. Spanning out, camping out, or making fires on Highways or other Transport Roads is prohibited. What forbidden on high and transport roads.

¹This Law was published for the first time in the *Staatscourant* of 1st September, 1897.

Provision about the use of stones to hold wagons still in ascending or descending a mountain road.

4. In ascending or descending a mountain road, entering or leaving a drift or any other place on the road, the use of stones or other loose materials is permitted, in order to hold the wagon up, provided the stones or other materials are immediately removed by the user.

Duty of driver if a wagon sticks.

5. If a wagon sticks and a hole has to be dug in the made road, the owner or driver shall, immediately after the wagon has been extricated, fill in the hole in the road properly and level it firm.

Provisions for the passing of wagons.

6. Where the road runs along the slopes of mountains, a down-coming wagon when passing another shall keep the in or upper side, while on level ground and also at the slopes of drifts and slopes where the descent is direct, the wagons shall always keep to the left. When ox-wagons are passing each other. or when ox-wagons are passing other vehicles, in each case the ox-wagons shall have a leader.

Use of brake prohibited in passing over iron bridge.

7. Using any brake in passing over an iron bridge is prohibited.

What must be done by the owner or driver when an animal dies.

8. If an animal dies on or near the road, the owner or driver shall have the same dragged to a distance of at least 50 yards from the side of the road, unless the road is fenced in with wire, and in that case to a distance of 2 yards from the wire. In case the animal has died of any contagious disease, he shall bury the same according to law and fill up the holes in such a manner that they can be ridden over without danger.

Provisions for leading a water-furrow, &c., over or through a high or other transport road.

9. When a person desires to construct a water-furrow over or through a Highway or other Transport Road, this shall be done in consultation with the proper official. If the person cannot come to an agreement with such official he may apply to the Chief of Public Works.

Penalty for contravention of these provisions.

10. Every person who contravenes the above regulations and provisions shall be punished by a fine not exceeding £15, and in case of non-payment, with imprisonment with or without hard labour, for a period not exceeding 30 days. If the offenders are coloured persons they may be punished with lashes not exceeding 15 in number.

Summary treatment of cases.

11. All cases relating to such contravention shall be treated summarily by the Court.

Jurisdiction.

12. Landdrosts, other officials with similar jurisdiction, and all Justices of the Peace have jurisdiction in all cases of contravention of this Law.

Operation.

13. This Law shall come into operation on the 1st January, 1898.

S. J. P. KRUGER,
President.

C. VAN BOESCHOTEN,
Acting State Secretary.

Government Offices,
Pretoria, 26th August, 1897.

LAW No. 10, 1897. [1]

Amendment of Law No. 7, 1891.

RECOVERY OF PETTY DEBTS.

(Approved after amendment by the Second Volksraad by Article 871 of its Resolutions dated 9th August, 1897, noted and accepted by Resolution of the First Volksraad, Article 951, dated 26th August.)

INASMUCH as it is desirable to make better provision for the recovery of petty debts, it is hereby enacted and provided as follows:—

1. Any person who has or conceives himself to have a claim or demand not exceeding the sum of £15 against a debtor, shall have the right, whether this debt is of a liquid or illiquid nature, to apply to the Registrar of the Court of the Landdrost, or other judicial official having a jurisdiction not exceeding that of a Landdrost, under whose jurisdiction the debtor resides, or to that official himself.

Summons against debtor issued by Registrar of Landdrost's Court, &c., if debt does not exceed £15.

This official shall receive the claim and immediately after payment of a stamp of 10 shillings issue a summons to the alleged debtor, as much as possible in the following form:—

Stamp on summons.

To A.B. living at

Form of summons.

INASMUCH as A has laid a complaint against you in this Court, and alleges that you are indebted to him in the sum of

arising from

you are hereby summoned to pay said amount within seventy-two (72) hours after service of this summons, and at the latest at

o'clock on the day of the month

19 at my office, in default whereof a writ of execution will be issued against you by this Court.

(Copy of Promissory note or account attached.)

Given under my hand this day of the month 19

(Signature of the Official.)

2.-The stamp of ten shillings mentioned in Art. 1 shall be affixed to the summons and perforated by the official referred to in Art. 1.

Affixing and cancellation of the stamp.

3. Such summons shall be served by the Officer of the Court, or his representative, on the alleged debtor, in person, and if no defence written or verbal is sent in by the latter within seventy-two hours after the service of the summons, the judicial official shall immediately pronounce final sentence against the debtor.

Service of summons Defence within 72 hours.

¹ This Law was published for the first time in the *Staatscourant* of 1st September, 1897.

Immediate examination of the defence.

If he finds that such defence is not genuine he shall at once give judgment against the defendant.

Commission for execution.

Costs of the procedure.

Penalty for debtor who makes false returns to the officer of the Court.

Registrar responsible for payments.

Operation.

In case any defence either verbal or written is made within the proper time the judicial official shall be bound forthwith to enquire whether such defence is genuine or not. If he finds that it is, he shall have the right to grant a postponement at the request of either or both of the parties, in order to afford them an opportunity to produce their witnesses, and he shall fix the day when the case shall come on for trial.

After issue of the judgment by the judicial official aforesaid the latter shall, either of his own motion, or on the request of the Registrar or the Creditor, immediately issue a writ for the execution of said judgment.

No farther costs may be charged than the said ten shillings (10/-) stamp, the costs of the service of the summons, and the costs of execution.

4. If any person against whom a writ of execution has been issued for any debt informs the official charged with the execution of such writ that he has no property or not sufficient to cover the demand together with the costs, and it is proved that such debtor does possess property whether it be sufficient to satisfy the demand or not, and has hidden it, or on enquiry by the said official mentioned, has concealed it, he shall be punished by a fine not exceeding £50 sterling, or in case of non-payment, imprisonment with or without hard labour for a period not exceeding six (6) months.

5. The Registrar shall keep a list of payments made by the debtor and shall be responsible to the creditor for the same.

6. This amended Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
President.

C. VAN BOESCHOTEN,
Acting State Secretary.

Government Offices,
Pretoria,
31st August, 1897.

LAW No. 14, 1897.

“On the Mining of Base Metals and Minerals within the South African Republic.”^[1]

(Approved of by the Second Volksraad under Art. 1,448, dated 8th October, 1897, and noted and accepted by the First Volksraad under Art. 1597, dated 22nd October, 1,897.)

1. The ownership of, and right of dealing with, base metals and minerals, both on proclaimed and unproclaimed ground, shall belong to the owner of the ground.

Property in base metals belongs to the owner of the ground.

2. This Law shall apply to iron, lead, copper, tin, zinc, cobalt, nickel, arsenic, manganese, antimony, bismuth, and sulphur, whether native or in ore, as well as coal, graphite and other mineral substances, for the exploitation of which no other lawful provisions exist.

Metals to which the law is applicable.

Silver ore and cinnabar shall come under the provisions of this Law.

3. Persons working on private ground, whether proclaimed or unproclaimed as public diggings, shall pay to the State a certain percentage of the value of the mineral won, and which has been either worked or removed, such percentage being now fixed at one per cent.

One per cent. to the State.

4. On Government ground which has been proclaimed as a public diggings, licences shall be obtainable on application from the proper officials, to prospect for and mine the metals and minerals mentioned in clause 2 hereof, to wit, for an area of twelve (12) claims "each in extent 150 feet by 400 feet," on payment of ten shillings for each block of twelve claims for the first year, after which period the licences may be renewed on payment of five shillings (5/-) per mensem per block of twelve claims, in so far as no other rights have been granted thereon by the Government.

Prospecting and digging on Government ground.

Holders of licences on proclaimed Government ground shall pay to the State (as provided in clause 3 hereof) one per centum (1 %) of the value of the mineral worked or removed.^[1]

Percentage to be paid to the State.

5. One or more claims pegged off under the provisions of this Law, on proclaimed Government ground may at any time be pegged off by another person, and worked for precious metals under the provisions and stipulations of the Gold Law.

Pegging claims under Gold Law.

6. In event of any of the base mineral products as specified in Art. 2 hereof being found on a claim taken out under, and referred to in the Gold Law, the parties working the various mining products shall avoid causing each other damage or nuisance, and they shall be responsible and answerable each to the other for any damage or nuisance caused.

No damage must be done to other parties working.

7. The holders of licences shall have the right to locate their claims—in relation to other claims—as they may think fit.

Location of claims.

8. Persons mining the metals and minerals specified in Art. 2 hereof shall keep accurate accounts of the quantity and other details of the metals and minerals won, and of the revenue derived therefrom, and statements thereof shall be sent in yearly to the Head of the Mining Department, before the 1st of February.

Books to be kept.

Contravention of this Clause shall be punished by a fine not exceeding £10, or, in default of payment, by imprisonment for a term not exceeding one month.

Penalty.

Examination of the books shall be allowed at all times to the officials duly appointed by Government for such purpose. In event of the Government officials demanding it, the correctness of

Inspection of books.

¹ See F.V.R.R. 8-12-1898, Art. 1975, p. 439.

the statements as shown by the books shall be certified under oath by the miner, or by his book-keeper.

Penalty for non-payment of royalty.

9. In event of the payment due to the Government annually on 1st February not being duly settled by 1st March next following, the Government may lay an attachment on the minerals, and on the movable and immovable property found on the claims or mine of such miner, with right of causing such minerals and movable and immovable property to be sold in execution "after three months' notice" to the amount due to Government with costs.

Who may receive licences.

10. Licences shall be issued only to white persons who subject themselves to the laws of the land, and on condition that they produce to the official issuing the licences a receipt or certificate that they have paid their personal taxes for the current year according to law.

Licences shall be granted without powers of attorney. The first licence, however, shall bear a stamp of 1s. 6d. per claim.

On the licences shall be specified which metal or mineral is to be prospected for.

Provisions of Gold Law for water rights applicable.

11. In prospecting for or mining the base metals and minerals specified in Art. 2 hereof, on proclaimed Government land or proclaimed private land, the same regulations concerning water, water-rights, surveys, sending in of diagrams, corner-pegs and beacons, certificate of "bezitrecht," and special registration shall, "with due observance of the provisions of Art. 7 of this Law," be in force as appear in the Gold Law.

Transfer of claims.

12. It shall be lawful for holders of licences to transfer their claims and rights to third parties.

The transfer of claims taken out under this Law shall take place in the same manner as provided in Art. 96 of the Gold Law. In the event of there being no Mining Commissioner or responsible Clerk at the place, the transfer shall be made before the Landdrost of the district.

Withdrawal of rights granted.

13. Should it be found necessary, in the general interest, for public purposes, such as railways, large aqueducts, and other public works, to withdraw, wholly or partly, rights once granted, the Government shall be entitled to do so by making compensation on a basis to be mutually arrived at between the interested parties and the Government.

In case no agreement can be arrived at, the compensation shall be fixed by arbitration by two persons, of whom each party shall appoint one, with appeal to a third person chosen by the arbitrators, and appointed beforehand as umpire, whose decision, in event of the arbitrators being unable to agree on one or more points in dispute, shall be final.

Owner exempt from Arts. 3, 8 & 9.

14. When the owner digs for coal on his private farm, he shall not be subject to the regulations of Articles 3, 8 and 9 of this Law

if such owner does not produce more than 2,000 ordinary muid-bags of coal per book year.

Such owner, however, shall send annually (before the 1st of February) the statements of output to the Head of the Mining Department.

15. The State President, with the advice and consent of the Executive Council, shall have the right to make special regulations with reference to this Law, but not in conflict with same. Such regulations shall have force of law, after publication in the *Staatscourant*, until they shall be dealt with in the first following session of the Volksraad. Special Regulations.

16. Law No. 17 of 1895 is hereby repealed. Repeal.

17. This Law shall come into operation immediately after publication in the *Staatscourant*. Operation.

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria,

3rd November, 1897.

LAW No. 15, 1897. [1]

LEPROSY LAW.

(Approved and enacted by the Second Volksraad by Art. 755 of its Resolutions dated 21st July, 1897, noted and accepted by Art. 860 of its minutes dated 16th August.)

INASMUCH as it has appeared that leprosy is a contagious disease, and is spreading in this State, and inasmuch as it is desirable and necessary that proper provision be made to lodge and treat such person or persons separately, it is hereby enacted and provided as follows:—

1. Under leprosy are included the tuberculous, anæsthetic, mixed and syphilitic forms of that malady. What is comprised under leprosy.

2. Anyone (either a private individual or physician) who comes to hear or know of a case of leprosy, shall report the same in writing within eight days to the Field-Cornet of the ward in which the patient lives. Duties of private persons and physicians.

The Field-Cornet of the ward shall report within eight days in writing to the Landdrost of his district, or to the Mining Commissioner of the diggings to which he belongs. Duties of a Field-Cornet.

This Law was published for the first time in the *Staatscourant*, of
3rd November, 1897.

Duties of Landdrost or Mining Commissioner.

The Landdrost or Mining Commissioner shall see that the patient is then immediately examined by two qualified doctors, independently of each other, one of whom shall be, if possible, the District Surgeon. These doctors shall be competent to enter the house or residence of such supposed patient.

The aforesaid doctors shall make a report to the aforementioned official.

When forwarded to the Leper Asylum.

If both doctors declare that the person examined by them is suffering from one of the forms of leprosy, mentioned in Art 1 of this Law, the Landdrost or Mining Commissioner shall issue an order to forward such person to the Leper Asylum in Pretoria, or to such other similar places where such asylums may be established, unless said official may think fit to put the person into quarantine under the provisions appearing further in this Law.

When new examination.

If the doctors differ or do not agree as to the nature of the malady, the Landdrost or Mining Commissioner aforementioned shall either immediately order a new examination or give instructions for the person to be re-examined after three months, in the same manner as prescribed above.

Quarantine.

During that period such person shall be placed under quarantine.

What happens in doubtful cases after second examination.

If there still exists any doubt at the second examination as to the malady from which the person examined is suffering, the Landdrost or Mining Commissioner shall in consultation with the Curatorium decide either :—

- (a) to have such person conveyed to the Asylum, or
- (b) to keep him or her still under quarantine, or
- (c) to have him or her set free.

In each case the provisions further set out in this Law shall be conformed to.

Second examination by other doctors.

The second examination may not be held by the doctors who took the first one.

What happens in case of refusal to allow examination.

In case of the supposed patient's refusing to allow himself to be examined, or when examination is made impossible, the Landdrost or Mining Commissioner shall issue an order to place the supposed leper in the Leper Asylum at Pretoria or in other similar Asylums to be subsequently established for that purpose, where he shall be isolated for the observation of two qualified doctors independently of each other.

Conveyance to Leper Asylum at cost of the State.

3. The Landdrost or Mining Commissioner shall have the right to have such persons as are mentioned in Art. 2 after having consulted if necessary, the District Surgeon, conveyed to the Leper Asylum at the expense of the State.

Force may be exercised in such conveyance.

If the Landdrost or Mining Commissioner decides, either in consultation with or without the Curatorium, to place a person in the Asylum, and should such person refuse to allow himself to

be conveyed thither, then force may be used if necessary to effect this purpose.

The Curatorium shall receive notice of the despatch of such persons in good time and at least one day before such despatch.

4. The Landdrost or Mining Commissioner shall, if he has a person suffering from leprosy conveyed to the Lëper Asylum, order the Field-Cornet of the ward or of the diggings where such person lives or has resided, to make an inventory of all movable and immovable property belonging to such person.

Inventory of Lëper's property.

The Field-Cornet shall forward such inventory immediately to the Landdrost or Mining Commissioner aforesaid.

Forwarding to Landdrost, &c.

The said Landdrost or Mining Commissioner shall, within eight days after receipt of that inventory, forward the same to the Secretary of the Curatorium, and all reports, correspondence, documents, &c., having reference to such person.

Forwarding through Landdrost to Secretary of Curatorium.

5. The Field-Cornet mentioned in paragraph 1 of Art. 4 shall appoint one or if necessary more persons at the expense of the estate to keep the property mentioned in the aforesaid Article in safe custody, until such time as further provision is made with regard to such property.

Field-Cornet appoints caretakers of property.

6. The Secretary of the Curatorium shall without delay submit the inventory, reports, correspondence, documents, &c., mentioned in the 3rd paragraph of Art. 4 to the Curatorium of the Lëper Asylum, which Curatorium acting in consultation with the Lëper if a white man, shall, if necessary, ask for an order from the High Court, or a Judge in Chambers for the administration of the estate, unless the Lëper himself wishes to give a power of attorney to any person or persons for the administration of his estate.

Appointment of a Curator Bonis.

In the case of a coloured person the proceedings taken with reference to the administration of his estate, shall be as much as possible in conformity with the Laws with regard to coloured people, according to Regulations to be fixed by the Superintendent of Natives in consultation with the Curatorium of the Lëper Asylum.

What must be done with property belonging to a coloured person.

7. If a person who has been declared to be suffering from Leprosy wishes to be isolated or placed in quarantine at his own expense, the Landdrost or Mining Commissioner shall, after Consultation with the Curatorium, have the discretion to grant or refuse such request. If granted the Landdrost or Mining Commissioner shall take the necessary steps for the due isolation of such person. All expenses in connection therewith shall be borne by the person or persons isolated.

A Lëper may be isolated at his own expense.

8. If the Landdrost or Mining Commissioner has decided to despatch a person suffering from Leprosy to the Lëper Asylum at Pretoria, or wherever similar Asylums may be subsequently erected, he shall order the Field-Cornet of the Ward or of the

Disinfection of the residence of the supposed leper.

Diggings to have the residence of such person cleansed and disinfected, under such regulations as shall be proposed by the Curatorium. The cleansing and disinfecting to be done at the expense of the Leper's estate.

In case of the residence of coloured persons the aforesaid Field-Cornet shall, act at his own discretion in consultation with the Landdrost or Mining Commissioner.

When the State pays expense of disinfection.

If such person is not in a position to bear the expense of such cleansing and disinfection the same shall be done at the expense of the State.

Isolation of patients in the Asylum.

9. The Curatorium shall have all patients suffering from the tuberculous and mixed forms of the malady isolated in the Leper Asylum at Pretoria, or such other Asylums as may be subsequently established for that purpose by the Government.

The patients suffering from other forms shall be received and isolated in another department quite apart from the tuberculous and mixed forms.

Photographing the patients.

10. Each patient shall, on entering the Leper Asylum at Pretoria, or any other Asylum established for that purpose, and subsequently from time to time, but at least once a year, be photographed in order to enable the course of his malady to be observed.

Separation of white and coloured persons. Cohabitation of both sexes prohibited. Exception.

11. White and coloured persons shall be kept entirely separate. Cohabitation of the two sexes in any form whatever shall be strictly prohibited and prevented.

The privilege of cohabitation may only be granted to married couples, both of whom are 50 years of age and over.

Curatorium.

12. The Curatorium shall be appointed by the Government. The Curatorium shall draw up its own bye-laws and regulations for the Leper Asylums, and where necessary also such other regulations for the cleansing and disinfection of persons, houses and goods as may appear necessary for the execution of this law, and such laws or regulations shall be approved by the Government and confirmed by the Volksraad.

Penalty for contravention of paragraph 1, Art. 2.

13. Whoever neglects to give notice in terms of paragraph 1 of Art. 2 of this law, and the official or other persons who prove remiss in the fulfilment of one or more of the obligations imposed on them by this Law, shall be punished by a fine not exceeding £50, or in case of non-payment with imprisonment for a period not exceeding 3 months.

14. Art. 37 of Law No. 12, 1895, is hereby repealed, as also the Title "Leprosy or the Lazarus malady." Repeal of Art. 37, Law No. 12, 1895.

15. This Law shall be known by the name "Leprosy Law" and shall come into operation on 1st October, 1897. Operation.

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary

Government Offices, Pretoria,
1st November, 1897.

SECOND VOLKSRAAD RESOLUTION, **1219**, dated 22nd September, 1897, noted and accepted by FIRST VOLKSRAAD RESOLUTION, 12th October, 1897.

1490. The First Volksraad resolves :—

Werven.

The "werven" (homestead lands) which have been approved by The Government, and which have been duly surveyed and reduced to diagram, are and are hereby declared to be, indisputable, in so far as no questions of legal right have been thereby raised [1].

FIRST VOLKSRAAD RESOLUTION, 14th October, 1897.

1522. The First Volksraad resolves :—

Coloured persons in railway carriages.

Considering that coloured persons when they have taken out a first class ticket take their places in first class carriages intended for white persons, and considering that the Government wishes to see the provisions for separate carriages for coloured persons strictly maintained:

Resolves :—

To instruct the Government to avoid equalisation of the races in trains, also to strictly prevent any infringement of the said provisions, and by means of the Government Commissioner to arrange with the Netherlands South African

¹ See Govt. Notice No. 497, 1897, page 825.

Railway Company, and other Railway Companies in the Republic, to partition off a small place for coloured persons in every carriage, for such coloured persons as have taken a first class ticket.

GOVERNMENT NOTICE No. 497.

Werven.

It is hereby notified for the general information that Art. 1219 of the Resolutions of the Second Volksraad, dated 22nd September, 1897, with the Commission reports on the titles of "werven" (homestead lands) has been noted and accepted by the First Volksraad by Art. 1490 of its minutes, dated 12th October, 1897.

DR. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria,
23rd October, 1897.

Art. 1219, reads as follows:—

1. The Second Volksraad resolves: the "werven" (homestead lands) which have been approved by the Government which have been only surveyed and reduced to diagram, are and shall be hereby declared indisputable in so far as no questions of Law have been thereby raised.

2. To note and accept the report of the Commission, and to instruct the Government during the recess of the Second Volksraad to act in terms of the said report of the Commission.

The Report of the Commission recommends:

1. That the "werven" (homestead lands) which have been approved by the Government, and which have been duly surveyed and reduced to diagram be declared indisputable.

2. To instruct the Government to give instructions during the recess of the Second Volksraad that all existing "werven" (homestead lands) of proclaimed farms should be reduced to diagram, approved and published, so that no possibility may exist for any difference of opinion.

The Government shall be instructed to report in the next session of the Volksraad.

LAW No. 3, 1898.

(Approved by Art. 381 and 382 of the Minutes of the First Volksraad, dated June 6th, 1898.)

WHEREAS it is deemed necessary to make provision with regard to the competency of native chiefs to enter into contracts, it is hereby enacted as follows :—

1. The people or tribe of a native chief cannot be held responsible for the personal obligations of the latter. Obligations of native chiefs.
2. No native chief may enter into any obligation whatsoever by which either his people or tribe, or the ground granted to him as a location, shall be bound in any way whatever. Tribe or location not responsible.
3. No obligation or contract as above indicated, entered into by coloured persons or their chiefs, shall be valid unless approved of by the Executive Council, acting in consultation with the Superintendent of Native Affairs. Approval of Executive Council.
4. This Law shall come into operation immediately after publication in the *Staatscourant*. Operation.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Office,
Pretoria, June 13th, 1898.

LAW No. 6, 1898.

Being Amendment of Law No. 29, 1896.

(Approved by the First Volksraad by Art. 623 of the Minutes dated June 24th, 1898.)

WHEREAS it has appeared to be desirable to introduce certain amendments in Law No. 29, 1896, it is enacted as follows :—

1. As Art. 3a is added :—
“ All foodstuffs which are intended for sale must be kept in a special house, apartment or room for that purpose, which Food-stuffs for sale, keeping of.

“house, apartment or room must be kept in a clean and tidy condition and must be properly ventilated, and may not be used for any other purpose, and may in no case have direct connection with any sleeping apartment or stable.”

Penalty.

“Contravention of this Article shall be punished with a fine not exceeding fifty pounds sterling (£50), or, in default of payment, with imprisonment with or without hard labour for a period not exceeding six months, and in addition to this the licence may be withdrawn or refused. The provisions of this Article shall be applicable only to licensed dealers, shopkeepers or hawkers.”

Impairing.

2. At the end of Art. 6 is to be added:—

“Or the removal of any elementary constituent from any commodity, whereby the quality is impaired.”

Operation.

3. This amendment shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Office,
Pretoria, June 30th, 1898.

LAW No. 8, 1898.

FOR THE REGULATION OF THE BUSINESS OF ASSURANCE COMPANIES IN THE SOUTH AFRICAN REPUBLIC.

(Approved by resolution of the Second Volksraad, Art. 472, dated June 16th, 1898, and noted and accepted by the First Volksraad under Art. 707, dated July 4th.)

WHEREAS it is necessary and desirable to regulate by a Law the manner in which and the conditions on which Assurance Companies shall be allowed to carry on business in this State, it is hereby enacted as follows:—

Assurance
Companies.

1. Every Assurance Company whose principal office or place of business is situated beyond the limits of this State, and every Company established in this State, whether already established or carrying on business or hereafter to be established and to begin business within this State, which is managed or represented by Directors, a Secretary, Manager or Agent, and which has carried on business before the coming into operation of this Law, or hereafter shall begin to carry on business within this State, such as Fire,

Accident, or Life Assurance Company, if such a Company, after the coming into force of this Law, shall continue or begin such business in this State, shall be bound to deposit within three months after such continuation or beginning of such business, with the Treasurer General of this State securities, either in cash or other securities approved of by the Treasurer General, Auditor General and Registrar of Deeds, to an amount of £5,000 sterling for fire or accident assurance, or for both together, and of £10,000 sterling for life assurance, whether associated or not with fire or accident assurance or with both. Security.

2. Every such Company may after proper notice to the Treasurer General, Auditor General and Registrar of Deeds, with the approval of the said officials, exchange any of the deposited securities for others of equal value or for cash, and such substituted securities shall be dealt with in every respect as though they had been deposited originally. Exchange of Securities.

3. Every Company which deposits the aforesaid sums in cash as security, shall be entitled to receive from the Government interest at the rate of 3 per cent. per annum, on the sums deposited, payable at the end of each year. Interest.

4. The Treasurer General shall give a proper receipt, in accordance with the forms hereunto attached, marked A & B., for the deposited securities mentioned in Art. 1. Receipt.

5. Every such Company shall be bound, before it shall be able to carry on business, to take out an annual licence of £20 sterling, and no such licence shall be issued until proof has been given to the official charged with the issue of such licence, that the security mentioned in Art. 1 of this Law has been deposited. Licence.

6. Every such Company shall be bound, before it shall be able to obtain such a licence, to deposit certified copies of its trust deed, with the exception of Companies to be formed here under the already existing Laws, and shall further be bound to choose a "domicilium citandi et executandi" in this State and to give notice thereof in the *Staatscourant*. Deposit of Copies of Trust deed.

7. Every Assurance Company as aforesaid shall, after each financial year of such Company, forward to the Treasurer General, together with all the returns which may be required by this Law, a sworn return showing the total number of assurances in force, the total number of new assurances effected, with the premiums having reference thereto received during the year, and the policies which have lapsed during the said year, all having reference only to the business of the Company carried on in this Republic, and shall further be bound to forward to the Treasurer General a certified return showing the assets and liabilities of such Returns to be sent to Treasurer General.

Company, together with copies of the balance sheet and revenue account for the year, having reference to the entire business of the Company, no matter where it is carried on.

Names of
Officials.

8. Every Company, which does assurance business within this State shall, within three months after the coming into operation of this Law, or after starting its business, or when a change is made in its *personnel*, as the case may be, publish in the *Staatscourant* the name of its chief official, manager, secretary or agent in this State and the place where the principal office of the Company must be considered to be fixed, and where, moreover, the "domicilium citandi et executandi" of such Company shall be established.

Head office
domicilium.

Who may sue
or be sued.

9. Every such principal official, manager, secretary or agent, whose appointment as such has been published in the *Staatscourant*, may sue or be sued in the name of the Company which he represents, and all notices, summonses or other legal proceedings shall be valid against such Company if they are served on such principal official, manager, secretary or agent, or are left at the principal office in the hands of any servant of the Company there, or if, in the absence of such a person, they are attached to the front door of such principal office.

Deposit of
false
document.

10. If any document, which under the provisions of this Law is required to be deposited, is false in any important particular, the person who signed or delivered it shall be punished with a fine not exceeding £100, or imprisonment with or without hard labour for a period not exceeding six months.

Penalty.

Neglect to
make returns.¹

11. Any Company which neglects to deliver any returns required by this Law, for a period of three months or more, may at the request of the State Attorney and after notice, be prevented by the High Court from carrying on business in this State, either for an indefinite time or for such period as the Court may deem fit to determine.

Duty of
Treasurer
General.

12. The Treasurer General shall see, and it shall be his duty so to do, that every Company falling under the operation of this Law, properly complies with the provisions thereof, and he shall be bound to deliver annually to the Government a report setting out the particulars of the business of every such Company in accordance with the returns sent in under the Law.

Report.

To whom
claims shall
be paid.

13. All claims arising out of policies of life assurance issued in this State shall be paid, if such payment is desired, to the person in this State entitled to the assurance money, and the receipt of the executor or other person entrusted with the administration of the Estate in question shall be complete proof that such Company has duly paid the amount of the policy.

14. The security mentioned in Art. 1 of this Law shall operate as a guarantee to the Government and the inhabitants of this State of the good faith of and the honest transaction of business by every such Company, and such security may be taken in execution for any judgment of any competent Court against such Company.

Security operates as guarantee.

If an Assurance Company, as indicated in Art. 1 of this Law, desires to close its business within this State and to do no further business here, and has actually closed its place of business and has ceased to do business, it shall be entitled to get back the security mentioned in the said article, provided a sufficient portion thereof be left to satisfy all its obligations and debts due to persons within this State, and any probable expenses connected with such amounts due or to become due, everything to be determined by the Treasurer General as he thinks fit. If payments are from time to time made to creditors and policy-holders within this State by the Company the Treasurer General shall be entitled to reduce and to return the deposited security proportionately, provided he takes care that sufficient security remains for the claims of the remaining creditors and policy-holders within the State. In carrying out this provision the Treasurer General shall be entitled, before giving back the security or any part thereof, to demand affidavits from the officials and inspection of the books of the Company or such other proof as he may consider necessary.

Return of security

Proportionate reduction of security.

15. No such Company may include in any policy to be issued in this State any condition which may be in conflict with the provisions of the military or commando law, and such condition shall in no case be valid and may not be pleaded in defence against a claim for payment of such policy if the person assured dies in the military or commando service.

What conditions may not be inserted in policy.

16. If any Agent, Director, Secretary, Manager or Representative of one of the herein-mentioned assurance companies contravenes or does not comply with one or more provisions of this Law he shall be liable to a fine not exceeding £100 sterling or to imprisonment, with or without hard labour, for a period not exceeding six months, or both together.

Contravention of Law by official.

Penalty.

17. The Courts of Landdrosts and Mining Commissioners shall have jurisdiction over contraventions with the exception of those mentioned in Art. 11.

Jurisdiction.

18. Law No. 12, 1892, for the regulation of the business of Assurance Companies in the South African Republic, and also Law No. 4, 1896, amending Art. 7 of Law No. 12, 1892, are hereby repealed.

Repeal.

19. This Law shall come into operation immediately after publication in the *Stadtscurant*.

Operation.

RECEIPT FORM "A."

Received from the Mr. _____ the sum of _____ through _____ pounds sterling, being the security deposit mentioned in Art. 1 of Law 8, 1898, which amount the Government of the South African Republic hereby declares to have received from the _____ for safe keeping, and promises to pay back to the said Company at this office three months after written notice has been given by it to the Government of the South African Republic that it wishes to close its business in this State, and it has clearly proved to the satisfaction of the Government that it has no further current liabilities towards third parties resident within this State.

The interest on the amount aforesaid shall be 3 per cent., payable yearly by the Treasurer General at his office, to the representative of the Assurance Company on or before February 1st of each year.

The Assurance Company has the power, moreover, after giving three months' notice, to exchange this security deposit in cash for a security deposit in documents approved of by the Government, on receiving a receipt according to Form B., in accordance with the provisions contained in Art. 2 of this Law.

Pretoria,

18

RECEIPT FORM "B."

Received from the Mr. _____ the following documents, viz : _____ through _____ being the security deposit mentioned in Art. 1, of Law 8, 1898, which documents the Government of the South African Republic hereby declares that it holds in safe custody for the said Assurance Company, and which it will return to the latter in exchange for other documents of equal value to be approved of by the Government or for cash, in case the Assurance Company so desires, or if the said Company has given the Government of the Republic written notice that it wishes to close its business in this State, and has clearly proved to the satisfaction of the said Government that it has no further current liabilities towards third persons resident within this State. The authorised representative of the Assurance Company is entitled to receive the interest on these above-mentioned documents.

Pretoria,

18

S. J. P. KRUGER,
State President.

Government Office, Pretoria,
July 21st, 1898.

F. W. REITZ,
State Secretary.

LAW No. 15, 1898.

THE GOLD LAW OF THE SOUTH AFRICAN REPUBLIC.

On the digging for and dealing in Precious Metals.

(Amended and approved by the Second Volksraad, by Art. 1,211 of its minutes, dated 16th September, 1898, and amended and approved by the First Volksraad by Art. 1,402, dated 6th October, 1898.)

CHAPTER I.

General Provisions.

1. The right of mining for and disposing of all precious metals shall belong to the State.

2. This Law shall be applicable to gold, and further to silver and quicksilver, if the latter are found as pure metal, and to such other precious metals as the State President, with the advice and consent of the Executive Council, with reference to this Article of this Law, shall make known.

This Law applicable to gold, &c.

3. The term "public diggings" shall signify a proclaimed area, thrown open by lawful authority for prospecting, digging, and mining.

Public diggings.

The word "claim" shall signify either that portion of the field on which a person or persons or companies has or have lawfully obtained the right to dig or to prospect, or the right to dig or prospect on such piece of land.

Claim.

"Private land" shall signify the land belonging to private persons or companies, as shown by the title deed or deed of transfer.

Private land.

"Government land" shall signify all land belonging to the State.

Government land.

The term "coloured person" shall signify any African, Asiatic, Native or coloured American person, Coolie or Chinamen.

Coloured person.

"Unwrought gold" or "unwrought precious metal" shall signify gold or precious metal in any form or connection whatsoever, which, although smelted, is not manufactured or made up into any article of commerce. It shall include also unrefined precious metal, under which, therefore shall also be comprised amalgam, slimes and scrapings.

Unwrought gold.

"Gold ore" shall signify all auriferous ores, including concentrates, tailings and slimes.

Gold ore.

"Stand township" shall be taken to mean every area of land situated on a proclaimed diggings or on land proclaimed for the purpose of stands, which has been either wholly or in part surveyed for stands by a Government land surveyor, and has been proclaimed as such or been approved by the Government.

Stand township.

"Prospecting" shall be taken to mean the doing of all work which is necessary for the express search of the precious metals mentioned in Art. 2, or which has in view the testing of the nature of the precious metals and mineral deposits, and the minerals present therein, which have been found.

Prospecting.

"Digging" or "mining" shall be taken to mean the intentional extraction of the precious metals mentioned in Art. 2, including all work necessary for the purpose, irrespective of whether such extraction is effected by underground mining works, open cuttings, boring or otherwise.

Digging or mining.

Further, all words shall be understood in the sense in which they are ordinarily used.

Words to be understood in the sense in which they are ordinarily used.

4. The State President shall have the power, with the advice and consent of the Executive Council, to make rules and regulations, whether general or special (for instance, for one or more fields), for the regulation of matters mentioned in this Law or connected therewith, provided they are not in conflict with this Law.

Powers of State. President to draw up regulations.

The rules and regulations mentioned in this Article shall also include provisions for penalties and taxes. These rules and regulations shall have the force of Law from the date of publication in the *Staatscourant*; they shall be laid before the Volksraad at the first ensuing session.

Special rules and regulations shall take effect on every proclaimed field immediately after proclamation in the *Staatscourant*.

Alterations
and additions.

The State President shall have the power, with the advice and consent of the Executive Council, to make any alterations in or additions to the said special rules upon the proposal of the Mining Commissioner, in consultation with the head of the Mining Department.

Such alterations or amendments shall take effect fourteen days after publication in the *Staatscourant*.

Expropriation
on payment
of compensa-
tion.

5. Whenever it may be found necessary in the general interest, for public purposes to take away, wholly or in part, rights once granted, the Government shall have the right to do so on payment of compensation to be mutually agreed upon between the interested parties and the Government.

Arbitration.

In the event of such an agreement being impossible the amount of compensation shall be fixed by way of arbitration by one or more persons appointed by both sides, subject to a reference to an umpire chosen by the arbitrators, and named beforehand, who, if the arbitrators cannot agree on one or more points in dispute, shall decide upon such points.

Imprisonment
on default of
payment of
fine.

6. When according to this Law a sentence of a money fine is imposed, such fine shall be replaced by imprisonment on default of payment. The duration of such imprisonment shall be fixed when judgment is given, as far as possible in proportion to the fine inflicted, with this proviso, however, that such imprisonment may not exceed a period of one month, in case the fine inflicted amounts to £5 or less, of three months if the fine amounts to from £5 to £20; of six months if the fine amounts to from £20 to £100; and of one year if the fine amounts to more than £100. It may be decided when judgment is given that such imprisonment shall be coupled with hard labour.

CHAPTER II.

The Department of Mines

Head of the
Mining De-
partment.

7. There shall be a department of mines in this Republic. At the head of this department shall be someone with the title of Head of the Mining Department, who shall, at the same time, possess the qualifications laid down in the Grondwet, and shall be responsible according to the instructions framed by the Volksraad.

State Mining
Engineer and
State
Geologist.

The Head of the Mining Department shall be assisted by properly qualified experts, to be appointed by the Government in

consultation with the Head of the Mining Department, with the titles of State Mining Engineer and State Geologist respectively, whose duty and responsibility are described in the instructions laid down by the Volksraad.

The State Mining Engineer shall be assisted by properly qualified experts on the diggings.

8. The Government shall have the right, from time to time, to appoint one or more commissions of trustworthy and competent persons to investigate any question relating to mines, and to report to it thereon.

Commissions,
appointment
of.

9. For each proclaimed field a competent person shall be appointed, if necessary, by the Government in consultation with the Head of the Mining Department, as Mining Commissioner.

Mining Com-
missioner.

The Government shall, moreover, have the right to appoint, if necessary, for every proclaimed field, a special judicial official, with the title of Special Landdrost, with criminal and civil jurisdiction equivalent to that of the Landdrost.

Special
Landdrost.

On the appointment of such judicial official the boundaries within which he shall have jurisdiction shall be accurately defined by the Government. Within these boundaries the Landdrost of the district concerned shall no longer have criminal and civil jurisdiction.

Limits of
jurisdiction.

In the exercise of jurisdiction by the Special Landdrost the Laws and customs in use in Landdrost Courts shall be applied. The same rules shall also apply with regard to appeals to a higher Court. This Special Landdrost shall have, within the boundaries of the field over which he has jurisdiction, the same powers with regard to marriages as are given to a Landdrost by the Marriage Ordinance.

Laws and
customs
applicable.
Appeals.

The Government shall also have the right to appoint, besides the Special Landdrost, other judicial officials with the jurisdiction of a Landdrost in criminal and civil cases and power to hold preparatory examinations, and further to lay down instructions for such officials.

Powers with
regard to
marriages.

Other judicial
officials.

10. The Mining Commissioner shall be given a clerk who, if there be no Special Landdrost, shall also be Public Prosecutor and Registrar of the Lower Court.

Mining Com-
missioner's
clerk.

11. If required, the Government shall assign one or more clerks to the department of the Mining Commissioner.

Further
clerks.

12. The Government shall have the power, if necessary, to appoint one or more Claim Inspectors for each field, and to make such regulations with regard to their duties as it may deem necessary.

Claim
Inspectors.

13. The Mining Commissioner shall be the head and have the supervision of the field over which he is appointed. He shall also be vested with the power to regulate and manage all matters relative to the diggings in accordance with this Law and all regu-

Powers of
Mining Com-
missioner.

lations which, by virtue of this Law, may be published by the Government.

When digging prohibited.

He shall also pay attention to the grievances of the diggers, and do all that may conduce to the general interest, to the furtherance of the prosperity of the diggings and of the sanitary condition of the population there; he shall determine the places where digging and prospecting shall be forbidden, intended for the keeping open of roads, under which are also included roads or ways from the claims to the batteries, and places suitable for water-rights, and such other places as instructions shall be given about by the Government from time to time, and no one shall be allowed to peg off such land or to prospect or dig thereon, under penalty, in case of contravention, of a fine of £100, or six months' imprisonment with hard labour, to be inflicted by a competent Court.

He shall regulate the issue of stand licences, and point out the places where building may or may not take place.

Where more than five stands adjoin.

Where, however, more than five stands would adjoin, or be near each other, he shall first obtain the consent of the Government, through the Head of the Mining Department, before issuing licences for stands in excess of that number.

Collection of personal taxes.

The Government shall have the power to depute to him, or another person under him, the collection of direct taxes within the boundaries of his field, under such regulations as the Government, after consultation with the Head of the Mining Department, shall deem necessary to make.

Jurisdiction.

In case no Special Landdrost has been appointed he shall have criminal and civil jurisdiction equal to that of the Landdrost.

Ex-officio Justice of the Peace.

He shall, *ex-officio*, be a Justice of the Peace for the whole Republic.

Laws and customs applicable.

With regard to the exercise of civil and criminal jurisdiction by the Mining Commissioner, the Laws and customs in use in Landdrosts' Courts shall apply.

Appeal.

Also with regard to appeal to a higher Court the same regulations shall apply.

Powers with regard to marriages.

In case no Special Landdrost has been appointed the Mining Commissioner shall have the same powers with regard to marriages, within the boundaries of the field over which he is appointed, as are granted to a Landdrost by the Marriage Ordinance.

Limits of Mining Commissioner's jurisdiction.

14. The land reserved, according to Art. 30, for houses, buildings, water furrows, gardens or arable lands, as also that under Art. 25 for "mynpachts," and further, all pieces of land which are wholly enclosed by a public diggings, shall be under the jurisdiction of the Mining Commissioner, and, if there be such, of the judicial officials of such diggings.

Landdrost of the district.

The Government shall have the right, by proclamation, to bring under the jurisdiction of the officials on the public diggings, farms or portions of land adjoining such public diggings or situated in the neighbourhood thereof, and shall also have right to direct, by proclamation, that unproclaimed private land, which is entirely

enclosed by a public diggings, be brought under the jurisdiction of the Landdrost of the district.

15. All admitted advocates, attorneys, notaries, agents, conveyancers and sworn translators, who, according to the law of the land, are entitled to practise in the Civil Courts of the country and to follow their profession, shall be admitted to practise on these fields. The tariff of licences required for the exercise of any one of these professions on the fields shall be according to law. No unadmitted and unlicensed person shall have the right to conduct cases in any Court for others, or to carry on the business falling under the professions of the aforesaid practitioners. Any person shall, however, be entitled, should he so desire, to conduct his case in person before a Court on the fields, or to transfer in person any stand, claim, or any portion thereof, or otherwise, being his lawful property. He shall not, however, have the right to draw up bills of costs for the defence of his case, or to claim costs for any deed of cession or transfer, except for witness expenses, court fees, summons, or stamp dues.

Legal practitioners.

Licences.

Any person may appear in person.

Bills of costs.

16. There shall be an appeal from the judgment of the Mining Commissioner, or of the Special Landdrost or other judicial officials, if there be such, to the Circuit Court, the Judge sitting in Chambers at Pretoria, or the High Court.

Appeal from Mining Commissioner.

17. The Mining Commissioner shall keep proper account of all revenue and expenditure. He shall also keep proper registers of all licences and rights granted by him to persons or partnerships, and such other registers as the Head of the Mining Department shall from time to time prescribe.

Revenue and expenditure.

Registers.

The public shall be allowed to inspect these registers, but the person concerned shall previously intimate upon what matter information is desired. The sum of 1s. 6d. shall be paid for each inspection. In the case of written information an amount of 5s. shall be paid in each case, consisting of stamps, which shall be affixed to the document and cancelled.

Inspection of

18. The Government shall, after consultation with the head of the mining department, on such fields as it may deem desirable and necessary, appoint one or more clerks of the Mining Department on such fields as Responsible Clerk or Clerks.

Responsible clerk.

The Government, after consultation with the Head of the Mining Department, shall have the right to assign to such Responsible Clerks separate stands on different portions of the proclaimed field. The responsibility of the Mining Commissioner shall remain unaffected by the responsibility of such a clerk serving in the head office of the Mining Commissioner himself.

Stands for.

A Responsible Clerk may issue all licences falling within his department and may also receive transfer dues, auction dues, fines, market dues, rents and other special revenue, and may also perform such other work as shall from time to time be given him to do by the Mining Commissioner.

May issue licences.

Licences signed and issued by such a clerk shall confer the same rights as if they had been signed and issued by the Mining Commissioner himself.

Shall keep registers.

Responsible Clerks, having their own department, shall keep proper registers of all licences issued by them, and shall, as soon as possible, deposit with the Mining Commissioner all monies received by them, and within four days after the end of each month send in their returns and monthly statements to the Mining Commissioner.

Monthly statements.
Jurisdiction of.

The Government shall have the right to invest such Responsible Clerk with the power and jurisdiction of a Resident Justice of the Peace within such boundaries as the Government may determine.

Duty of Mining Commissioner and Responsible Clerk.
Licences.

19. The Mining Commissioners and Responsible Clerks shall pay strict attention to the following :—

(a.) That no person shall follow any calling or trade, dig or prospect, without proper licence.

Records.

(b.) That their clerk or clerks keep proper records and minutes of all cases dealt with or decided in their Court, and that their subaltern and subordinate officials fulfil their duties and render account of everything deputed to them, or of monies entrusted to them.

Government property.

(c.) That all Government offices, buildings, and other Government property, with the exception of prisons and police offices, are kept in good order. In places where a permanent official is appointed under the Department of Public Works, this duty shall be entrusted to the said official.

Stamp and transfer dues.

(d.) That the stamp and transfer dues owing to the Government on all transfers of claims and stands are properly paid.

Fees.

(e.) That all fees or monies due to the State according to this Law, or later Laws and regulations, are promptly paid, and that all official documents are subject to stamp duty.

Fines and fees, deposit of.

(f.) All fines and Court fees received at the office of the judicial officials shall be deposited with the Mining Commissioners monthly on or before the 4th day of each month, together with a specified statement of the persons fined.

Oath.

20. The same oath shall be required from a Mining Commissioner as from a Landdrost. All officials, on whatever diggings appointed, shall be properly sworn in upon taking up their positions.

Officials not allowed to hold claims.

21. The Head of the Mining Department and the officials of his department, as well as Special Landdrosts, Assistant Landdrosts, Judicial Commissioners, and the officials of their departments, as well as their wives, whether married in community of property or not, shall not be permitted to hold claims, directly or indirectly, on a proclaimed field; or to carry on any business, or

conduct any kind of agency whatever, or to have any share in a mining company or syndicate or partnership relating to mining matters.

Landdrosts, head officials and their subordinates, shall also be prohibited from being connected with a mining company as directors, advisers, controllers, or officials. Should it be found that the above-mentioned officials contravene the provisions contained in this Article, they may, according to the nature of the case, be fined, suspended from office by the Government for a certain time, or dismissed.

May not be directors, &c.

Penalty.

CHAPTER III.

Prospecting, Digging, and Mining.

§ 1. PROSPECTING BY OR WITH PERMISSION OF THE OWNER.

22. Every landowner shall be at liberty (after giving notice of his intention to the Landdrost of his district, or the nearest Mining Commissioner or Responsible Clerk) to prospect for precious metals within the boundaries of his property without licence, and for that purpose to employ, besides coloured persons, not more than four white persons drawing wages, and, under conditions hereinafter prescribed, to exploit mines on his land, or cause the same to be exploited. No one, except the State President, with the advice and consent of the Executive Council, shall be allowed to throw open land to the public as public diggings.

Owner may prospect without licence.

No one but President can throw open lands as public diggings. Investigation re prospecting.

The Government shall always have the right to cause investigation to be made concerning the prospecting. On the discovery of precious metals on private land, the owner shall be obliged within seven days after the discovery, to give notice thereof to the nearest Mining Commissioner, Responsible Clerk, or Landdrost, as well as of the particulars thereof, under penalty of a fine not exceeding £5 on neglecting to do so.

Notice of discovery of precious metals.

23. Anyone having written permission [¹] from the owner of a private farm or piece of land to prospect on his property, shall be able to obtain the requisite prospecting licence, on payment of the licence monies, from the Landdrost of the district where he desires to prospect, or from such other officials as may be appointed by the Government, for the period mentioned in such written permit, but not to exceed six months.

Written permission from owner to prospect.

When, however, the said permit is granted for a period longer than six months, the Landdrost, or such other official as shall be appointed by the Government, shall, after the expiration of the first six months, have the right, after proper investigation, to extend the term for which the licence was granted from time to time, in accordance with the permit, such extension to be always for the period of six months.

¹ Vergunning.

§ 2. DECISION AS TO PAYABLENESS.

State Mining Engineer judge as to payableness.

24. The State Mining Engineer, or such other experts nominated by him, deputed by the Head of the Mining Department, either separately or in commission, shall be competent judges of the payableness of precious metals.

§ 3. EXPLOITATION UNDER MYNPACHT OR CONCESSION.

Owner must obtain "mynpacht-brief."

25. The owner of a farm or piece of land, upon which precious metals have been found by the owner himself, or in accordance with Art. 23 by a prospector, who desires to possess the right to open and exploit mines on such farm or piece of land, must be in possession of a "mynpacht-brief," to be obtained from the Government. A tenth portion of the private land or farms of which notice of throwing open as public diggings has been published, as laid down in Art. 38, shall be granted under "mynpacht-brief."

In surveying land for "mynpacht-brieven" the reef shall not be taken lengthwise only, but the proportion of breadth to length shall be, at the highest, as one to two.

Government cannot refuse "mynpacht."

In no case shall the Government have the right to refuse a "mynpacht," even should the Government decide not to proclaim the land as a public diggings.

Duration of "mynpacht-brief."

26. The "mynpacht-brief" referred to in Art. 25 shall be issued for a period of not less than five and not more than twenty years. The holder of such "mynpacht-brief" shall, however, be at liberty to renew such "mynpacht" from time to time, for a period of another twenty years, or less, subject to the conditions of the then existing law. This right of renewal shall also be given to holders of "mynpachts" already granted, after the expiration of the period for which the "mynpacht-brief" was granted.

Renewal.

10s. per morgen.

The sum of 10s. per morgen per annum shall be paid on the "mynpacht-brief," payable in advance to the official under whose administration the "mynpacht" is situated, while the holder of such "mynpacht-brief" shall be subject to the following conditions:—

Account of all finds.

(1.) He shall keep proper accounts of all finds, and use such forms in doing so as the Government may deem it necessary to prescribe.

Inspection of all books.

(2.) Inspection of the books shall at all times have to be granted to the Mining Commissioner or official under whose administration the "mynpacht" is situated, or to any other official appointed for that purpose.

2½ per cent. of gross income.

(3.) The Government shall always have the right, instead of the payment of 10s. per morgen, to claim payment of 2½ per cent. of the gross income during the past year, as shown by the books or other vouchers.

“Gross income” shall be taken to mean the average market value on the mining area of the amount of all the worked marketable products and unworked marketable products obtained by mining operations during the past calendar year. Gross income.

- (4.) If such is demanded by the Government officials, the accuracy of the returns of the books shall be verified on oath by the owner or his book-keeper. Returns verified.
- (5.) Such other conditions as the Government may deem desirable, not, however, in conflict with the spirit or provisions of this Law. Further conditions.

When the payment for the “mynpacht-brief” for such “mynpachts” is six months in arrear, the Mining Commissioner or official under whose administration the “mynpacht” is situated, shall demand payment thereof in the *Staatscourant*, and by notice in writing to the owner. When payment for “mynpacht-brief” in arrear.

The Mining Commissioner, or official under whose administration the “mynpacht” is situated, shall be obliged to make this demand immediately after the expiration of the six months. When demand to be made.

If within three months after the date of the publication of such demand payment of all monies due has not been made, the Government shall have the right to declare the “mynpacht-brief” to have lapsed. Lapsing of “mynpacht-brief.”

27. All angles of a “mynpacht” shall be indicated by stone beacons of masonry, as stated in Art. 40, and bear an inscription, “Mynpacht No. _____” (being number of the “mynpacht-brief”), as also the official number of the beacon to be given by the Claim Inspector, while the sides shall be indicated as stated in Art. 41. Beacons at angles of “mynpacht.”

For the proper maintenance of these beacons, to the satisfaction of the Mining Commissioner, or Landdrost if no Mining Commissioner has been appointed, the holder of the “mynpacht-brief” shall be responsible, according to Art. 3 of Law No. 3 of 1864, as approved by Volksraad Resolution, Art. 519, dated March 22nd, 1866. Maintenance of.

In case of default these beacons shall be erected and kept in repair by the Government, at the expense of those entitled to the “mynpacht,” after notice has been given in accordance with Art. 42. When erected by the Government.

The absence or the imperfect condition of the beacons shall not be a ground for disputing the size of the “mynpacht-brief” granted. Absence, &c., of beacons.

28. Anyone hiring a portion of a farm or of a piece of land from the owner thereof, for the purpose of exploiting mines thereon, or buying the mining rights from such owner, may in the same way and on the same conditions as the latter, obtain a “mynpacht-brief,” provided he causes his lease or memorandum of purchase to be drawn up notarially and registered. This “mynpacht” shall Lessee of mineral rights may obtain “mynpacht-brief.”

be renewable as long as he remains the lessee or owner of the mining rights.

With knowledge of owner.

The taking out or the renewal of a "mynpacht-brief" shall be effected with knowledge of the owner or of his representative.

Transfer of "mynpachts."

29. "Mynpachts" and leased land with licences or "mynpachts" thereon, may be transferred, either wholly or in part, from one person to another, under the conditions laid down in Law 20 of 1895.

Division of "mynpachts."

On the division of a "mynpacht" the holders of portions shall render themselves jointly and severally responsible to the Government for the payment of the whole of the monies due, according to the original "mynpacht-brief," from the date on which the registration of the transfer of the portions accruing to them took place, and for the strict carrying out of the legal provisions applicable to "mynpachts."

These provisions shall, as regards division, also be applicable to "mynpachts" already granted.

Stamp.

Every deed of transfer shall bear a stamp according to Law 5 of 1882, Schedule A.

Sale in execution of "mynpachts."

In the case of a sale in execution of "mynpachts" and leased land, the same provisions shall apply as in the case of a similar sale of immovable property.

Renewal of "mynpachts."

30. In regard to the renewal of "mynpachts" under Artt. 28 and 29 the following rules shall be applicable:—

In name of registered holder.

(1.) That no "mynpachts" shall be renewed except in the name of the persons or companies in whose favour they were last registered, unless transfer has been made in the name of the new applicant.

Renewal in favour of lessee.

(2.) That the renewal of a "mynpacht" to a lessee, according to Art. 28 of this Law, may take place only when it appears from the contract to be produced by him and notarially registered that the lease is still current, or has been properly renewed.

When lessee becomes owner.

(3.) That when a person was formerly a lessee, but since that time has also become owner of the land on which the "mynpacht" is situated, and it appears that he has, in consequence, the owner's rights as well as the mineral rights in his possession, the renewal may take place.

Division of "mynpacht" on renewal.

(4.) That in case a "mynpacht" term has expired, and it is desired on renewal of this "mynpacht-brief" to divide the "mynpacht" in accordance with Art. 29, then this shall be effected for as many parts as application for renewal is made for, in which divided "mynpacht-briefen" the obligations mentioned in Art. 29 shall appear, and provided that with each such divided "mynpacht-brief" proper surveyor's diagrams in quadruple are lodged.

Diagrams.

When, on the renewal of a "mynpacht-brief," it appears that the "mynpacht" belongs to more than one owner, and that some or any of the owners do not wish to renew their portions or portion, those portions for which application is made may be renewed, provided that on each such partial renewal, proper surveyor's diagrams in quadruple are filed, and in cases of undivided "mynpachts" such applicant or applicants shall be entitled to take out the portion of the "mynpacht" accruing to them in conformity with Par. 3 of Art. 25, while the Government shall be obliged to proclaim the remaining portion of the original "mynpacht" as a public diggings within six months after the day of expiry.

When one of the owners does not wish to renew.

- (5.) That the extension or renewal may be effected for from five to twenty years, just as in the case of a new "mynpacht-brief," in conformity with Art. 26 of this Law. Renewal from 5 to 20 years.
- (6.) That the "mynpacht-brief" shall be granted on the payment and on the conditions now laid down by law or to be laid down later. Conditions.
- (7.) That in case of the division of a still current "mynpacht-brief" of the portion to be sold, a new "mynpacht-brief" shall be issued, by virtue of a notarial cession, with proper diagrams, and that on application the original "mynpacht-brief" shall also be sent in, in order that a note of the division may be made thereon by the Registrar of Deeds, which shall also have to be done when a portion of a "mynpacht" is afterwards subdivided. Division of a current "mynpacht-brief."

A "mynpacht-brief" to be issued in this way may be granted only up to the time to which the original "mynpacht-brief" has run.

31. No concession on Government land shall be granted in future. When, however, localities are discovered where insufficient advantages are to be derived from the working of the claims by individual diggers, or where the land, after having been worked as claims, has been abandoned, such localities may be given out under "mynpacht" to a digger or diggers for a definite number of years, in order to work them by machinery or otherwise, on the following conditions:—

No concession on Government land.

When land may be given out under "mynpacht."

- (a.) The extent of pieces of land under "mynpacht" shall not be less than 150 by 150 yards, and not more than 500 by 500 yards. Extent.
- (b.) Each application shall be posted at the office of the Landdrost of the respective district during one month, or, should the land be under a Mining Commissioner, at his office, and Application to be posted.

also on the land applied for, and shall contain a full description of the land, as regards the extent, the situation, and whether it has already been worked or not.

Objections against granting of "mynpacht."

(e) Every interested person shall have the right to lodge objections against the granting, under "mynpacht," of a portion of land, which shall be done in writing, giving the ground of his objections, the validity of which shall be inquired into by the Landdrost or Mining Commissioner.

Application to be sent to head of Mining Department.

(d) Immediately after the expiration of the time of notice the Landdrost or the Mining Commissioner shall send in the application to the Head of the Mining Department with his report. Should the Government, after consultation with the Head of the Mining Department, approve of it, the "mynpacht" shall be granted according to the form appearing in the Schedules of this Law.

10s. per morgen.

(e) For this "mynpacht" a yearly rental, always payable in advance, shall be paid, calculated at 10s. per morgen yearly. The "mynpacht-brief" shall bear a stamp of the value of two pounds ten shillings sterling (£2. 10s.).

Transfer of "mynpachts."

(f) "Mynpachts" may be transferred in the same manner and under the same conditions as claims and other mining rights.

When land not worked.

(g) Should the land for which a "mynpacht-brief" has been granted not be worked, the "mynpacht-brief" shall not be renewed except with the express written consent of the Government.

2½ per cent. of gross income.

(h) The Government shall always have the right, instead of the payment of 10s. per morgen, to demand 2½ per cent. of the gross income during the past year, as shown by the books and other vouchers.

Holders of concessions may allow persons to dig.

32. Persons and companies holding concessions or "mynpachts" on private or Government land shall be at liberty, without violating the concessions or "mynpachts," to permit persons to dig on their own behalf on such land under concession or "mynpacht," under such lawful agreements as the said concessionaires or "mynpacht" holders and persons may mutually enter into, provided that every person so digging obtains a licence from the official under whose administration the land is situated. It shall be clearly stated on such licence on which "mynpacht" or concession the same is granted, while the payment shall be ordinary licence money per claim. The regulations regarding claims shall be applicable in this case, excepting those relating to the reversion to the Government in case of non-payment of licence monies, while, further, the extra licence monies referred to in Art. 83 need not be paid. The concessionaire or "mynpacht" holder shall not thereby be relieved of his obligations incurred under the concession or "mynpacht-brief."

Licence.

No reversion to the Government.

The concession or "mynpacht" holder shall be obliged to give notice to the official under whose administration the said land is situated of every permit granted. Every contravention shall be punished with a fine not exceeding £10, or on non-payment with imprisonment as laid down in Art. 6.

Notice of permission granted.

Penalty.

33. Diggers on land under a concession or "mynpacht" shall be under the Mining Commissioner under whose administration such land falls, or the nearest Mining Commissioner, or the Landdrost of their district as the Government may decide.

Jurisdiction over diggers on land under concession.

34. The concessionaire or "mynpacht" holder who permits diggers to dig on the land which he holds under a concession or "mynpacht" according to Art. 32 shall be entitled to receive from the Government three-fourths of the monies paid for licences at the end of every month

Three-fourths of licence monies.

§ 4. PROCLAMATION AND THROWING OPEN AS PUBLIC DIGGINGS.

35. The State President shall have the power, with the advice and consent of the Executive Council, to proclaim Government land and, after consultation if possible with the owner, also private land and, to throw it open as public diggings, or, upon proclamation, to attach it to a previously proclaimed field, and in this connection it must be remembered that no land shall be proclaimed which is not absolutely necessary for the diggings. The proclamation of the Government and private land shall be published in the *Staatscourant* at least thirty days beforehand, mentioning the day and date of throwing open.

Power of President to proclaim land.

Publication of proclamation.

Such proclamations shall, moreover, be posted either at the office of the Mining Commissioner within whose jurisdiction the land is situated, or, if it is situated outside his jurisdiction, at the office of the Landdrost of the district.

Proclamations to be posted up.

In future no private or Government land declared a public diggings by proclamation shall be available for the pegging off of claims before the proclamation has been read by the official under whose jurisdiction such land is situated, in front of his office, where also the licences shall be issued.

Proclamation to be read.

No person shall have the right to peg off claims before he or his representative is present with his licences on the ground which he wishes to peg off.

Person must have his licence on the ground which he wishes to peg.

36. Where in future it may appear to the Head of the Mining Department that, on the proclamation of private farms and Government land, the circumstances require it, the Government, with the advice and consent of the Executive Council, shall have the power to instruct the Surveyor General to cause such farms or Government Land, if desirable, to be wholly or partially surveyed in claims, and to have a diagram thereof made before the day of throwing open, which claims shall be properly numbered on such diagram.

Government may instruct Surveyor General to have land surveyed in claims.

On this diagram shall further appear the situation of the claims mentioned in Artt. 43, 44 and 45 of this Law, which must

Diagram of claims,

“mynpachts,” likewise be surveyed and numbered before the day of throwing open, as also the “mynpachts,” homestead grounds (werf), building and arable lands granted, and other land reserved under Art. 53, and the land reserved by the Mining Commissioner in accordance with Art. 13 of this Law.

Drawing of lots.

The claims thus surveyed and reduced to diagram, with the exception of those claims and grounds mentioned in the above paragraph of this Article, shall be given out by lot to the public on the day of throwing open, and, if necessary, on the following days.

Not more than twelve claims by lot.

In no case shall more than twelve claims be awarded to one person by lot, in connection with which Art. 13 shall be observed, or such other provision as may at present exist, or in future be made therean in the Gold Law.

Expenses of survey.

The expenses of surveying the claims thus surveyed shall be paid to the Government by the claim-holder immediately on issue of the licence, in default of which the Mining Commissioner or Responsible Clerk shall be entitled to refuse the licence, in which case such claims shall be dealt with in terms of Art. 85. In case, on the day of throwing open, all the claims have not yet been surveyed, only the claims which have been surveyed or reduced to diagram shall be drawn for. The remaining portion of the proclaimed farm shall be available for pegging in the manner defined in this Law.

When claims not all surveyed.

Manner of drawing lots regulated by head of Mining Department.

The manner of drawing lots shall be regulated by the head of the Mining Department, in consultation with the Government, while, after the termination of every drawing, a report must be sent in by the Mining Commissioner as soon as possible to the Head of the Mining Department.

When the President may not proclaim land.

37. As long as an owner himself does not prospect, or has not given permission to others to do so, the State President, with advice and consent of the Executive Council, shall have no power to proclaim his land as a public diggings, nor shall anyone else be able to force him to allow his land to be prospected.

Notice of proclamation to owner.

38. The Government shall give notice to the owner of a farm or piece of land which it desires to throw open as a public diggings three months prior to the proclamation, by publication in the *Staatscourant* of such intention, so as to enable the owner to take out his owner's claims, according to Art. 45, and his “mynpacht-brief” and to define his homestead-grounds (werf), building and arable lands, according to Art. 50.

All private land to be surveyed before proclamation.

39. Before the proclamation of a public diggings takes place all private land and that mentioned in the foregoing Article shall be properly surveyed, and diagrams thereof shall be made, which diagrams must be confirmed according to law. All “mynpachts” and homestead grounds (werven) which have been properly surveyed and reduced to diagram and have been confirmed by the Government shall be indisputable. The lines between the beacons

shall likewise first be beacons off by a duly admitted Land Surveyor, according to Art. 41.

Beacons.

All Government land to be proclaimed as public diggings shall likewise be surveyed and reduced to diagram before proclamation, if possible. The lines between the beacons shall, however, in every instance, be beacons off by an admitted Land Surveyor, according to Art. 41.

Likewise Government land.

If private land to be proclaimed is not surveyed by or on behalf of the owner of such land within three months after the date of the notice to do so, and the diagrams sent into the office of the Surveyor General, the Government shall have the right to have the survey made at the owner's expense.

If private land not surveyed by owner.

40. All angles of all surveyed proclaimed ground shall be indicated by square beacons of solid masonry four feet high, bearing a notice, upon which shall appear the name and number of the farm corresponding with the registers of the Registrar of Deeds, as well as the official number of the beacon.

Beacons at angles.

41. The sides of all surveyed proclaimed grounds, farms, portions of farms, being divisions of proclaimed public diggings, shall, except where natural boundaries exist, be indicated at clearly visible distances by round intermediate beacons of masonry, three feet high, and also, should the Head of the Mining Department, after consultation with the Surveyor General, consider it necessary, where the nature of the ground permits such, by a trench at least six inches deep. The distance of such beacons from each other shall not be less than one thousand yards.

Beacons on sides.

Trenches.

42. The Government beacons mentioned in Artt. 40 and 41 shall, on Government land, be erected by the Government at the expense of the State, after proper tenders have been called for. In the case of private land written notice shall be given to the owner to erect the beacons within seven days after the State President has decided to proclaim such land in terms of this Law. Should the owner not comply therewith within six weeks from the date of this notice the Government shall, after calling for proper tenders, cause the beacons to be erected at the expense of the owner.

Beacons erected at Government expense on Government land.

Tenders.

43. Permit (vergunnings) claims may be granted and issued by the owner of a farm or piece of land to other persons before the proclamation of such farm or piece of land, subject to the ordinary licence after proclamation, according to the following scale :—

“ Vergunnings ” claims before proclamation.

Below	100 morgen	-	-	-	8 claims.
100 morgen to	200	”	-	-	15 ”
200	”	400	”	-	20 ”
400	”	1,000	”	-	30 ”
1,000	”	1,500	”	-	45 ”
1,500	”	2,000	”	-	60 ”

For every hundred morgen that the farm or piece of land consists

of in excess of 2,000 morgen the owner shall have the right to give out two claims more, under the same conditions as laid down in the foregoing paragraph.

Discoverer's claims on land six miles distant from locality already worked.

44. The discoverer of payable precious metal on private farms or Government land, at least six miles distant from a locality already worked, shall, on proclamation of such farm or land, be entitled to possess and beacon off six claims, either reef or alluvial, which shall be called and registered as "discoverer's claims." Moreover he may work thereon without licence as long as he remains owner thereof.

Owner's claims.

45. Should the State President, with the advice and consent of the Executive Council, desire to proclaim a farm or piece of land, or portion thereof, or to throw it open, the owner thereof shall have the right to beacon off his owner's claims for himself before diggers (the discoverer of the precious metal excepted).

Number of.

The owner or owners of a proclaimed farm or farms shall be entitled to beacon off for themselves a number of claims, either reef or alluvial, which shall be called "owner's claims," namely, for a piece of land of 50 morgen or less, one claim; for a piece of land from 50 to 200 morgen, two claims; and for every 250 morgen in addition, one claim more, with a maximum of 10 claims for a farm, and to hold them under licence, after the discoverer who discovered the payable precious metal has pegged off discoverer's claims. After this beaconing off of discoverer's, permit (vergunnings) and owner's claims, the persons mentioned in Art. 59 may peg off claims for themselves according to law.

Pegged off after the discoverer's claims.

Discoverer shall not lose his rights through unwillingness of Government to proclaim land.

46. The prospector who, in accordance with Art. 23, and the discoverer who in accordance with Art. 44 of this Law, finds payable precious metal, shall not lose his rights through the unwillingness of the Government to proclaim the land as a public diggings, or to attach the same to an already proclaimed farm or diggings by proclamation.

Discoverer also enjoys rights of digger.

47. The holder of a prospecting licence shall, immediately inquiries have been instituted on his report, and the Government has decided about the payableness of the precious metal in the ground discovered by him, enjoy all the rights of an ordinary digger, over and above his special right as a discoverer: and he shall have these rights on private land, even should such land not be proclaimed as public diggings.

Entitled to use of water.

He shall, in that case, be entitled to use the water on the farm for the purpose of working his claims, as may be agreed upon in writing between himself and the owner.

When this Article not applicable.

This article shall not be applicable in cases where a landowner specially hires someone to prospect for him, or also when a separate agreement is made prior to the granting of the written permit mentioned in Article 23, whereby the discoverer, in order to obtain the written permit, waives his claim to the privileges under this Article in writing.

48. The owner of the private proclaimed land on which digger's and prospecting licences are issued shall receive monthly half of the proceeds of the digger's and prospecting licences.

Of the proceeds of stand licences three-fourths shall go to the owner and one-fourth to the Government. This provision shall not be applicable in cases where contracts already exist, or may be entered into between the Government and the owner.

The accounts of all these monies shall always be made out in the name of the owner, and the monies, also in case of lease, shall be paid out only to the owner or his authorised representative.

Where damage is caused by proclamation to rights existing at the time of the proclamation (for instance, grazing rights) the person entitled thereto shall be awarded compensation by the owner. The fixing of the amount to be paid shall be effected by arbitration in the manner prescribed in Art. 56.

49. When a Chief with his Council desires that the land which has been pointed out to him by the Government for a dwelling-place with his people (location), which he occupies with his people, should be prospected for precious metals, he may apply to the Government to cause such to be done by white persons. The persons proposed by the Chief and his Council shall in the first place be taken into consideration by the Government. Should the Government consider it desirable to authorise other persons to prospect, this may be done without reasons being given, those persons excepted whose farms were expropriated by the Government on behalf of the extension of the location, to whom the preference shall be given. The Government shall cause to be pointed out to the person or the persons authorised by it what portion of the location has been rendered available for prospecting.

Whenever it appears through prospecting that payable precious metals are found within such locations, the State President shall have the right, with the advice and consent of the Executive Council, to declare such land, either wholly or in part, public diggings, under the regulations laid down in this Law for Government land, with this proviso, however:—

- (1.) That the grazing rights shall be left to the Chief and his people.
- (2.) That their kraals and lands shall be excluded, and shall not be disturbed, except with their consent.
- (3.) That sufficient water shall be left for their households and for their cattle.
- (4.) That a "mynpacht" under the terms of this Law may be granted to the person or persons authorised by the Government to prospect, when they give sufficient proof of the payableness of the ground, the size to be fixed in consultation with the Superintendent of Natives and with the head of the Mining Department, but in no case greater than

Owner entitled to half of the claim licence money.

Three-fourths of stand licence money. When the provision not applicable.

Monies, even in case of lease, paid out to owner.

Compensation for damage to grazing rights.

Prospecting on locations.

Who entitled to the preference.

Portion available for prospecting to be pointed out.

Proclamation of locations as public diggings.

Grazing rights.

Kraals and lands.

Water.

Mynpacht.

- Extent of. the maximum fixed for private land by Art. 25, paragraphs 2 and 3 of this Law, computed according to the number of morgen to be thrown open.
- Compensation to Chiefs. When one-fourth. (5.) That compensation shall be given to the Chiefs and their people who have obtained the locations gratis from the Government, computed at a fourth of the proceeds of the licence and "mynpacht" monies.
- When one-third. (6.) That compensation, computed at a third of such proceeds, shall be granted to the Chiefs and their people who have acquired the location land wholly or in part at their own expense.
- Compensation to Moshette. (7.) The Government shall have the power to make such regulations regarding the portion of licences and "mynpacht" monies to Moshette, and the kaffir chiefs of equal standing with him, as it may deem fit.

Consultation with owner as to where it shall be prohibited to prospect. **50.** Where private land is proclaimed as public diggings or is attached by proclamation to already proclaimed fields, the Government shall first consult with the owner, if possible, to determine on what plots of ground, such as plots built on, homestead grounds (werven), gardens, cemeteries, kraals, arable lands and watercourses in the neighbourhood thereof, it shall be prohibited to prospect and to dig. Owners may, before the proclamation, in consultation with the Government, the Mining Commissioner, or the Landdrost of the district, beacon off a "werf" on unworked farms or pieces of land which are not occupied, which shall be reserved for homestead, building or arable lands. All homestead grounds (werven) properly surveyed and reduced to diagram and confirmed by the Government shall be indisputable.

"Werven" on unoccupied farms.

"Werven," when indisputable.

Mynpacht on homestead grounds. Where, according to paragraph 1 of this Article, homestead grounds have been reserved by the owner before the proclamation of the farm or piece of land, he shall be entitled to a "mynpacht" on such land, over the whole surface thereof.

When they may not exceed one-thirtieth of the farm. On farms where no already cultivated homestead grounds exist before the proclamation the homestead grounds on which "mynpachts" are obtained may not exceed one-thirtieth of the size of the farm.

Water for use of owner. **51.** Under all circumstances sufficient water shall remain free for the use of the owner, his family, his cattle, and for the irrigation of all gardens and arable lands existing at the time of the proclamation, and for the working of the "mynpachts" granted under the provisions of this Law.

Quantity fixed by order of Head of Mining Department. The quantity of water required for these purposes shall, before the proclamation as public diggings, be gauged by order of the Head of the Mining Department, and shall be determined by him. Thereafter the water so gauged may be used by the owner for other purposes or disposed of by him. The rest of the water, and the

May be used

water not so used, shall always be allowed to flow away unobstructed. The use thereof shall be regulated by the lawful authorities according to the provisions of this Law. Lessees, servitude holders, or others entitled to water, shall retain the right to such water in so far as at the time of the proclamation they make use thereof for the purposes mentioned in the first paragraph, and after the quantity thereof shall have been determined by the Head of the Mining Department, which shall take place before proclamation. In this respect the provisions of the second paragraph of this Article shall also apply.

for other purposes.

Remainder to flow away unobstructed.

Use of,

Water for lessees, &c.

52. The Government shall further have the right to demand from the owner, or his representative, that plots built on, homestead grounds, gardens, burial places and arable lands, be properly enclosed and reduced to diagram, within a time fixed by the Government, which time, however, shall not be less than three months.

Werven, &c., to be enclosed by owner.

Diagrams.

In the event of this not being done within the period fixed, the Government shall have the right to do so at the owner's or his representative's expense.

53. On proclaimed land, both private and Government, the Government shall have the right, as long as the proclamation continues, to occupy and build on such pieces of land, without payment, as shall be necessary for offices and other public buildings, for the deposit of rubbish, for burial grounds, locations for coloured persons, for the purposes of stands in accordance with Art. 13 of this Law, and for other general purposes. Such pieces of land shall, if possible, be beaconed of by the Mining Commissioner, in consultation with the owner, at the expense of the State, and a diagram thereof shall be drawn up by a qualified land surveyor.

Right of Government to take land for public buildings, &c.

Diagram.

The buildings mentioned in the preceding paragraph shall remain the property of the State.

Buildings, property of State.

54. On private proclaimed farms, two years after proclamation of the same, pieces of land may be given out for gardens, arable lands and plantations, on places where it has not appeared that there are gold-bearing reefs or alluvial deposits and under the following conditions:—

When land may be given out for gardens, &c.

(1.) The granting of such land shall be effected by the Government on the request of the owner, under such conditions as the latter may fix, after inquiry by the Mining Commissioner concerned, and on the recommendation of the Head of the Mining Department.

Given out by the Government.

(2.) If it should afterwards appear that gold-bearing reefs exist, that portion through which such reefs pass shall be given out in the ordinary way provided that if damage is done to gardens, arable lands, plantations, and buildings and erections, mentioned in sub-section 3 of this Article, such damage shall be paid by the licence holder or holders, according to assessment to be fixed by arbitrators.

If gold-bearing reefs discovered.

Compensation.

Leave to owner to put up buildings.

(3.) The Mining Commissioner shall have the right to grant leave free of payment to the registered owner of the proclaimed farm to put up the necessary buildings and erections, exclusively for the purpose of the working and supervision of such gardens, arable lands and plantations.

Such land may not be used for any other purpose.

55. When pieces of land are given out according to the preceding Article for gardens, arable lands, and plantations, such pieces of land may not be used for any other purpose.

Dam.

56. Where a person or company, holder of claims, or a "mynpacht," on the various proclaimed diggings, wishes to construct a dam for the accumulation of tailings or rain water (provided it be not from an existing water-course or springs and depositing site for tailings that have been worked out), to lay down a main, pipe, or other conductor, for the purpose of bringing water to his or its machinery stand, or to construct a roadway either for ordinary wagons drawn by draught animals, or for so-called trucks conveyed along rails, aerial railways for the conveyance of quartz or material from the claims or "mynpacht" to the machinery stand, provided such trucks be not propelled by steam or electricity, the Mining Commissioner may grant permission for that purpose.

Pipes.
Roadways, &c.

Permission of Mining Commissioner.

Written application.

If such watercourses, or pipes, ordinary roads, truck roads, or aerial railways, go over claims, "mynpachts," water-courses, or pipes, streets, railways, aerial railways, tramways, or stands belonging to other persons, the applicant shall make a written application therefor to the Mining Commissioner concerned, accompanied by a surveyor's diagram, in order to obtain the necessary permission for the construction and exploitation thereof. This application shall be published for a month in the *Staatscourant* and in one of the local papers by, and at the expense of, the applicant, for the information of parties, who must send in their objections and claims for compensation within that time to the Mining Commissioner concerned. Any person constructing such water-courses or pipes, dams, ordinary or truck roads, or aerial railways over claims, "mynpachts," water-courses or pipes, streets, railways, aerial railways, tramways or stands belonging to other persons, without having previously obtained the permission of the Mining Commissioner to do so, shall be punished with a fine not exceeding £10, or, on non-payment, with imprisonment for a period not exceeding six weeks, without prejudice, however, to the right of the surface owner or owners to compensation. The amount of this compensation shall be decided upon by two arbitrators. One of them shall be chosen by the applicant and the other by the interested party. Before proceeding to deal with the dispute or disputes the two aforementioned arbitrators shall appoint an umpire. If the two arbitrators are unable to agree in the choice of an umpire, the Mining Commissioner shall act as umpire.

Publication of application.

Penalty for constructing such roadways, &c., without permission of the Mining Commissioner.

Compensation fixed by arbitrators.

57. The Government may, by special agreement, grant provisional permission, subject to confirmation by the second Volksraad, for the laying of conductors for the transmission of electric currents for the use of the mines and mining works.

Permission to lay conductors for electrical currents.

58. An area once declared a public diggings, or portion thereof, may not be closed, either wholly or in part except by proclamation, when the number of diggers' claims within the boundaries of such portion, which it is requested or proposed should be closed, is less than a number computed at one digger's claim for every twenty morgen, and it further appears from the reports of the Government experts that gold is not found in payable quantities within the limits of the ground to be closed, provided always that the closing of such proclaimed ground shall not affect the rights and claims to machinery stands, tailings sites, water-rights, or other "bezitreechten" previously obtained.

When a proclaimed area may be closed.

Such proclamation shall be indisputable proof of such closing.

This closing shall not affect the rights of those persons whose claims are still being held under licence, unless such claims are expropriated on payment of proper compensation. The amount of such compensation shall be fixed by mutual agreement between the Government and interested parties, and in the event of their not being able to agree, by way of arbitration.

Closing does not affect persons whose claims are being held under licence, unless claims are expropriated. Compensation fixed by arbitrators.

§ 5. EXPLOITATION OF CLAIMS UNDER LICENCE.

59. Every white person of full age of the male sex who subjects himself to the laws of the land, and produces to the official charged with the issuing of the licences mentioned in this Article, the receipt or certificate that he has paid his personal tax according to law for the current year, shall have the right to not more than fifty diggers' licences to dig or mine for precious metals on a public field, on one claim for every licence, to be obtained on payment of 20s. per month per licence.

Who entitled to licences.

This licence of 20s. may, however, be demanded only for claims on which machinery has already been erected and is in working order, or if, no matter where, use is already made of machinery for the crushing of quartz coming from those claims.

50 digger's licences.

20s. for licence when machinery is being used.

Where, in other cases, the Mining Commissioner orders the taking out of a digger's licence, only 15s. per month need be paid for it. Every person, as above mentioned, provided he complies with the same conditions, shall also have the right to obtain not more than 50 (fifty) prospecting licences, which shall give him the right to prospect on proclaimed Government land, situated within the jurisdiction of the official who issues the licences, or on private land, in accordance with the provisions of this Law. For every licence to prospect on private land, 5s. per month shall be paid, and on Government land, 2s. 6d. per month, besides a stamp of 1s. 6d. per claim for the first month in every case of pegging or taking out the claim licences.

Otherwise 15s.

50 prospecting licences.

5s. per month on private land.

2s. 6d. on Government land.

Persons who have pegged off prospecting claims before proclamation shall be entitled to remain in possession of them after proclamation. Every male child of 16 years or more entitled to peg 50 claims.

Likewise unmarried female persons and widows.

Persons who pay no personal taxes.

Certificate of Field-Cornet.

Stamp.

Registrar of certificates.

Penalty for sending in incorrect statements.

Persons domiciled abroad.

Power of attorney.

Stamp renewed annually.

Receipt.

60. If under this Law an area is declared a public diggings, the person or the persons who has or have beaconed off prospecting claims on such area, under prospecting licence, shall be entitled to remain in possession of such claims, provided this Law be complied with.

61. Every male child of the age of 16 years or more shall have the right to peg off not more than fifty claims, provided that the Field-Cornet or Assistant Field-Cornet of his ward certifies that he is registered on his Field-Cornet's list, is known to him as an inhabitant of his ward, and obedient to the laws of the land.

Unmarried female persons of full age, as well as widows, shall also have the right to peg off not more than 50 claims.

All persons mentioned in this Article, who pay no personal taxes under the laws of the land, shall produce a certificate that their father or guardian has paid personal taxes for the current year.

Persons mentioned in this Article who are not liable to pay personal taxes, and are not assisted by father or guardian, shall produce a certificate to that effect from their Field-Cornet or Assistant Field-Cornet, for the purpose of this Article.

The Field-Cornet or Assistant Field-Cornet shall attach a stamp of one shilling to each certificate for the signing of the certificate and the examining of his books, to be paid by the holder of the certificate, whereof 6d. shall be refunded to him monthly for each certificate, by the Government. The Field-Cornet, or Assistant Field-Cornet, shall keep a proper register of the certificates issued, and shall hand in monthly a certified list, with his account, to the proper official of his district. The Field-Cornet or Assistant Field-Cornet who sends in incorrect statements or accounts as correct, and certifies the same in order, shall be punished by a fine of not less than £5 and not more than £25, and in default of payment, with imprisonment for a period not exceeding three months with or without hard labour.

Male persons of full age, domiciled abroad, may cause to be pegged off by a holder of a Power of Attorney, one digger's or prospector's claim, and thereafter hold the same, provided the Power of Attorney be notarially drawn up and duly legalised, and such Power of Attorney shall bear a stamp of this Republic of the value of £1 sterling, in addition to the ordinary stamp of 1s. 6d. per claim.

This stamp shall be renewed annually, and shall be valid for the current year for each power used by the same person on any goldfield in this republic.

The holder of the Power of Attorney may obtain a receipt or duplicate receipt for the same from the official who cancelled the stamp on the first Power of Attorney given by the same mandator for such current year,

62. Every licensed digger shall be entitled to hold under his licences, on every proclaimed farm, three alluvial claims, and as many reef claims as laid down in Arts. 59 and 61 of this Law. He shall also be at liberty to purchase a number of claims from other licensed claim-holders; he shall, in that case, hold a digger's licence for each claim, unless the Mining Commissioner considers a prospecting licence sufficient for the time being.

Three alluvial claims.

Right to purchase claims.

Mining Commissioner decides whether digger's or prospecting licence must be taken out. Appeal to Government.

The licence-holders may, in case they are dissatisfied with such decision of the Mining Commissioner, appeal within thirty days to the Government, through the Head of the Mining Department, whereupon the Government, on the report of the latter, shall decide finally.

Digger's licence on alluvial claims, 20s.

63. The price of a digger's licence on an alluvial claim shall be 20s. per month.

64. When a claim-holder or the joint claim-holders of an amalgamated block have had their respective shares registered for the purpose of this Article with the Mining Commissioner or Responsible Clerk concerned, on payment of 10s. per claim, each one of them shall be at liberty to peg off claims afresh.

When a claimholder may peg off fresh claims.

65. The discoverer of payable gold reefs on and in proclaimed public diggings shall be granted not more than fifty claims, in addition to the maximum of fifty claims granted to him in Art. 59, but subject to a tax of 6s. 6d. per claim on proclaimed private land, and of 4s. per claim on Proclaimed Government land, for the first month, and thereafter the usual licences.

Discoverer of payable gold reefs on and in proclaimed diggings entitled to 50 additional claims.

66. If on a quartz-reef claim alluvial gold, or, *vice versa*, on an alluvial claim quartz reef gold is also found, then the holder of the first licence, whether for alluvial or reef claims shall, during three months after the application therefor has come in to the Mining Commissioner (who thereupon gives written notice of this application to the original holder of the claim or his representative), be entitled to the preferent right to obtain licences to dig for such alluvial or quartz reef gold. He shall be entitled to take out in alluvial claims the entire extent of his reef claims. Should the holder of the first licence above indicated not make use of this preferent right, the officials concerned may issue a licence to prospect and dig for quartz or alluvial gold to the other applicant, who may then peg off and work such ground in the way prescribed in this Law.

What if alluvial gold is found on quartz reef claims or *vice versa*.

Original claim-holder entitled to preferent right.

The workers of the alluvial ground and of the quartz reef shall be careful not to cause each other any damage or inconvenience in the working of the ground, and shall be liable to one another for any damage or inconvenience caused.

Claim-holders must not inconvenience one another.

67. Should there be any doubt with the owner of the claims on which application is made, in terms of the former Article, to peg, as to the *bonâ fides* of the application, he may lodge an objection with the Head of the Mining Department, who shall then institute an investigation by the officials mentioned in Art. 24.

Owner of claims may lodge objection, if he has doubt as to *bonâ fides*.

Mining Commissioner shall refuse second licences if no reef or alluvial gold.

Should it appear from this investigation that there is no reef or alluvial gold on the claims upon which licences are applied for, the Mining Commissioner or official entrusted with the issuing of licences, after having been informed thereof by the Head of the Mining Department, shall refuse the issue or renewal of the second licences on the same ground.

Registration of discoverer's claims.

68. The registration of one or more discoverer's claims shall be effected by a Mining Commissioner, when the discovered precious metal-bearing ground is situated within the boundaries of his field, or otherwise by the Landdrost of the district wherein said ground is situated.

Amalgamation of claims.

69. Diggers or prospectors, being holders of claims adjoining each other, who desire to unite or to amalgamate their claims, may cause such claims to be registered as amalgamated, with all water-rights belonging to such claims, on application at the office of the Mining Commissioner or Responsible Clerk concerned, on production of a chart showing the situation of the claims, and signed by the surveyor or the person who did the pegging

Share of each digger must be clearly described.

On registration the share of each digger or prospector shall be clearly and plainly described.

Privileges on amalgamation.

On the granting of the certificate of such union or amalgamation, under a stamp reckoned at 3s. 6d. per claim, the holders of the amalgamated claims shall enjoy the usual privileges, according to the regulations thereanent on the field where they are situated. The union or amalgamation of claims shall not lapse through licences being changed.

Amalgamation does not lapse through licences being changed.

The holder of a prospecting licence who does not work his claim may be ordered to take out a digger's licence.

On discovery that a person is holding ground under a prospecting licence and is not properly working it, to the satisfaction of the Mining Commissioner, with the object of finding precious metal, the Mining Commissioner shall have the right to order him to take out a digger's licence.

Appeal to the Government.

The licence holders may, in case they are dissatisfied with such decision of the Mining Commissioner, appeal to the Government within thirty days, through the Head of the Mining Department, whereupon the Government shall decide finally on the report of the latter.

Every application for "mynpacht," &c., to bear a stamp of 5s.

70. Each application for a "mynpacht," right to lead water, protection, amalgamation of claims, and other similar applications shall bear stamps to the value of 5s.

When pegging is forbidden.

71. It shall not be lawful to peg off claims between sunset and sunrise, as also on Sundays and Church and public holidays recognised by law.

Such pegging unlawful.

Pegging off at such forbidden times shall be regarded as unlawful, shall not be recognised, and shall give no right whatsoever.

Diagram to be filed within two months in case of

72. Every owner of a reef claim or of an amalgamated block of reef claims, under prospecting licence, shall be obliged to hand in to

the Mining Commissioner, Responsible Clerk or Landdrost concerned, within two months after the date of the first licence, a surveyor's diagram, or, if there is no surveyor, a sketch of the situation of the claims or blocks, signed by the person who made the survey. Such claims shall not be transferred without a proper surveyor's diagram. For alluvial digger's claims it shall be sufficient to hand in only a sketch, as long as they are not transferred, in which case a surveyor's diagram is compulsory.

prospecting claims.
 Claims may not be transferred without diagram.
 Sketch of alluvial claims.
 Diagram on transfer.
 This not to apply to unhealthy regions.

The provision of the foregoing paragraph shall not apply to unhealthy gold regions.

73. Every holder of a reef claim, or an amalgamated block of reef claims, under digger's licence, shall be obliged within six months after the date of the first licence, to deposit with the Mining Commissioner, Responsible Clerk or Landdrost concerned, confirmed surveyor's diagrams in triplicate of a survey of his ground, made by a surveyor, and compiled on such a scale as shall be defined by the Surveyor-General.

Confirmed diagram of digger's claims to be filed within six months.

Such survey shall show all works, buildings, tramlines, roads, pathways, machinery stands, and the local nature of the ground, and must be connected by trigonometrical or other survey with such fixed points or permanent beacons of another survey as the Surveyor-General shall define, or in such other manner as the Surveyor-General shall consider sufficient to accurately define the place.

Contents of diagram.

These diagrams shall be examined and confirmed at the Surveyor-General's office.

Confirmed by Surveyor-General.

The Surveyor-General shall, before the diagrams are signed by him, make known, by a notice in the *Staatscourant*, that such diagrams have been sent in, and that they will be signed by him if, within the time of one month from the date of publication, no protest be lodged against the same.

Publication of notice that diagrams have been sent in.

Should protests be lodged, the same must be proceeded with within the period of one month, failing which the diagram shall be signed by the Surveyor-General just as though no protest had come in against the same.

Protests must be proceeded with within one month.

With regard to diagrams already confirmed, and hereafter to be confirmed, under this Article, the same provisions regarding validity and cancellation of incorrect diagrams as laid down in Art. 111 shall apply. Before a surveyor may survey claims or grounds, the beacons thereof shall be pointed out to him by the owner, or his representative, in company with the Claim Inspector of the respective fields.

Provisions of Art.111 apply.

Beacons to be pointed out by owner.

74. The period for sending in the diagram referred to in Art. 73 may, for well-founded reasons, be extended by the Head of the Mining Department.

Period for sending in diagrams may be extended.

When a person holds more ground than he has licences for.

Second pegger must give written notice of his pegging.

Diagram within 21 days.

Appeal to the Head of the Mining Department.

Penalty for pegging when there is no open ground.

Meaning of "more ground."

Surveyors have the right to go on to another's land after giving notice.

Penalty for obstructing.

Surveyors must supply Head of the Mining Department with copies of diagrams.

Penalty.

Penalty for not depositing diagrams.

Time for depositing to be fixed.

If diagrams not sent in within time fixed claims lapse to Government.

75. If a person has more ground than he holds licences for, any one who is provided with the proper number of licences shall have the right to beacon off afresh the number of surplus claims within the pegs or beacons of such person, provided, however, that such claims beacons off afresh adjoin one another on one of the sides of the block or piece of land, but in no case on places that have been worked, or so as to interfere with the other claim-holder.

The second pegger shall be obliged, within 48 hours after such pegging, to give written notice thereof to the Mining Commissioner or Responsible Clerk of the field in question, as also to the holder or the holders of the claims, and he shall, moreover, within 21 days thereafter, send in to the official concerned a surveyor's diagram of the whole block of claims, showing not only the claims pegged off by him, but also the exact position of the claims of the other claim-holder, after which the Mining Commissioner may award the ground pegged off in excess to the person pegging over. An appeal from this decision of the Mining Commissioner may be noted within 14 days after the decision to the head of the Mining Department, whose decision shall be final.

Should it appear that the second pegger has pegged between the beacons and pegs of the holder of the claims, without there being open ground, the second pegger shall be punished with a fine of from £100 to £500, or, in default of payment, with imprisonment according to Art. 6.

The words "more ground" shall signify more ground in superficial area, and have no reference to the direction of the reef.

76. Surveyors who are engaged in surveying claims shall have the right to enter for that purpose on another's land, after giving notice to the persons entitled to such land, or their representatives, should they be on the ground, and to place there the necessary instruments and flags for the survey.

Every person who prevents or obstructs them therein or puts difficulties in the way of the operations for the survey shall be punished with a fine not exceeding £25.

77. All surveyors shall be obliged to supply the Head of the Mining Department, through the Surveyor-General, with a copy of all diagrams which they have made for companies, syndicates, or private persons, in so far as they have reference to public diggings.

The penalty for contravention shall be a fine not exceeding £100.

78. (1) Any person who does not comply with the depositing of diagrams and sketches, prescribed in Articles 72 and 73, within the time fixed, shall be punished with a fine not exceeding £15.

(2) With the sentence a time shall be fixed within which the deposit shall be made.

(3) If the diagrams are not sent in within the time fixed the claims shall lapse to the Government, and shall be dealt with in accordance with the 2nd, 3rd, 4th and 5th paragraphs of Article 85.

79. An alluvial claim for digging for precious metals shall be in extent 150 by 150 feet, and shall be beaconed off with clearly visible pegs and furrows at right angles in the direction of the sides.

Extent of alluvial claim.

A quartz reef claim shall be 150 feet in length (*i.e.*, in the direction of the reef), and 400 feet in breadth, in such a way that each claim, if possible, forms a rectangle, the breadth to be taken on one or both sides of the reef as desired.

Extent of quartz reef claim.

In a case where the contour of the country does not allow a claim to be pegged off in accordance with the above-mentioned provision the pegger shall be entitled to peg off a claim in any shape whatever, to any extent not exceeding 60,000 square feet, as far as a reef claim is concerned, and to an extent not exceeding 22,500 square feet in the case of an alluvial claim.

Where a claim cannot be pegged off in rectangular shape.

With regard to a quartz reef claim pegs placed in the middle of each of the long sides of the claims shall be sufficient beacons for the first seven days.

What pegs are sufficient for first seven days.

After the expiration of that time four corner pegs shall be substituted, and the direction indicated by beacons as prescribed by law.

Four corner pegs after seven days.

The foregoing paragraph shall not be applicable when the four corner pegs are at once put in.

In the case of quartz reef blocks of amalgamated claims four corner pegs for each block, with the necessary line beacons erected at visible distances, shall be sufficient, but the name of the respective claim-holders in the block must be legibly marked on each corner peg, with the date of amalgamation.

Corner pegs in case of amalgamated claims.

No one shall have the right to fence in his claim or "mynpacht" without the previous written permission of the Head of the Mining Department, who shall decide, in consultation with the Government, and in no case shall a greater portion of the ground be fenced in than is necessary to protect the works, and to guard against obstructions and trouble with the workmen.

Fencing in claims or "mynpacht."

All fences made, or to be made, without permission, as aforesaid, shall be removed by those entitled to the ground thus fenced in, and in default thereof the Government shall cause the same to be removed at their expense.

Fences put up without permission to be removed.

Contraventions of this Article shall be punished with a fine not exceeding £25, or in default of payment with imprisonment according to Art. 6 of this Law.

Penalty.

80. The corner pegs or beacons of a claim shall project not less than three feet above the ground.

Height of corner pegs.

These corner pegs or beacons shall be not less than three inches in diameter.

Diameter.

Where the nature of the ground permits, at each peg or beacon two trenches shall be dug, which trenches shall indicate the direction of the boundaries, of at least three feet long, at least

Trenches.

Line beacons. half-a-foot wide, and at least a foot deep, which shall form a right angle at each peg or beacon; moreover the sides of a claim, or amalgamated block of claims, shall be clearly indicated by trenches or piles of stones at least half-a-foot high, and three feet long, boundary beacons placed at mutually clearly visible distances or other marks.

Beacons when diagram exists. When a surveyor's diagram of claims or amalgamated block of claims is in existence, it shall be sufficient if the corner beacons are erected and the furrows round the claims are dug.

Boards on corner beacons. All claims and amalgamated blocks of claims shall have on each corner beacon a board at least nine inches square, on which shall be clearly and legibly written, printed or painted, the official number to be given by the Claim Inspector, the names of the mining property and the claim-holder or claim-holders, the date of the licence and the date of the pegging off.

Claim Inspector must see that provisions are complied with. The Claim Inspector shall be obliged to see that the provisions of this Article are complied with. On non-compliance he shall have the right to impose a fine therefor of at least 5s., and not exceeding 10s. per claim. He shall notify the owner or his representative thereof and shall at the same time inform the Mining Commissioner of this.

Fine. Appeal. The person fined shall have the right within eight days to appeal to the Special Landdrost, if there be one, or otherwise to the Mining Commissioner; if, after the expiration of such term fixed for the appeal, no appeal has been noted, and the fine has not been paid at the office of the Mining Commissioner, and the beacons have not been put in order, the Mining Commissioner shall issue no further licence for the claim in respect of which the contravention has occurred, and Art. 83 shall in this case be applicable.

Abandonment of claims. **81.** If, on a public goldfield, a digger wishes to abandon his claim or claims in order to peg a new claim or claims for himself, he shall have the right to do so, provided he notifies the Mining Commissioner or Responsible Clerk to that effect, before these officials can issue new licences to him. On the receipt of such notice the Mining Commissioner or Responsible Clerk shall have such claim or claims sold by public auction as laid down in Art. 85.

When renewal of licence shall be refused. **82.** The renewal of a prospecting or digger's licence shall be refused by the Mining Commissioner or Responsible Clerk when claims have been pegged off on places where, by virtue of Artt. 13, 53 and 118 of this Law, it is forbidden to prospect or dig, and on places which, in the opinion of the Mining Commissioner or Responsible Clerk, are in indisputable lawful possession of others.

Holder of claim must not allow material from his claim to be a nuisance to others. **83.** No holder of a reef claim situated higher up shall have the right to allow the material from his claim to be a nuisance to another, or to hinder any person who is working lower down.

In case holders of claims require ground for depositing tailings or other refuse from batteries, for placing settling tanks or pans, dams instead of pans or reservoirs for the storing of ores, such ground may be given to them, as far as possible on their own claims, after written application accompanied by a surveyor's diagram has been made therefor by the interested party to the Mining Commissioner or Responsible Clerk concerned, which officials may grant the application if there are no well-founded objections thereto. For this no extra licence need be paid.

Storage sites for depositing tailings, &c.

No extra licence.

This provision shall not apply to those "bewaarplaatsen" (storage sites), which have already been given out under licences at 2s. 6d.

The provisions laid down in Art. 105 with regard to the non-payment within the proper time of the licences on specially registered claims shall also be applicable to this Article.

Provision of Art. 105 applicable.

Applicants shall, within a month after the award, hand in plans in triplicate to the said officials, drawn up as indicated in Art. 72 of this Law.

Plans.

84. On proclaimed fields the Mining Commissioner may decide where prospecting may take place under prospecting licences, and also decide for what places diggers' licences shall be taken out.

Mining Commissioner decides where prospecting and where diggers' licences must be taken out.

The Mining Commissioner shall have the right, in the event of application being made therefor, to change diggers' licences under which claims are held to prospecting licences, after due inquiry and after having received the report of the Claim Inspector there-
anent.

He may change digger's into prospecting licences.

Every Landdrost, excepting on the proclaimed fields where a Mining Commissioner has been appointed or assigned, may issue prospecting licences within the boundaries of his district.

Landdrost may issue prospecting licences.

85. If a digger's or prospecting licence expires, without being renewed on or before the date of expiry, the claim for which the licence was issued shall not be pegged off by another person, but shall lapse to the Government, and such claims shall be dealt with as follows :—

When claims lapse to the Government.

Former holder may recover the claims within three months.

Extra licence monies.

If new licence taken out within fourteen days.

Sold by public auction after the three months.

When Head of the Mining Department bound to give claims back to original holder.

During three months after such day of expiry the former holder of such claims shall have the right to recover his rights to such claims by taking out new licences therefor, on additional payment of extra licence monies equal to one-fourth of the amount of the arrear licence monies. Should, however, the new licence be taken out by the former claim-holder within fourteen days after the date of expiry, only the licence monies for such days need be paid. After expiry of the said term of three months, the Head of the Mining Department shall cause such claims to be sold by public auction. The Head of the Mining Department shall, however, be obliged to give back the claims in question, before such sale takes place, to the original holders thereof, should they make application therefor, and should there be no further disputes, on additional pay-

Money to be deposited on application.

Conditions of sale.

Money due to the Government to be paid first. Half of the excess goes to Government and other half to owner of farm.

If claims not sold the Head of Mining Department bound to declare ground open thirty days after sale.

Protection granted when claim-holder on commando.

Notice to Mining Commissioner.

No licence monies need be paid.

Provisional exemption from payment of licence monies provided claims be worked.

Report by Mining Commissioner.

Government confirms exemption.

No payment necessary.

Claims belonging to estate of deceased person.

ment of all arrear licence monies, as well as the costs incurred in connection therewith.

On such application for the return of lapsed claims a sum of money consisting of the arrear and extra licence monies, as well as the costs incurred, shall be deposited.

The conditions under which these claims which have lapsed to the Government shall be sold are to be found in the Schedule "A" attached to this Law.

Out of the proceeds all monies due to the Government shall first of all be paid. If the claims realise more than the amount of the expenses, ordinary and extra licence moneys, half of the excess shall be paid to the owner of the farm, and the other half shall be paid into the Treasury.

If the claims are not sold by public auction the Head of the Mining Department shall be obliged to declare such claims as open ground thirty days after the date of the sale, when the ground may be pegged off by the public.

86. Any person who is on commando, or has personally responded to a call for the preservation of order and peace, shall *ipso facto* have protection for his claim or claims (whether reef or alluvial) during the time that he is on commando or said special service, and in the case of commando, also for thirty days after his release from such commando, without its being necessary that such protection be specially granted, provided he gives notice of such call to the Mining Commissioner concerned.

During the time of this protection no licence monies need be paid on the claims.

87. Provisional exemption from the payment of claim licence monies (whether for reef or alluvial) may be granted in case of sickness or owing to the unhealthiness of the locality, provided that work be done on such claims before and at the time of the application for protection, such as in the opinion of the Mining Commissioner may be considered sufficient for the granting of such exemption. Every such case of exemption shall be sent as soon as possible by the Mining Commissioner, with a full report, to the Head of the Mining Department, for final approval or disapproval by the Government, who may grant or refuse confirmation of the exemption.

The period of exemption shall be fixed according to the nature of every case, while nothing shall be charged for the granting thereof.

88. Claims belonging to the estate of a deceased person shall not lapse unless the executor fails to comply with the provisions of the law for thirty days after receipt of his appointment, or the confirmation thereof by the Orphan Master.

On further regular compliance with the provisions of the law such claims shall be regarded as assets of the estate and shall be dealt with as such, according to the provisions of the Orphan Chamber Law.

Such claims are assets of the estate.

89. Transfer and registration of portions of claims may be effected, provided a confirmed surveyor's diagram of such a portion be deposited at the office where the registration shall take place. Such a portion of a claim shall be considered and registered as a separate claim.

Transfer and registration of portions of claims. Registered as separate claim.

90. The possession of a licence for a claim shall not include the right of disposing of the surface of the ground, which right of disposal the Government reserves for itself, for the purpose of defining roads and other works, without, however, obstructing the working of the claim.

Licence holder not entitled to dispose of surface of the ground. Right of disposal belongs to the Government.

6. STANDS.

91. Every licensed digger or prospector shall be entitled to a stand for his dwelling on his claims, for which stand he need not pay any licence monies, and on which stand no licence to trade or carry on business may be granted or renewed.

Licensed digger entitled to stand for dwelling on his claim. No licence to trade.

The Mining Commissioner shall, subject to the approval of the Head of the Mining Department, grant to the owners of mining properties which are being developed, as far as this is possible, without payment, the right to put up the necessary buildings, erections, and work places, exclusively for the benefit of the mining industry.

Mining Commissioner shall grant to owners of mining properties the right to put up necessary buildings, &c. Diagram of ground required for buildings.

A proper surveyor's diagram of the ground required for such buildings, erections and work places shall be filed with the application therefor.

The second peggers, referred to in Art. 66, shall not share in the advantages defined in the first paragraph of this Article.

Second peggers, according to Art. 66 not entitled to privileges of first paragraph.

92. Every white person who wishes to erect a shop, or houses, or dwelling on a proclaimed field, but not in stand townships, shall make application to the Mining Commissioner for one or more stand licences and produce a diagram clearly indicating the locality. The Mining Commissioner shall decide whether such application shall be granted or not.

Person wishing to erect house on proclaimed field must make application for stand licence. Stand 50 by 50 feet.

Subject to the rights obtained under Second Volksraad Resolution, Art. 729, dated July 25th, 1894, each stand licence shall confer the right to a piece of ground of 50 by 50 feet on a locality approved of by the Mining Commissioner, but not on mining ground held under "mynpacht-brief" or claim licence.

Such stands shall be beacons off by the licence-holder in such manner as the Mining Commissioner shall define.

Government
may grant
stands of
larger size.
Price.

The Government, in consultation with the Head of the Mining Department, shall, on the recommendation of the Mining Commissioner, have the right to give out stands of a larger size where it deems this necessary, under one licence. The price of such licence shall be fixed by the Government.

Stand licence
7s. 6d. per
month.

The price of a stand licence on proclaimed ground, of 50 by 50 feet, shall be 7s. 6d. per month.

Renewed
monthly or
annually.

The stand licence, whether monthly or yearly, at the option of the applicant, shall be renewed either monthly or annually.

When stand
licences three
months in
arrears.

When the payment of stand licences on proclaimed ground is three months in arrears these stands shall be dealt with in the manner prescribed in Art. 94. If the new licence, however, is taken out within 14 days after the date of expiry by the former licence-holder, only the licence monies for those days need be paid.

If new licence
taken out
within four-
teen days

Government
may proclaim
private pro-
claimed
ground
as stand
township.

93. The Government shall have the power, when such is necessary in the public interest, to cause private proclaimed ground, after consultation with the owner, if possible, to be surveyed as it stands, and to cause it to be proclaimed as stand townships. The preferent right to or lease of these stands shall be publicly sold by the Government, and the proceeds of the sale, after deduction of the expenses, shall be paid to the registered owner or owners of the ground. Of the stand licence monies received on such stand townships half shall go to the State, and the other half to the registered owner or owners.

Preferent
right sold
publicly.

Half of licence
money goes to
the State and
half to owner.

Government
land and
unproclaimed
private land.

The Government shall also have the right to cause Government land as well as unproclaimed private land, after consultation with the owner of the ground, to be surveyed as stands, to proclaim it as stand townships, and to join the latter to an already proclaimed diggings and to place them under the jurisdiction of the Mining Commissioner, and the judicial officials of such diggings. For that purpose the Government may enter into contracts with the owners of the unproclaimed private land, which is proclaimed for the purposes of stands, with a view to laying out stand townships, which contracts shall be submitted for approval or disapproval at the first ensuing session of the Volksraad.

Contracts
with the
owners.

Confirmation
by Volksraad.

Government
land for
stands.

Notice shall be given in the *Staatscourant* of all Government land intended for the purposes of stands, or already laid out as stand townships by the Government, or which, in accordance with the foregoing provisions, may be laid out. The provisions of the foregoing Article shall not be applicable to these stands.

Provisions of
foregoing
article not
applicable.

The preferent right to or lease of stands situated on Government land shall be sold by public auction for the benefit of the State.

Preferent
right to stands
on Govern-
ment land to

The preferent right to or lease of stands in stand townships on Government land and on private proclaimed land, mentioned in the first paragraph of this Article, shall be granted for 99 years

from the date of allotment, and shall be held as long as regular payment of the stand licence monies due is made by the holder.

This preferent right or lease shall give no right to compensation if the public diggings, on which the stands are situated, should be closed within the period of 99 years.

The manner of the sale of and of payment for this preferent right or lease shall be regulated by the Government.

94. After the preferent right to or lease of such stands has been publicly sold stand licences shall be issued to the buyers.

The price of a stand licence in stand townships which have been approved and proclaimed on Government land and on private proclaimed land shall be 7s. 6d. for stands of 50 by 50 feet, and 11s. 3d. for stands 50 by 100 feet per month.

In case a stand licence is not renewed at the proper time the holder of the stand licence shall have the right to get back his stand under a new licence, within a period of three months thereafter, on payment of all the arrear licence monies, and, as a fine, a sum of money equal to one quarter of the arrear licence monies (extra licence monies).

If the new stand licence, however, is taken out within 14 days after the day of expiry by the former licence holder, only the licence monies for those days need be paid.

If such stands are not recovered by the former holder within the said three months the Head of the Mining Department shall cause the preferent right to or lease of such stands to be sold by public auction, under the supervision of the Mining Commissioner, of which sale at least one month's previous notice shall be given in the *Staatscourant* and in a local paper. When on the public sale of the preferent right to or lease of a stand the proceeds exceed the amount of the arrear and extra licence monies, the balance shall be paid back to the previous holder. In the event of its proving unsaleable the stand shall be at the disposal of the Government.

The Head of the Mining Department shall, however, be bound, before such sale takes place, to give back the stand or stands in question to the former holder or holders, if the latter make application therefor, on payment of all arrear and extra licence monies, as well as the costs incurred in connection therewith.

The manner of sale of and of payment for this preferent right or lease shall be regulated by the Government.

95. It shall not be lawful to grant stand townships on land given out under "mynpacht-brief" or on land held under mining concession.

96. It shall not be lawful to alter claims into stands.

be publicly sold.

Preferent right granted for 99 years. No compensation if diggings closed.

Manner of sale regulated by Government.

Stand licences issued to buyers.

Price.

If licence not renewed. Stand may be recovered within three months.

If new licence taken out within fourteen days.

After three months' preferent right sold.

Month's notice.

Balance paid to former licence holder.

Head of Mining Department bound to give back stands before sale.

Manner of sale regulated by Government.

No stand townships on land under "mynpacht-brief" or concession.

Alteration of claims into stands forbidden.

No prospecting or diggers' licences to be issued on stands, &c.

No prospecting or diggers' licences shall be issued on stands surveyed or yet to be surveyed on proclaimed ground held under contracts entered into for the purpose with the Government before the coming into operation of this Law, as well as on streets, squares, or pieces of open ground in existing stand townships.

When stands form a village. Special tax.

97. Where at the time when this Law comes into force, in conflict with the provisions of Artt. 95 and 96, or, where on private proclaimed farms, or on unproclaimed private land, adjacent to or situated in proclaimed diggings, small pieces of land (whether called stands or otherwise), situated together, given out under lease or licence are found, so that they together, in the opinion of the Government, form a village, it shall have the right to impose a special tax of two shillings and sixpence per month per stand on the companies, syndicates, concessionaires, or private persons who are owners of stands as indicated in this Article.

Notice.

Notice hereof shall be given in the *Staatscourant*.

Monthly payment. When renewal of licence may be refused.

The payment hereof shall be made at the same time as the payment of the monies due for stand licences or rent, on the receipts for which the receipt thereof must be noted, in so far as these monies are paid to the Government. For the rest, payment shall take place monthly at the office of the Mining Commissioner. If payment of this tax on a stand is in arrear the renewal of the licence for such stand may be refused in so far as such payment takes place at the office of the Mining Commissioner. Where the owners themselves receive the stand licence monies they shall be held responsible for the amount of such arrear special tax.

When owners receive stand licence monies they are held responsible for special tax.

Transfer and registration of portions of stands.

98. Transfer and registration of portions of stands may take place provided a confirmed surveyor's diagram of such portion be deposited in the office where the registration has to take place.

Portion registered as separate stand.

Such a portion of a stand shall be considered and registered as a separate stand, for which a separate stand licence shall be due as follows:—For portion of stands of 50 by 50 ft., 3s. 9d. per month; and for portion of stands of 50 by 100 ft., 5s. 9d. per month.

Tax payable.

On such a portion of a stand the whole tax of 2s. 6d. mentioned in Art. 97 shall be payable.

Registration of transfer of claims.

99. The registration of transfer of claims and stands and portions of claims and portions of stands shall be effected at the office of the Mining Commissioner or Responsible Clerk concerned, while the same stamp dues shall be levied in accordance with Law No. 5 of 1882.

Stamp dues.

Stands for machinery.

100. The company or the person importing machinery to work one or more claims shall, for the purpose of erecting such machinery, where that is practicable without encroaching upon the rights of others, have the right to acquire stands in extent 150 ft. square on a locality which is not known to contain precious metals.

Written application and diagram.

For this purpose written application, accompanied by a proper surveyor's diagram, shall be made to the Mining Commissioner

concerned, who may grant such application if there are no well-founded objections thereto.

The price of such a machinery stand licence shall be 2s. 6d. per month per stand. Price.

7. SPECIAL REGISTRATION.

101. Every digger's claim, or every block of amalgamated diggers' claims, may be specially registered in the manner hereunder set forth. Special registration of claims.

102. Persons wishing to have their claims or blocks of claims specially registered shall make application therefor to the Mining Commissioner concerned. Application for.

This application shall bear a stamp as laid down in Art. 70, and shall be accompanied by a diagram framed by an admitted surveyor. The application with diagram shall lie at the office of the Mining Commissioner for a period of one month for the inspection of the public. Stamp. Diagram. Inspection of application.

The Mining Commissioner shall thereupon issue a notice to the applicant, wherein day and date of hearing shall be fixed. (Between date of publication of notice and date of hearing there shall be a period of at least one month.) Notice.

This notice shall be published once in the *Staatscourant* and twice in a local newspaper. Publication of notice.

The Mining Commissioner may grant the application if, before the said hearing, no notice of objection has been given to the Mining Commissioner and the applicant, and, for the rest, the law has been complied with, and the special registration shall then be effected as herein further set forth. A notice of objection shall bear a stamp of 5s., according to Art. 70. Mining Commissioner may grant application. Stamp on notice of objection.

Should such a notice of objection be received by the Mining Commissioner before the said hearing, the special registration shall provisionally stand over. When notice of objection received.

The person objecting shall take legal proceedings against the applicant to have his objection declared valid within ten days after notice of objection. Objector must take steps within ten days.

This declaration of validity may be asked for by application. The official charged with the civil jurisdiction on the field shall have jurisdiction herein, and he shall give such order regarding the special registration as he may deem necessary. Application. Who has jurisdiction herein.

In case the application for special registration of a claim or claims is granted, such registration shall be effected in a separate register to be opened for the purpose, the form of which shall be prescribed by the Head of the Mining Department. Separate register. Form of.

A certificate of such special registration shall be issued. Certificate of special registration. Stamp.

Such certificate shall bear a stamp of a value calculated at the rate of 10s. per claim.

No certificate shall be issued unless all monies due on the claim or claims have been paid. No certificate unless all monies paid.

Specially registered claims on which bond has been passed may not be brought under prospecting licences.

Article 85 not applicable.

When licence in arrear.

Demand.

Notice to bondholders.

If payment not made within three months claims publicly sold and special registration lapses.

Date of sale to be published.

Half of excess to owner of farm and half to the State.

If claims not sold.

Article 104 applicable to claims for special registration of which application has been made.

Mortgage on specially registered claims.

Some provision as in case of immovable property.

103. It shall not be lawful for the Mining Commissioner to bring back under prospecting licences specially registered claims on which a bond has been passed.

104. Article 85 shall not be applicable to specially registered claims.

When the payment of diggers' licences for such claims is six months or more in arrear the Mining Commissioner shall demand payment of the same in the *Staatscourant* and also in a local newspaper.

The Mining Commissioner shall be obliged to make this demand immediately after the expiry of the said six months, and at the same time to give written notice thereof to the bondholders per registered letter.

In case the payment of all moneys due is not made within three months after the date of the publication of the demand the claim or claims shall be publicly sold, in which case the special registration on such claims shall lapse.

The date of sale shall be published in the *Staatscourant* and also in a local newspaper at least fourteen days previously.

Out of the proceeds all monies owing to the Government shall first of all be paid. In such monies an amount of £2. 10s. per claim shall be reckoned as a fine and for costs. Should the claims realise more than the amount of the fines and expenses half of the excess shall be paid to the owner of the farm, and the other half shall be deposited in the public treasury.

If the claims are not sold at the public auction the Head of the Mining Department shall be bound to declare such claims as open ground thirty days after the date of the sale, when the ground may be pegged off by the public.

105. Article 104 shall also be in force with regard to diggers' claims or amalgamated blocks of diggers' claims, for special registration of which application has been made in terms of Art. 102, but provisionally and only so long as progress is made with the application, according to the provisions and within the terms laid down in Art. 102, until such application shall be granted or refused.

106. On specially registered claims a mortgage may be given at the office of the Mining Commissioner concerned, just as on fixed property, the registration of which shall be effected at the office of the official named, and not at the office of the Registrar of Deeds.

The same provisions shall hold good in this respect as in the case of a mortgage on immovable property, such as, *inter alia*, with regard to the rights of creditors and sales in execution; also as regards the drawing up of deeds of hypothecation and mortgage bonds and the persons entitled to do so.

The stamp dues, as laid down by the Law with reference to fixed or immovable property, shall also apply here. Stamp dues.

107. Stands on proclaimed ground, proclaimed townships or townships approved by the Government, may be specially registered in the same manner as hereinbefore prescribed with reference to diggers' claims; no publication of a notice, however, shall be necessary and the Mining Commissioner may in this case immediately grant the special registration and issue a certificate thereof, should he have no objections against the same. Special registration of stands.
No publication of notice.
Certificate of.

When these stands are situated in stand townships which have come into existence by virtue of a contract with the Government in accordance with Art. 93, written permission from the owner of the land for the purpose shall be produced before special registration is granted by the Mining Commissioner. In case of stands in townships created in terms of Art. 93, written permission of owner necessary.

108. With regard to the payment of the licences on specially registered stands, the rules prescribed in Art. 104 with reference to specially registered claims shall apply. Payments of licences on specially registered stands.

If the stand or stands proves or prove to be unsaleable at the public auction it or they shall revert to the Government, or in cases where contracts exist, to the owner of the stand township. If stand unsaleable it reverts to the Government or owner of township.

109. A mortgage may be effected on specially registered stands under exactly the same provisions as are herein laid down with respect to mortgage on specially registered claims. Mortgage on specially registered stands.

8.—BEZITRECHT.

110. A bezitrecht shall include all rights obtained under permit, contract, or licence, and may be duly transferred, either wholly or in part, by those entitled thereto, and such bezitrecht shall be indisputable. What "beztrecht" includes. May be transferred. Indisputable.

All bezitrechten granted according to law shall be indisputable and unassailable in law, unless they have been obtained by fraud on the part of the possessor thereof. Unless obtained by fraud.

111. The Government shall have the right, either in consultation with or on the recommendation of the Head of the Mining Department, to instruct the Surveyor-General to cause worked or developed diggings, or portions thereof, to be surveyed, after notice of at least six weeks, in manner provided for in Art. 112, second paragraph, in such a manner that every water-right, "mynpacht," water-course or pipe, digger's claim, or block of diggers' claims, or any other right or permit necessary for the development of the diggings, shall be properly reduced to diagram, and shall also be shown in a general compilation diagram or plan. Government may instruct Surveyor-General to have developed diggings surveyed. Diagram and general compilation plan.

These diagrams shall be confirmed by the Surveyor-General according to Art. 73. When such diagrams are once confirmed Confirmed by Surveyor-General.

No objection can be made when diagram once confirmed.

Cancellation or amendment by order of High Court.

Cancellation in accordance with law on General Survey.

Notice calling for objections.

Publication in *Staatscourant*.

Diagrams to lie for inspection.

If no objections, confirmed diagram issued.

Certificate of bezitrecht.

Day fixed for hearing objections.

Stamp.

Mining Commissioner decides.

Dissatisfied party must institute action within three months.

Certificate of bezitrecht in accordance with judgment of Court.

Parties must take out duplicates of confirmed diagrams.

and signed no objection to the boundaries fixed by this survey shall be taken into consideration by any Court. Should it appear that such a diagram has been incorrectly framed it shall be amended or cancelled by an order of the High Court, and a new diagram shall then be confirmed in the usual manner.

Such cancellation shall take place in accordance with the Law on the General Survey by the Surveyor-General at the request of the owner.

112. As soon as possible after this survey the Mining Commissioner concerned shall issue a notice containing the name of the owner or possessor of the rights, the description of the rights, the number of the diagram having reference thereto, and at the same time calling upon all persons who wish to make objections against the same to do so.

Such notice shall be published in the *Staatscourant* during three months, and shall further be posted at the office of the Mining Commissioner within whose jurisdiction the land is situated or at the office of the nearest Landdrost, and the diagram or diagrams having reference thereto shall, during that period, lie for inspection at the office of the Mining Commissioner concerned.

113. Should no objection be lodged within the stated term the Mining Commissioner shall issue to the person entitled thereto the diagram confirmed by the Surveyor-General, according to Art. 73, registered and signed, besides a certificate of "bezitrecht" in the form to be prescribed by the Head of the Mining Department.

114. Should objections be lodged with the Mining Commissioner he shall appoint a day on which the objection or case shall be heard by him.

Such objections shall bear a stamp in accordance with Art. 70.

The Mining Commissioner shall decide, awarding the rights to the person who, in his opinion, is entitled to the same.

If one of the parties is dissatisfied with this decision he shall be obliged to institute an action in the High Court or Circuit Court within three months after the date of the decision of the Mining Commissioner, in default of which it shall be considered that the decision of the Mining Commissioner is final, and the diagram and certificate of "bezitrecht" shall be issued in accordance with his decision.

115. In case of an action the Mining Commissioner shall issue diagram and certificate of "bezitrecht" according to the judgment of the Court.

116. Parties interested shall be obliged to take out duplicates of the confirmed diagrams within two months after notice from the Mining Commissioner on payment of a sum to be decided upon by the Government, in proportion to the expenses incurred by the Government in connection therewith.

Should the party interested neglect to take out such diagrams within the two months as herein above mentioned, they shall incur a penalty not exceeding £10. The Mining Commissioner shall give them notice that on failure to take out diagrams within one month after the fine has been inflicted the renewal of their licences, or confirmation of their rights, may be refused.

117. Every person or company in possession of a claim, block of claims, or water-right, truck ways, machinery stands or water-courses, or any other right or permit necessary for the development of the diggings, may deposit with the Mining Commissioner an application in writing, properly signed, and accompanied by a confirmed surveyor's diagram of the claims or water-right, for an investigation of his or its claims to a certificate of "bezitrecht."

It shall thereupon be lawful and compulsory for the Mining Commissioner to institute an investigation with regard to such claims. If it appears after such investigation that there exists no doubt as to the legality of the rights of the applicant, then he shall immediately issue a certificate of "bezitrecht."

Where it shall appear that the formal legal proof of "bezitrecht" is defective owing to:—

- (a.) Transfer not having been passed; or
- (b.) Any defect in the competency or the authority of any person who may have given transfer, or may have pretended to give transfer; or
- (c.) The death or absence of the person in whose name the rights in dispute may be registered; or
- (d.) The original acquisition of claims through defective or false powers of attorney or otherwise, provided that the person making application for the "bezitrecht," or who holds it, shall not have been a party to the making of such a false power of attorney, and is a *bonâ fide* possessor;

then the Mining Commissioner shall, nevertheless, have the right to issue to such applicant a certificate of "bezitrecht" signed by him. Before such certificate of "bezitrecht" is issued transfer duty shall be paid according to the valuation of the Mining Commissioner on these claims.

Before the issue of such a certificate of "bezitrecht," however, it shall first be proved that the applicant has been for at least twelve successive months in peaceful possession and enjoyment, and entitled to claim the rights for which he has made application, and whether or no the right of the applicant is clear, the Mining Commissioner shall not immediately issue a certificate of "bezitrecht" to him, but shall publish a notice asking for objections to the issue of such certificate of "bezitrecht" to be made within one month from the date thereof.

Such notice shall be published three times in the *Staatscourant* in the Dutch language, and at least once in the local newspaper, and shall indicate as clearly as possible the situation of the pro-

Penalty for not doing so.

Renewal of licences may be refused if duplicate not taken out within one month after the fine.

Application for certificate of bezitrecht.

Investigation by Mining Commissioner.

Certificate granted at once where no doubt exists.

When the Mining Commissioner may grant certificate, notwithstanding certain defects.

Transfer duty to be paid.

Twelve months' peaceful possession.

Mining Commissioner publishes notice calling for objections.

Contents of notice.

perty, the nature of the rights claimed in respect thereof, the name of the person who makes the claim, and in case any other person is registered as the holder, the name of such person.

If no objections, decision of Mining Commissioner final.

Should no objections be lodged within the said one month, the decision of the Mining Commissioner shall be final.

Mining Commissioner decides.

Should objections be lodged the Mining Commissioner, as such, shall decide thereupon, and the proceedings shall be in accordance with the provisions of Art. 114.

Stamp.

On a certificate of "bezitrecht" for claims or blocks of claims and machinery stands a stamp duty shall be paid of five shillings per claim, stands and machinery stands, and in the case of other certificates of "bezitrecht," a stamp of ten shillings shall be placed on each certificate.

9.—UNDERGROUND MINING RIGHT.

Where prospecting and digging are prohibited.

118. It shall not be lawful to prospect or dig on or in towns, villages, stand townships, public squares, streets, roads, railways, cemeteries, erven, stands, permanent fortifications, locations (with the exception of those indicated under Art. 49), townlands, gardens, storage sites (bwaarplaatsen), machinery stands, water-rights, and places where tailings lie heaped up, and such localities as may be pointed out by the Mining Commissioner in accordance with Artt. 13, 14 and 53, as also within a certain distance from the aforementioned localities to be defined by the Government by proclamation.

10.—WATER RIGHTS.

State President may make provisions re the making muddy of rivers, &c.

119. The State President shall have the right, in reference to the pollution or making turbid of rivers or watercourses by gold mining companies, gold diggers, or other companies or persons, to take measures and to make provisions in accordance with Art. 4 of this Law.

Division of water by Mining Commissioner.

120. With reference to the division of water, it shall be left to the Mining Commissioner of every proclaimed field, subject to the approval of the Government, after consultation with the Head of the Mining Department, to make such regulations with respect to the division of water as may be considered fair and reasonable according to the circumstances of such field, regard being had to the rights of private owners.

No proprietary right in water. Value of water not taken into consideration in fixing compensation.

With reference to public fields it is expressly declared that no digger, under any circumstances whatever, shall have any proprietary right in the water running in any river, watercourse, or constructed water furrow. He shall only have the right to use the said water according to law or regulations. In cases where, under certain circumstances, damages must be paid, the value of the water shall not be taken into consideration.

The Government may, by agreement, grant special water-rights on Government land, and also for the public benefit on proclaimed private land.

121. Holders of "mynpachts" and properly developed diggers' claims, shall be entitled to obtain water-rights.

Workers of tailings shall have the right to obtain water-rights under such regulations as the Mining Commissioner, after consultation with the Head of the Mining Department, may grant thereanent.

122. Should it appear that irregularities have taken place, such as for example, when on the granting thereof they were not connected with claims, "mynpacht," or right to work tailings, or when such mining right for which they were granted has already lapsed, then no certificate of "bezitrecht" shall be issued for such water-rights, and they shall not be confirmed by the Head of the Mining Department.

123. In future no water-rights shall be granted on proclaimed land which are not connected with claims, "mynpacht," or a right to work tailings, except with the express permission of the Government.

124. Applications for water-rights shall be made to the Mining Commissioner, and every application shall bear a stamp of the value of 5s., and shall be accompanied by plans in quadruple, framed by an admitted land surveyor, which shall contain such connections and particulars as shall be desired by the Surveyor-General. The plans shall be signed by the Claim Inspector as being in conformity with the beacons.

The applications shall be made in such form as from time to time may be prescribed by the head of the mining department.

The same provisions with regard to validity and cancellation of incorrect diagrams, laid down in Art. 111 of this Law, shall hold good for diagrams to be confirmed under this Article or diagrams already confirmed by the Surveyor-General.

125. A notice of these applications shall be published three times in the *Staatscourant* and at least once in a local newspaper by the applicant. This notice shall be issued by the Mining Commissioner in the form fixed by the Head of the Mining Department.

The applications with plans shall at the same time lie at the office of the Mining Commissioner during one month for inspection by interested parties, who may lodge their objections, which shall bear a stamp of the value of 5s. in accordance with Article 70, with the Mining Commissioner concerned within that period.

Should those objections be found groundless by the Mining Commissioner, after hearing the parties, he may grant the application.

Special water rights.

Who entitled to water rights
Workers of tailings.

Where there are irregularities no certificate of bezitrecht will be granted.

No water-rights granted unless connected with claims, &c.

Application for water-rights.

Stamp.
Plans must be signed by Claim Inspector.

Provisions of Art. 111. applicable.

Notice of application to be published.

Stamp on objections.

Mining Commissioner decides.

If more than one applicant make application to obtain one and the same water-right the Mining Commissioner, after having heard the parties, shall decide who is entitled thereto.

There shall be an appeal within fourteen days from the decision of the Mining Commissioner to the Head of the Mining Department whose decision shall be final.

Appeal to the Head of the Mining Department.

Grants of water-rights must be confirmed by the Head of the Mining Department.

No water-rights valid unless confirmed or included in a certificate of bezitrecht.

Water-rights used for motive power. Licences on claims not to be renewed unless monies due on water-right duly paid.

When water-right lapses.

Last holder has preferent right to recover water-right.

When water-right not properly used Mining Commissioner gives notice to owner.

Day of hearing.

Mining Commissioner to keep minutes.

Appeal to High Court.

Cannot be cancelled if claims are worked.

126. All grants of water-rights shall be sent up to the Head of the Mining Department for confirmation, accompanied by a copy of the application, the plans, and the report of the Mining Commissioner regarding the desirability, or otherwise, of the confirmation, and regarding the consideration of the objections, if there were any. In future no water-rights shall be considered valid unless confirmed by the Head of the Mining Department, or included in a certificate of "bezitrecht."

127. On all water-rights intended or used for motive power the sum of 1s. per month shall be paid for each horse-power, for each water-right not exceeding ten horse-power, and 2s. 6d. per month for each horse-power above ten horse-power. Licences on claims with which a water right is connected, and on which water-right the payment in accordance with this Article must be made, shall not be renewed unless the monies due on the water-right have been duly paid.

128. On the lapsing of claims or "mynpacht" or of a right to treat tailings, the water-right granted for the working of such claims, "mynpacht," or tailings, shall lapse likewise. The last holder of such water-right shall, however, during one month after the date on which the above-mentioned mining right lapsed, have a preferent right to recover the water-right for working other claims, "mynpacht," or tailings, belonging to him, upon sending in a new application for the same in the usual manner.

If the Mining Commissioner thinks that proper use is not being made of a water-right he shall give notice to this effect to the registered owner of such water-right, calling upon him at the same time to show cause why his water-right shall not be declared to have lapsed, and he shall fix a day at least three months after the date of such notice to enable the owner to be heard. At the hearing of the matter the Mining Commissioner shall keep proper minutes, which minutes, together with his report, he shall thereupon send to the Head of the Mining Department. If the Head of the Mining Department declares the water-right to have lapsed the owner thereof shall have the right to bring such decision in review within one month after the date thereof before the High Court.

Provided, however, that no water-right shall be declared to have lapsed if the claims, "mynpacht," or any other rights to which the water-right is attached, or any of them, are worked or developed at any time before the published date of the proposed cancellation, or if any claim or claims or any portion of any "mynpacht," or other

rights, belonging to the owner of the water-right in connection with which the water-right can be used, is or are being used or developed.

A water-right which has lapsed in this way shall not be pegged off as claims, but shall be renewed for the purposes of a water-right.

Lapsed water-right cannot be pegged as claims.

129. A water-right may be transferred from one owner to another without transferring the claim or claims, "mynpacht," other mining rights, or rights to work tailings to which it is attached, provided that at the time of such transfer the water-right is attached to another claim or other claims, "mynpacht," other mining rights, or rights to work tailings, belonging to the person to whom it is transferred, and provided such transfer be properly registered at the office of the Mining Commissioner.

Water-right may be transferred independently of the claims. Transfer to be registered.

If the owner of a water-right attached to certain claims, "mynpacht," other mining rights, or rights to work tailings, wishes to attach such water-right to certain other claims, "mynpacht," other mining rights, or rights to work tailings, belonging to him, he may do so, provided such alteration be properly registered at the office of the Mining Commissioner.

Water-right may be attached to other claims, &c., provided alteration be registered.

130. No owner of a claim shall have the right to dam up natural or running water for his own use to the detriment of the other claim holders, unless he has taken out a water-right according to this Law. Water obtained by artificial means shall not fall under this provision.

Running water may not be dammed up. Water obtained by artificial means.

11.—RIGHT TO FIREWOOD.

131. A permit may be obtained for the right to cut or carry away firewood on or from Government land, reckoned at the rate of one pound (£1) per wagon load, seven shillings and sixpence (7s. 6d.) per Scotch cart load, and sixpence (6d.) per one person's load.

Firewood on Government land. Permit for.

The said permits may be obtained on Government land from the Mining Commissioner or Responsible Clerk. In regard to the cutting of wood on private land an agreement shall be entered into with the owner.

Cutting wood on private land.

If a person pegs off a piece of land as a claim on which wood grows he shall not be entitled to cut and carry away such wood for sale or trading purposes.

Claim-holder may not cut wood for sale.

With regard to private land these sums shall be repaid to the private owners.

Private lands.

Any person cutting or carrying away wood without a permit, or without leave from the owner, shall be punished with a fine not exceeding £25, or, in default of payment, with imprisonment not exceeding six months, over and above the claim for damages for the wood cut or carried away.

Penalty for cutting wood without permit.

If it be found that more wood is being carried away under a permit than the permit gives a right to, the offender shall be

Penalty for carrying away more

wood than permit entitles to.

Informant entitled to half of fines.

Wood for domestic use gratis on Government land.

Permit.

Renewal.

punished with a fine not exceeding £50, or, in default of payment, with imprisonment, with or without hard labour, for a period not exceeding twelve months.

The person who reports such contraventions shall be entitled to half of the fines paid.

132. Any white person or family shall, however, be at liberty to obtain wood without payment from Government land for his or their own domestic use, under permit to be obtained from the Mining Commissioner, Responsible Clerk, Justice of the Peace or Field-Cornet, on payment of 1s. per month per permit, under which permit no more than one wagon load of firewood may be removed, such permit to be renewed monthly.

CHAPTER IV.

Provisions of a Miscellaneous Nature.

Coloured person.

133. No coloured person may be a licence holder, or in any way be connected with the working of the diggings, but shall be allowed only as a workman in the service of whites.

Bridge over water-furrow.

Penalty for not constructing.

Obstructing roadway.

134. Any person digging a water furrow through a roadway or footpath which is used shall construct a sufficiently safe bridge, failing which any person may fill up the furrow, and the offender shall further be liable to a fine of from £1 to £10, or in default of payment to imprisonment, as laid down in Article 6.

Any person who in any other way closes or obstructs a road or footpath shall be subject to the same fine.

Removal of ore from claim of another.

Penalty.

135. Any person removing ore from the claim, "mynpacht" or concession of another, or from grounds falling under Article 118, shall be responsible for all damages, and shall, moreover, have to pay as compensation three times the value of what has been taken by him, apart from the criminal prosecution to which he exposes himself.

Removing, &c., beacons of a claim.

Penalty.

136. Any person who shall be guilty of altering, shifting or removing the beacons of a claim shall be punished with a fine not exceeding £100, or, in default of payment, with imprisonment as laid down in Article 6.

Damaging mining property.

Penalty.

137. Anyone who shall be guilty of damaging or destroying a mine, claim, machinery, watercourse or other mine property or belongings, or even shall be guilty of attempting to commit the said crimes, shall be punished with a fine of from £100 to £1,000, or with imprisonment with hard labour for a period of from one to ten years, according to the nature of the case.

Pegging claims belonging to others.

138. Subject to the provisions of Article 66, every person who shall be guilty of pegging off claims belonging to others and which are in proper order according to law, shall be punished

with a fine of not less than £25, and not more than £100, per claim thus pegged off, or with imprisonment as laid down in Article 6.

139. Every inhabitant or licence holder shall, when called upon, render assistance for the preservation of public order under penalty of loss of licence and a fine not exceeding the sum of £25.

Every inhabitant must assist to preserve public order.

140. Every one within the boundaries of a proclaimed field and every holder of a claim, "mynpacht," or concession, or every shareholder in a syndicate or company which is owner of a claim, "mynpacht," or concession, who commits the crime of public violence, treason, or high treason against this Republic shall, over and above the punishment fixed by law for such crime, forfeit all his property, both movable and immovable, for the benefit of the State.

High treason, &c.

Forfeiture of property.

When the cessation of work on a mining concern may not, in the opinion of the Government, after proper investigation, for preponderant reasons of public interest, continue any longer, the holder or worker of the "mynpacht," claim, or concession shall be bound to renew development within a defined time on receiving an order to do so.

When company may be ordered to continue work.

On refusal or non-compliance, the "mynpacht-brief," claim licence or concession may be withdrawn by the Government, without prejudice to the rights of bond holders.

Penalty for not complying.

N.B.—This Article has been suspended by the First Volksraad in order to enable the Second Volksraad to reconsider it. [1]

141. No person may carry on any trade whatsoever in unwrought precious metal, under which is included the buying or selling, the bartering or exchanging of such unwrought precious metal, unless he has a special licence to do so, for which he shall pay £25 per annum; provided that the individual digger or a company need not take out any licence for the sale of the unwrought precious metal dug out or found by him or it, personally or on his or its instructions.

Special licence for trading in precious metal.

Exception.

No one may buy any unwrought gold unless he convinces himself that the seller is entitled to sell, for which purpose the latter shall deliver to the purchaser a certificate issued by the Mining Commissioner of the goldfield, or the Landdrost of the district.

Buyer must convince himself that seller is entitled to sell.

142. Any person who deals in unwrought precious metal as laid down in Art. 141 without having a special licence for the purpose, or who is found in possession thereof, and cannot give any proof that he came into possession thereof in a lawful manner, shall be punished with a fine not exceeding £500, or imprisonment, with or without hard labour, for not more than two years, or both together, according to the nature of the case, for the first offence. For the second offence he shall be punished with a fine not exceeding £1,000 or three years' imprisonment, with or

Trading in unwrought precious metal without special licence.

Being in possession thereof.

Penalty.

without hard labour, or both together, and for any further offence with a fine or imprisonment, or both together in the discretion of the Court.

Unwrought gold given back to owner or forfeited to State.

The unwrought gold which is found in his possession shall, by order of the judge who passes sentence, be given back to the owner, if he is known, and otherwise be declared forfeited in favour of the State.

Dealer in unwrought precious metal to keep books.

143. A licensed dealer in unwrought precious metal shall keep such books of his business as the Government shall from time to time deem expedient to determine, and the said dealer shall send up to the Inspector of Mines monthly, on the first day of each month, a true and sworn copy of such books, and in such form as the Government shall from time to time prescribe.

Examination of books.

The Government shall have the right at any time to cause such books to be examined.

Penalty.

Every contravention of this Article shall be punished with a fine not exceeding £50, or in default of payment, with imprisonment as laid down in Art. 6.

Bank managers, &c., who buy, &c., unwrought gold must make declaration.

144. The managers of banks, shopkeepers, agents, and in general all persons who buy, sell, exchange, take or give for safe keeping, or despatch unwrought gold shall be obliged to send in thereanent, before or on the 15th of each month, to the office of the Inspector of Mines concerned, a declaration in duplicate for the last preceding month.

In case no Inspector of Mines office is established on or near the place where the transaction takes place such declaration shall be forwarded to the Mining Commissioner, Responsible Clerk, or Landdrost of the district. These declarations shall be made according to the forms prescribed for that purpose by the State Mining Engineer.

Contraventions of this provision shall be punished with a fine not exceeding £50, or, in default of payment, with imprisonment for a period not exceeding three months.

Forms required.

The persons who are obliged according to this Article to make monthly returns may obtain the forms required for the purpose for one or more months in advance at the offices of the officials to whom the declaration must be forwarded, either by personal application or in writing by post, and shall be liable for the consequences when they do not provide themselves with the forms early enough.

When last day is a Sunday returns must be made the previous day.

The forwarding of the returns may be effected by personally handing them in at the appointed office, or by post, in which latter case the letter must be registered, and the sending in shall be considered to have taken place on the day that the return was sent by post. Should the last day of the time for sending in fall on a Sunday or public holiday, the return shall be made on the previous day.

Trading without trading licence.

145. Everyone trading without a trading licence shall be liable to the penalties laid down by the law of the land; subject to the

provisions of Artt. 22, 25, 31, and 32, and to the right granted to the discoverer by Art. 44, shall further be punished with a fine of not less than £5, and not more than £25, or, in default of payment, with imprisonment as laid down in Art. 6, for every contravention :—

Penalty for.

Digging or prospecting without licence.

Pegging without licence.

Digging or prospecting on unproclaimed Government land. Special permission.

Digging or prospecting on unproclaimed private land.

Servants may not be paid in unwrought precious metal. Penalty. Forfeiture.

Digger must show his licence when requested.

Purchasing unwrought precious metal from coloured person. Penalty.

Gold given back to the owner or forfeited.

(a.) Any person who digs or prospects for precious metals without licence.

(b.) Any person who beacons off a claim or claims without prospecting or digger's licence. Moreover such beaconing off shall be considered unlawful, shall not be recognised, and shall entail no right whatever.

(c.) Any person who, with or without licence, digs or prospects for precious metal on Government land which has not been proclaimed for the purpose by the Government, unless special permission has been given by the Government. This special permission, however, shall not be given for longer than twelve months, and shall lapse if, within the six months after date of the permission, no prospecting has been begun.

(d.) Any person who, with or without licence, prospects or digs for precious metal on unproclaimed private land.

146. It shall not be lawful for any person to pay his servants in unwrought precious metal, under penalty of a fine not exceeding the sum of £100, or in default of payment, of imprisonment as laid down in Art. 6, besides forfeiture of such unwrought precious metals in favour of the State.

147. Every person who digs for gold or precious metals according to Article 2 of this Law, whether it be on his own or on another's account, shall show his licence if such is desired by an official declared competent by the law or the Government for that purpose, and in default thereof he shall be punished with a fine of from £1 to £3 and, failing payment, with imprisonment not exceeding 14 days.

148. Any one purchasing, bartering, or accepting unwrought precious metal from coloured persons, either on a proclaimed public field or elsewhere within the boundaries of the South African Republic, shall be punished with a fine of not more than £1,000, or imprisonment, with or without hard labour, for a period not exceeding the term of five years.

The unwrought gold which is found in his possession shall, by order of the Judge who passes sentence, be given back to the owner, if he is known, and otherwise be declared forfeited in favour of the State.

Coloured person selling unwrought metal. Penalty. Forfeiture.

149. A coloured person selling, bartering, handing over or receiving unwrought precious metal, or being found in possession of unwrought precious metal, shall be punished with lashes not exceeding fifty in number, and imprisonment for a period not exceeding five years with or without hard labour.

The unwrought gold which is found in his possession shall, by order of the judge who passes the sentence, be given back to the owner if he is known, and otherwise be declared forfeited in favour of the State.

Coloured person must have pass.

150. Every coloured person of African origin within the boundaries of a public diggings shall be bound to have a monthly pass, which shall be obtainable at the office of the Mining Commissioner or other persons appointed for the purpose, on payment of a sum calculated at 1s. per month, except in cases where Law No. 31 of 1896 is in force.

Penalty.

For every contravention of this Article the offender shall be punished with a fine of five shillings, or, in default of payment, with a number of lashes not exceeding 10.

Where article applicable.

This Article shall apply also to coloured labourers exclusively employed in mining and digging on private unproclaimed land and on private farms where, according to Article 23, a written permit has been obtained, and on land which is worked under concession or mynpacht, and also on Government land and stand townships.

Penalty for coloured person misbehaving himself in service.

151. A coloured person who has entered into a contract, whether verbally or in writing, to serve his master as domestic servant, or as a shop or warehouse servant, or to assist him in working a claim, machinery, or water furrow on any proclaimed field, and who leaves his master's service without permission, or who is neglectful, or refuses to do any work in discharge of his duty which can be asked and required of him according to law, or who uses threatening and insulting language towards his master, his master's wife, or any other person placed in lawful authority over him, shall be punished with a fine not exceeding the sum of £2, or with imprisonment with or without hard labour, for a term not exceeding one month, or with lashes not exceeding twenty-five in number.

White servant.

A servant as above mentioned, not being a coloured person, found guilty of any of the offences described in this Article shall be punished with a fine not exceeding £5, or with imprisonment, with or without hard labour, for a term not exceeding three months. The Mining Commissioner shall further, within the limits of the field over which he is appointed, have the same duties and rights which, according to Law 11, of 1892, Landdrosts have, except on fields where Special Landdrosts have been appointed.

Duties of Mining Commissioner.

CONCLUDING PROVISIONS.

152. All earlier Laws, resolutions of the Volksraad, legal provisions and regulations concerning diggings, in conflict with this

Law, and more especially the Laws, Resolutions of the Volksraad, legal provisions and regulations mentioned in Schedule B of this Law, are hereby repealed, with the exception of Art. 1 261, First Volksraad Resolution, dated August 25th, 1896, with the reservation of all rights and claims acquired under those Laws, Resolutions of the Volksraad, legal provisions and regulations.

153. This Law shall come into operation on November 1st, 1898. Operation.

SCHEDULE A.

CONDITIONS OF SALE OF CLAIMS THAT HAVE LAPSED TO THE GOVERNMENT, REFERRED TO IN ART. 85 OF THIS LAW.

1. The sale shall take place by public auction for cash to the highest bidder, and payment together with the licence money from the date of purchase shall be due to the Mining Commissioner or his subordinate immediately after purchase, and in default of payment the property shall immediately be put up to auction again, and the loss sustained in consequence of a smaller price being obtained shall be charged to the first purchaser. Public auction.
2. Of such public sale a notice shall be published in the *Staatscourant* and in a local newspaper, at least 14 days beforehand. Notice.
3. Seeing that there are in some instances no diagrams in existence, and the situation of the claims is unknown to the Mining Commissioner or the Claim Inspector, the Government does not guarantee the existence, size, situation, extent, or otherwise of the claims, nor can it undertake to point out the claims to purchasers. Government does not guarantee existence, size, etc., of claim.
4. The purchasers of lapsed claims shall file with the Mining Commissioner, Responsible Clerk, or Landdrost, within two months, a proper diagram of their purchased claims, as provided by Art. 71 of the Gold Law. Diagram.
5. If any dispute arises through these claims trespassing upon, or being trespassed upon by, claims of previous or subsequent peggers, the sale of such claims in dispute shall lapse, and the purchasers shall get back only the money paid by them on such claims, but shall not be entitled to any compensation. If dispute arises sale lapses.
6. In case water rights, storage sites (*bewaarplatsen*), machinery stands or any other rights are attached to lapsed claims, the purchasers of such claims shall not be able to lay claim to such rights, or to obstruct such rights in any way. Purchasers of lapsed claims not entitled to the water-rights attached thereto.
7. The receipt for the purchase price, together with the first licence for the claims thus sold by the Government, shall be purchaser's evidence of title to the claims bought by him. Receipt and first licence evidence of title.
8. The upset price for these claims shall be five shillings per claim. Upset price.

The following addition to the conditions of sale of claims that have lapsed to the Government was passed by the Executive Council by resolution, Art. 1015, dated October 25th, 1898, in terms of paragraph 2 of Art. 4 of Law No. 15, 1898:—

1. (a.) In cases where a person, company, or syndicate, was owner of more than 10 claims which have now to be sold under these regulations, the Claim Inspector shall put up a maximum of 10 claims for sale together, in the order published in the *Staatscourant*. Ten claims put up together.

If the remaining portion of the lot consists of less than 10 claims all such remaining claims shall be sold together.

LOCAL LAWS, 1896, 1897 AND 1898.

Law No. 21, 1896.

First Volksraad Resolution, Art. 1565, dated 19th October, 1897.

" " " Art. 1595, " 21st October, 1897.

" " " Art. 695, " 26th July, 1897.

" " " Art. 314, " 31st May, 1898.

S. J. P. KRUGER,
*State President.*F. W. REITZ,
*State Secretary.*Government Office,
Pretoria,
7th October, 1898.

LAW No. 17, 1898.

BEING THE LAW WITH REGARD TO TOWN COUNCILS.

Approved by the Second Volksraad by Art. 1292 of its minutes dated September 26th, 1898, and noted and accepted by the First Volksraad by Art. 1422 of its minutes, dated October 24th, 1898.

In pursuance of Artt. 164 and 167 of the Grondwet it is provided as follows:—^[1]

45. The common village or town ground shall be considered to be the property of the State, but the regulation of the use thereof shall be entrusted to the Town Council. When, however, the Government requires the village or town grounds or a portion thereof for temporary or permanent use for the extension of the town or for military or other purposes in the interests of the State, permission for that purpose may be given by the Executive Council. The ruling and decision of the Executive Council in regard thereto shall be final, subject to the approval of the First Volksraad.

Town ground
property of
the State.

Executive
Council.

47. This Law shall come into operation immediately after publication in the *Staatscourant*.

Operation.

S. J. P. KRUGER,
*State President.*F. W. REITZ,
*State Secretary.*Government Office, Pretoria,
November 2nd, 1898.

¹ The Articles omitted are superseded by Ord. 58 of 1903.

LAW No. 18, 1898.

FOR THE REGULATION OF THE POSTAL DEPARTMENT IN THE SOUTH AFRICAN REPUBLIC.

(Approved by the Second Volksraad by Art. 1393 of its Minutes, dated October 18th, 1898, and noted and accepted by the First Volksraad by Art. 1567 of its Minutes, dated November 4th, 1898.)

WHEREAS it is necessary to revise the legislation relating to the Postal Department, it is hereby determined and enacted as follows :—

No one but the State to carry letters for hire.

1. No one but the State shall be entitled to carry letters for hire, and no letter shall be carried in a vehicle used for the conveyance of passengers unless in a post bag or parcel which may be thereby conveyed. Any person who shall send or convey a letter otherwise than by post, or who for hire shall take charge of the same, shall on conviction, be liable to pay a penalty not exceeding ten pounds sterling for every such letter. Nothing in this Article contained shall extend to—

Penalty.

Exceptions.

- (a.) Letters which are conveyed within the precincts of a Post Office or Post Office Agent's Office, for the purpose of being posted.
- (b.) Letters concerning goods with which they are conveyed, or concerning proceedings or pleadings in a Court of Justice, affidavits or depositions.
- (c.) Letters which are conveyed at the same time, being from one sender or from persons belonging to one family, or in cases where only one letter is conveyed at a time, provided in both cases the conveyance takes place within the State, and the person who conveys the letters is not the contractor or the manager of the carrying business by which the letters are conveyed, or in the employ of such contractor or carrying business.

Postmaster-General to have control of Postal Department. Rights and duties.

2. The administration of the Postal Department for the whole State shall be entrusted to a Postmaster-General. He shall have the supervision over all Post Office officials and persons in the employ of the Postal Department, and also over Post Offices; he shall be bound to call for tenders for the conveyance of the post; he shall be entitled to give instructions concerning the manner in which the administration of the postal arrangements shall be conducted; he shall be charged with the correspondence with the Postal Administrations of other countries and States, and further with everything concerning the regulation of the Postal Department.

Estimate of revenue and expenditure.

3. The Postmaster - General shall annually deliver to the Treasurer-General an estimate of the probable revenue and expenditure for his department for the ensuing year, with an explanatory memorandum thereanent.

- 4.** The Postmaster-General shall be responsible to the State President. He shall annually hand in to the State President a report on the work of his department, together with proposals for alterations or improvements in the administration of the Postal Department for consideration by the Second Volksraad. Responsible to President.
- 5.** The Postmaster-General shall at all times have access to all Post Offices, and the Post Office officials shall be bound to produce or forward their books and other documents for inspection, if such is demanded by him. Has access to all Post Offices.
- 6.** The Postmaster-General shall, if necessary, visit the different Post Offices in the country, in order to convince himself of the regular conveyance of the post, and the good order of the Post Offices. He shall have the power to commission suitable persons to inquire, if necessary, into the administration of a Post Office Official and to report thereon. Shall visit the various Post Offices.
- 7.** The Postmaster-General shall decide any disputes arising between him and his subordinates in regard to the administration of the Postal Department, and against such decision an appeal may be made to the State President, whose judgment shall be final. Shall decide disputes.
- 8.** It shall be the duty of the Postmaster-General to appoint and discharge Post Office agents, and to establish new Post Office agencies, provided the amount voted for that purpose be not exceeded. Post Office agents shall not be considered in this respect as officials. Appoints and discharges Post Office agents.
- 9.** Unless approved by the Postmaster-General or his lawful representative no payments relating to the Postal Department shall be made by the Treasurer-General. Payments to be approved by him.
- 10.** Post Offices shall be established at the principal place in each district, and also at such other places as shall be determined on by the Postmaster-General, with the approval of the State President, and such Post Offices shall be open to the public at such hours as shall be fixed by the Postmaster-General, provided that such offices shall be closed during the making up or sorting of mails. Establishment of Post Offices
- 11.** The Postmaster-General shall regulate the manner in which letters and other documents shall be delivered at places where a delivery service shall be established, and the placing of letters in private letter boxes at offices where provision shall have been made for the purpose. Before delivering "poste restante" letters and other documents, the officials ought, if necessary, by calling for the production of some proof, to satisfy themselves as far as possible of the identity of the person applying. Delivery of letters.
Letter boxes.
Poste restante.

Time table of arrival and departure of post.

12. The Postmaster-General shall annually cause a general time table to be published in the *Staatscourant*, mentioning the hours of arrival and departure of the different posts, and at the same time give notice therein of any alterations.

Postal conventions.

13. The Postmaster-General may, subject to the approval of the State President, enter into or amend postal arrangements or conventions with the proper authorities of foreign States or Colonies, for the following purposes:—

Money orders, &c.

(a.) The issue and payment of Money Orders and Postal Orders, and the payment of Post Office Savings Bank Orders;

Transmission of letters beyond limits of State.

(b.) The transmission to any place beyond the limits of this State of letters and other documents, free of postage, or upon such terms as to the amount of postage or fine to be paid on delivery, and as to the application thereof as may be agreed upon;

Amount of collection of postage.

(c.) Determining the amount and collection of postage and other charges upon letters and other documents conveyed between this and any other State;

Division of money.

(d.) The division and mutual accounting for, and payment of money collected or due under any agreement;

Letters transmitted through another State.

(e.) For the purposes mentioned in sub-sections (c) and (d) in the case of letters and other documents transmitted or received through another State or Colony to or from any part of the world;

Payment of postage.

(f.) The payment (in full or otherwise) of postage due on letters and packets.

When convention to come into operation.

14. So soon as any postal arrangement or convention shall have been made under the authority of this Law, the State President shall issue a proclamation defining a time for such arrangement or convention to come into operation.

Copies of conventions to be laid before Volksraad.

15. Copies of all conventions and agreements made between the Postmaster-General and the proper authorities of other States and Colonies, and copies of all regulations or orders issued by the State President under the provisions of this Law, shall be laid before the Volksraad in the first ensuing session.

Definition of "this State."
"Post Office."

16. In the interpretation of this Law the expression "this State" shall include the territory under the administration of the Government of the South African Republic, and the words "Post Office" shall include all places intended for the receipt or delivery of letters, postcards, printed matter, packets and other documents, under the supervision of the Postmaster-General.

Stamp Master to supply same to Postmaster-General.

17. The Stamp Master on being requested so to do, shall supply the Postmaster-General with as many stamps and other means of franking as are required by him, and it shall not be lawful to supply the same to anybody else.

18. The Postmaster-General shall see that at all Post Offices postage stamps and postcards are obtainable by any person on payment of the amount impressed thereon or fixed by the State President. The Postmaster-General shall have the right to authorise private persons to sell postage stamps.

Postmaster-General must see that stamps, &c., are obtainable.

19. The stamps used for the franking of documents shall be genuine and not counterfeit, and shall not belong to issues which are no longer in circulation, and further they may not be stamps which have already been used once and they may not be defaced or obliterated, and may not be embossed, cut out or separated from the paper, card or other material, upon which they were embossed or impressed. All current postage stamps or stamp impressions on documents shall, without distinction, be cancelled by means of a stamp at the office of transmission. The Government shall, at the instance of the Postmaster-General, make known in the *Staatscourant* when any issue of stamps shall be withdrawn from circulation.

What stamps to be used.

20. Letters, newspapers and other documents provided with one or more postage stamps which have already been used once, or which have been forged, written upon or in any way damaged, or which have been printed on, shall be handed to the Postmaster-General who shall hand them to the State Attorney, which official shall have the right, by opening the letters and other documents, to satisfy himself of the name and address of the sender, in order to take action in accordance with the provision appearing in Art. 95.

Use of forged stamps, &c.

State Attorney may open letters.

21. The postage for every inland letter, postcard, newspaper, packet or other document shall be in accordance with Schedule "A" annexed hereto.

Inland postage.

22. The postage for foreign and oversea correspondence shall be regulated in conformity with the postal conventions made or to be entered into with regard thereto, according as the same have been or may be hereafter published in the *Staatscourant*, but every letter, postcard, packet, or newspaper received by post from any place beyond the limits of this State, shall be delivered within this State without further payment, except as shall hereafter be mentioned and except where it shall be necessary to collect the postage, under an arrangement or convention which has already been entered into or may hereafter be entered into, in which case all money due on such letter, postcard, newspaper or packet may be demanded before the delivery of the same.

Foreign postage.

23. Except in those cases which are expressly mentioned in this Law, the postage on all inland letters, packets, newspapers or parcels shall be prepaid by affixing postage stamps, in default of which double the ordinary postage payable thereon shall be charged on such letters or other documents. Every unstamped newspaper may be destroyed.

Postage to be prepaid.

Transmission
of re-addressed
letters free.

24. The transmission to their destination of all letters and other documents, except packets, returned or sent to a different address within the State, shall be free unless delivery has already taken place once.

Insufficient
postage.

25. All inland letters, packets, or other documents on which either no payment or insufficient payment has been made by affixing stamps, shall be regularly transmitted and delivered, but before delivery within the State double the amount of postage so omitted to be prepaid shall be paid in money. The sum so to be paid shall be written or printed on the letters or other documents by the Postmaster who transmits or delivers the same.

Double
postage.

Date stamp.

26. All letters shall be marked with an impression of the date stamp of the day on which they are posted, and on transmission before issue to the addressee or interested person shall be provided with an impression of the date stamp of the day on which they are received at the office of delivery.

Application
for return of
posted letter.

27. The person who asks for the return of a letter posted by him before the transmission or delivery of the same shall be bound to produce proof that the letter was his. This proof may consist of the production of a complete copy of the address of the letter, written in the same hand, and accompanied by an impression of the seal with which, or a description of the manner in which the letter was closed, in order to enable the one to be compared with the other. If, after such comparison, there is any uncertainty, but the Post Office officials have no reason for doubting the genuineness of the claim of the applicant, the letter shall be opened in their presence, and they shall be entitled to have the signature of the writer of the letter shown to them before the same is returned. When the person, who makes application for the return of a letter is unknown to the Post Office officials, the letter shall not be returned until he shall have proved his identity by proper means.

Public
prosecutors.

28. The public prosecutors, to the exclusion of all other authorities or officials, may demand, provided they do so on request made to them in writing, that a note should, in the interests of justice, be kept of all documents intended for, or presumably coming from persons who are suspected of any crime. If the said public prosecutors make such request on their own responsibility the said document shall not be transmitted or delivered, but shall remain for the time being at the office. Delivery of such documents to the public prosecutor may take place only on the authorisation of the State Attorney. The officials shall be bound to inform the Postmaster-General immediately of every application mentioned in this Article, and shall, at the same time, lay the application before him.

How to act
when crime
suspected to
have been
committed.

Unclaimed
letters, &c.

29. The Postmaster shall, at the beginning of each month, put up for public information a proper list of letters, postcards, and

packets, which are unclaimed at their office, giving a clear reproduction of the addresses. All the aforesaid articles, which have lain there six weeks without being claimed, shall be forwarded to the General Post Office. All newspapers which have not been claimed during the said period of six weeks may be destroyed.

30. All letters and other documents which are unclaimed, or cannot be delivered, and which are sent to the General Post Office, and which were not originally posted within this State, shall be returned by the Postmaster-General to the proper authorities of the country from which they came. All such letters and other documents which have been posted within this State shall be returned to the writers. Where it does not clearly appear on the envelope of the letter who the writer is, such letters and other documents shall be opened in the presence of the official of the General Post Office appointed by the Postmaster-General; if, however, the name and address of the sender cannot be found out, and such letters contain no articles or documents of value, they shall be destroyed; if the sender does not wish to take them back they shall be returned to the General Post Office to be destroyed.

What to be done with unclaimed letters, &c.

31. All letters and other documents containing money or other valuables, the addressee or the sender of which cannot be found, shall be kept by the Postmaster-General for the period of three months. If no application is made for them within the said period the letters shall be destroyed and the contents, if they have any value, shall be sold in such manner as the Postmaster-General shall order.

When letters contain valuables.

The coin, as well as the proceeds of the sale of the articles found in such letter or other documents shall, along with a list of particulars, be deposited with the Treasurer-General for the period of one year, after the expiration of which such deposited money shall lapse to the State, and restitution thereof may be made only on special authorisation from the Postmaster-General.

32. The sender of an unclaimed letter or other document, opened under the provisions of this Law, shall, on demand, pay the postage and other fines due thereon, if the postage was not duly prepaid, and in the event of his refusing to do so, he shall on conviction pay a fine not exceeding twenty shillings sterling, and in any proceedings for the recovery of such fine the person from whom the letter or other document is presumed to have come shall be looked upon as the sender, unless he shall prove that such letter or other document was not sent by him.

Penalty for non-payment of postage.

33. All letters or other documents which there is reasonable ground to suspect contain valuables or saleable articles, or anything in conflict with or in contravention of any Law with regard to Customs duties, or in contravention of any orders given under authority of this Law, or which have been posted with intent to evade the charges due thereon, shall be opened in the

When letters are suspected to contain valuables, &c.

presence of the person to whom they are addressed or his representative, and the Customs duties due thereon shall be recovered before delivery. The Postmaster shall, on receipt of such letters or other documents, immediately give notice thereof to the addressee.

Postcards.

34. No other postcards than those which are issued on behalf of the State may be sent as such. An exception to this rule shall be made only in the case of the answer halves of postcards, to which the answer is prepaid, coming from abroad. The face is intended only for the postage stamps, for the directions relating to the postal service and the address of the addressee. In addition to this the sender may mention his name and address on the face, either in writing, or by means of a stamp or any other typographical means. Engravings or announcements may be printed on the face. They shall in no respect, however, interfere with the clear directions of the address, the affixing of the stamps or the notes of the postal service. With the exception of the postage stamps it shall not be lawful to couple anything with or affix anything to postcards. If this regulation is contravened the postcards shall be treated as letters.

What may
be written on
the face.

Newspapers—
what are ?

35. As newspapers shall be considered all daily, weekly and monthly papers which appear at regular intervals, to wit, all publications which consist wholly or chiefly of political or other news or articles thereon or other current topics, with or without advertisements, the full title and date of publication shall be printed at the top of the first page, and the whole or part of the title on each of the following pages.

Supplement.

Supplements belonging to a newspaper and sent therewith shall not be considered as separate newspapers. The supplement shall, in order to pass as such, be a continuation of a newspaper, namely, that portion for which the usual paper form, on which the newspaper is printed, does not afford sufficient space, but which, in other respects, although printed on a separate sheet, clearly forms an actual part of such newspaper, and is not separately obtainable and is not intended for separate circulation. Maps, railway time tables and insurance tables, as also prospectuses, catalogues and price lists, &c., shall not be allowed to pass as supplements.

How news-
papers to be
sent.

36. Newspapers shall be sent in a wrapper, without covers, and shall be open at both ends, so that the nature of the thing sent may easily be ascertained. No notification, addition, erasure or indication, of any kind whatsoever shall be made on, or in the newspaper, or on the outside or inside of the wrapper, except the title of the newspaper, with the printed names of the printer, publisher or sender, as also the address and the date of transmission; and nothing, with the exception of the supplements herein above described, shall be enclosed in, or with, or accompany the newspaper. Any portion of the text of newspapers to which it is desired to draw attention may be underlined, enclosed in brackets or indicated in any other way.

37. In the event of a newspaper being posted in conflict with the provisions of the preceding Article, it shall be sent at the letter rate, but if the sender is known he shall be punished with a fine not exceeding five pounds, or imprisonment for a period not exceeding one month. Penalty.

38. By printed matter shall be understood all the following articles which are done up in open wrappers or in such a manner that the Post Office officials can easily note the contents. Printed matter—
what is ?

(a.) All printed papers, such as newspapers, periodicals, books, pamphlets (ephemeral writings), pieces of music, visiting cards, address cards, proofs of printing, with or without the manuscript relating thereto, documents in puncture writing (for the blind), engravings, photographs and albums with photographs, prints, drawings, plans, maps, catalogues, prospectuses, announcements and notices of various kinds, even if in the form of a letter, whether printed, engraved, lithographed or autographed, and in general all impressions or copies obtained upon paper, parchment or cardboard (but not upon wood or papier mache) by means of printing, engraving, lithographing or autographing, or any other mechanical process easy to recognise, except those made by the copying press or the typewriter. On the same footing as printed matter are placed impressions from an original, made either with the pen or with the typewriter, when such impressions are obtained by mechanical process (chromography, &c.) ; but in order to be allowed to come under the tariff for printed matter at least twenty similar copies of such impressions must be tendered at the post offices.

(b.) Commercial papers, namely, all papers or documents written or drawn wholly or partly by hand, provided they are not communications in the nature of an actual or personal correspondence, such as documents of legal procedure, deeds drawn up by public functionaries, way bills or bills of lading, accounts, documents of insurance companies, copies of or extracts from deeds written on stamped or unstamped paper, written scores or loose sheets of music, separately sent manuscripts of books and newspapers, and corrected school work of students, but not including any report on such work. Commercial
papers.

39. The printed documents shall not contain any additions or annotations howsoever made after being printed. This rule shall however, admit of the following exceptions :— What may be
written on
printed
matter.

(a.) The name, the commercial firm and the residence of the sender may be mentioned on the document.

(b.) On printed Christmas, New Year or other cards the address of the sender, his title, as also wishes, congratulations, messages of thanks or of condolence or other polite

What may
be registered.

45. All letters, with or without valuables, and also enclosed documents which do not contain any money, paper representing any money value, precious metals or valuable articles, for which, after payment of a registration fee, a receipt is given to the sender at the office of transmission may be registered.

When registra-
tion shall
not take place.

46. No letter shall be registered which is not closed on all sides in such a way that it is impossible to open it or to take anything out in any other way, without tearing the cover or breaking or damaging the seal or one of the seals with which the letter is sealed. The contents shall moreover not be mentioned on the letter.

Compensa-
tion.

47. The sender of a document registered in accordance with the provisions of both of the preceding Articles shall be entitled to compensation in case of loss thereof and also in case of the contents or a portion thereof being missing, provided that on delivery of the letter it was so damaged that robbery was possible, and provided further that the contents have been ascertained in the presence of the Post Office official. The compensation shall be fixed at the amount of two pounds sterling (fifty francs) in the case of any registered document, no matter what the value of the thing lost may be, and even if the loss is the result of superior force.

When
liability to
pay compensa-
tion.

The liability to pay compensation ceases as soon as the registered document has been delivered and a receipt given.

The claim to compensation shall lapse if no application in writing for payment is made to the Postmaster-General within a year from the date of the receipt given to the sender.

If the thing missed is wholly or partially recovered, notice thereof shall be given if possible to the sender and to the addressee. The sender may get back the thing found, on repayment of the compensation paid, provided this takes place within one month after the aforesaid notice was given to him. If the said period lapses without the sender having claimed the thing found, an opportunity shall be given to the addressee, during a like period, to get it back on payment of the amount which was paid to the sender.

If the addressee does not avail himself of this opportunity the thing found shall lapse to the State.

Postmasters
to render
account of
registered
letters.

48. Postmasters shall at all times be bound to render an account of the registered letters received by them. If a registered letter be missing or wrongly delivered the sender shall have a civil action against the person through whose negligence the letter was lost. The right to bring an action for damage shall lapse, however, if it be not instituted within a year from the date of the receipt issued to the sender. The sender shall be bound to give, as far as he is able, all required information to enable all measures within the reach of the Postmaster-General and the respective Post Office officials to be taken to search for such letter which has been missed or wrongly delivered.

49. No compensation shall be paid for losses incurred by neglect, delay, injury to or leaving behind of any letter, postcard, packet, newspaper, or parcel, posted or received for transmission under the provisions of this Law, or in consequence of delay in the payment of the amount of a money order, postal order or Post Office Savings Bank order.

When no compensation payable.

50. Registration shall be compulsory in case of the transmission of money, bank notes, paper money, precious metals, ostrich feathers or valuables. Should there be reasonable ground to suspect that the sender has acted in conflict with this provision, the registration shall be done officially, and double the amount of the registration fee shall be due, and shall be payable by the addressee before delivery takes place. If such person shall, on delivery of the letter or the packet, open the same in the presence of the Postmaster or Post Office official, and it shall appear that it contains no money or other valuables, the registration money shall be returned to him.

When registration compulsory.

51. The delivery of registered documents shall take place only to the addressee or his authorised representative after the signing of such receipt as shall be provided for the purpose. The authorised representative herein mentioned shall produce a written power of attorney to the satisfaction of the Postmaster. Such powers of attorney shall be exempt from the present stamp duties.

Delivery of registered documents.

52. All officials of the State shall be entitled to send their service letters or official correspondence free of postage; such letters shall be marked at the top with the words "On service," and in the left hand bottom corner of the envelope the name and office of the official shall be written or stamped.

Official correspondence free of postage.

The following letters and other documents shall, however, be liable to the ordinary postage, namely, those sent:—

- (a.) To the Registrar of Deeds, and containing deeds passed before the Landdrost and transmitted by him;
- (b.) By Sheriffs and Messengers of the Court in civil cases;
- (c.) To the Master of the High Court, dealing with insolvent or sequestrated estates.
- (d.) To the Orphan master, dealing with testate or intestate estates, with the exception, however, of death notices, wills and inventories, which may be sent free of postage.

What documents not free.

53. Letters, newspapers and books from and to persons on commando in time of war and from and to the military on active service, shall be free of postage.

Letters from and to persons on commando.

54. Donations to the State museum and all consignments and correspondence from the State library shall enjoy exemption from postage.

State museum and State library.

Correspondence relating to education with the Department of Education.

55. Teachers and secretaries of School Boards shall be entitled to send their correspondence to the Department of Education free of postage, provided it relates only to education, and provided the provisions of Art. 51 of this Law are complied with.

Special exemptions.

56. In special cases the State President shall have the power, on the proposal of the Postmaster-General, to grant exemption from the payment of postage.

When letters addressed "on service" by private persons to the Government.

57. Letters addressed "on service" to the Government or to Heads of Department in their official capacity by private persons may be sent by the Postmaster at whose office they are posted, but on delivery of the same the Postmaster, by whom such letters are received, may demand that they be opened in his presence in order to satisfy himself as to whether they deal with official or private matters, and, in the latter case, report thereon to the proper official in order to enforce Art. 61 of this Law. In case a Postmaster, however, has reasonable ground for suspecting that letters are being sent as aforesaid in contravention of the provisions contained in this Article, he shall have the power to demand from the sender that the contents be shown to him.

Memorials or petitions to the Legislature.

58. Memorials or petitions addressed to the Legislature or to a member thereof, whether with or without an accompanying letter, shall be free from postage. On the outside of the envelope the word "Memorial" shall be written, and, at the bottom, the name and the residence of the sender.

Staatscourant.

59. The *Staatscourant* shall be sent free of postage, but only if enclosed in a wrapper, open at both ends, and with the words "on service," together with the title of the same and the name of the printer printed thereon, and only if received at the Post Office direct from the printing office.

Exchange numbers of newspapers.

60. Publishers of newspapers shall be entitled to send their exchange numbers, that is, newspapers exchanged between publishers of newspapers, free of postage. The newspapers shall have the word "exchange number" on the envelope, and shall be signed by the editor, publisher, or a responsible person whose signature has been handed in at the local Post Office.

Penalty for sending private correspondence.

61. Should it be proved that an official or other person has sent letters or other documents dealing with private matters, on service, he shall be punished by a court with a fine not exceeding five pounds sterling for the first offence, and for any subsequent offence he shall be prosecuted by the proper authorities for fraud.

Conveyance of inland posts.

62. All inland posts shall be carried under contract entered into by the Postmaster-General on behalf of the Government for a period not exceeding five years, except in cases where the post is carried by natives. The Postmaster-General shall, however, reserve the right to terminate the contract on giving four months' notice.

63. The post contractors shall be bound to carry the post from one Post Office to another within the time defined in the contract, and shall be bound to touch at all Post Offices or Post Office agents' offices, established or to be established, on their way for the receipt and delivery of post bags or post packets, and the time of waiting shall be fixed by the Postmaster-General.

Post
contractors.

64. In case of the late arrival of posts the Postmaster-General shall not take into consideration any excuse except that the delay was caused by swollen rivers or streams, or by other reasons, in consequence of which it was practically impossible for the post contractor to continue without running the risk of losing the post bags, but this excuse shall, however, be proved to the satisfaction of the Postmaster-General, and, if need be, by affidavit. In all other cases the penalty mentioned in the contract shall be strictly enforced, and, in case of a repetition, may be doubled. The fine shall, however, in the case of the first late arrival not exceed one pound sterling per hour.

Late arrival
of posts.

65. Notwithstanding the provisions contained in the preceding Articles the Postmaster-General shall have the right, if the post contractor fails three times in succession to deliver the post within the time fixed, to immediately call for tenders for a new contract for the conveyance of the said posts, and the damages caused to the Government in consequence thereof shall be paid by the defaulting contractor or his sureties.

Postmaster-
General may
call for new
tenders.

66. In the event of a post contractor generally showing continuous carelessness in carrying out his obligations, in making use of bad or unsuitable conveyances or draught animals, bad employees, or otherwise, the Postmaster-General shall have the right to terminate the contract immediately, without any proof or form of process being necessary for the purpose, or to demand from the sureties of the contractor the further performance of the contract, or to call for fresh tenders, and the excess of the contract price and the expenses incurred shall be recovered from the defaulting contractor or his sureties.

When Post-
master may
terminate
contract.
Carelessness
of contractor.

Performance
by sureties.

67. The post rider or driver shall be provided with a horn or trumpet in order to make known therewith the departure and arrival of the post, and also in order to warn the drivers of conveyances along the road to take care that the post is not delayed. If after a timely warning by blowing the horn persons refuse to make way as required in order to enable the post to pass, the provisions of Art. 97 of this Law may be applied to them.

Post drivers
to have horn
or trumpet.

68. If a post rider or driver, in the carrying out of his duties, shall be guilty of being drunk or of abuse of strong drink, or shall delay along the road without lawful reason for doing so, in consequence of which the post shall not reach its destination at the time fixed, he shall be liable to a fine not exceeding ten pounds, or

Drunkenness
of post driver.

Penalty.

imprisonment for a period not exceeding three months, with hard labour. This shall not, however, exempt the contractor from liability to the fine prescribed in Art. 64 of this Law.

Responsibility of post contractors.

69. Post contractors shall be personally responsible for all damage or loss which may be caused to letters or other documents through their doing or through the negligence or carelessness of themselves or their subordinates, and compensation for such damage or loss may be recovered from them or their sureties either by the Government or by private persons.

Route to be followed by post contractors.

70. The post contractors shall convey the post along the road mentioned in the contract, but the Postmaster-General shall have the power to alter the route as long as the distance is not appreciably increased. They shall unconditionally conform to the alterations of time to be fixed by the Postmaster-General for the conveyance of the post, whether such conveyance shall take place by day or by night, without being able to claim special compensation therefor.

When Postmaster may hire other conveyance.

71. If at the hour when the post ought to depart the post cart or post wagon is not in readiness to depart in front of the Post Office, the Postmaster of such Post Office shall be entitled to hire other means of conveyance which shall carry the post for account of the contractor, and the expenses shall be deducted from the contract price without the defaulting contractor being able to object to the same, except in case of other instructions to be issued in special cases by the Postmaster-General to the Postmaster.

When entire post does not arrive.

72. In the event, on arrival of a postal conveyance, of its appearing to the Postmaster that not all the post bags, post packets, or other articles belonging to the post, according to the way bill, have arrived, the Postmaster shall immediately report the matter to the Postmaster-General, and the defaulting contractor shall be liable to be fined by the Postmaster-General a sum not exceeding twenty-five pounds for each post-bag or packet that is missing, unless the contractor shall bring sufficient proof to the satisfaction of the Postmaster-General that such loss was occasioned by unforeseen circumstances entirely beyond the control of him (the contractor), or of his subordinate. The post contractor and his sureties shall nevertheless be liable, in accordance with Art. 68 of this Law, for all damage or loss occasioned thereby.

Postmaster to give way bill to post driver.

73. On the departure of a post a proper way-bill shall be handed by the Postmaster to the post rider, which way-bill shall mention the day and hour of the departure of the post, and the number of post bags and post packets, together with the name of their place of destination. This way-bill shall be signed by each Postmaster or Post Office agent at whose office the post stops, with a note mentioning the time of arrival and departure, and the dropping or picking up of post bags or packets.

74. No articles likely to cause fire or explosion, or which, through the breaking of bottles, or otherwise, are liable to cause damage, shall be carried with the post.

No dangerous article to be conveyed.

75. The post contractors shall be bound to convey with the post writing materials for the Government offices in the country districts without being able to claim any special payment therefor.

Free conveyance of writing materials for Government offices.

76. The post contractors shall, when notice thereof is given an hour before the departure of the post, keep a seat for any official or private person who has received instructions from the Government to proceed by the post, without receiving any remuneration therefor. The Contractor shall be bound to carry the Postmaster-General or his lawful representative free of charge, and to give the Government the preference right to as many seats as it may consider necessary at any time. The Government shall, however, have the power to make contracts for the conveyance of posts without free carriage of passengers, but with the preferent right aforementioned on payment of the usual fare. No one shall, however, make use of such right without a written order from the Postmaster-General.

Seat to be kept for Government official.

77. The contract price for the conveyance of the post shall be paid by the Treasurer-General monthly to the Postmaster-General. The Postmaster-General shall, however, not make any payments until all fines incurred, and all other sums due by the post contractor, for non-compliance with the terms of his contract have been deducted.

Treasurer-General to pay contract price to Postmaster-General.

78. The post contractor shall, on entering into an agreement with the Postmaster-General, give two substantial sureties, approved of by the latter, such sureties to be domiciled within this State, and each of them to be owner of unmortgaged fixed property within this State to the value of at least five hundred pounds sterling (£500), and to bind themselves jointly and severally for the contractor in favour of the State, and also in favour of private persons who may suffer damage through the loss of letters or post bags or post packets, to make good all damage or loss which may be caused by negligence or wilful default or any other cause, on the part of or occasioned by the contractor, and which the contractor shall prove unable to satisfy. In the event of the contractor, for whom they stand security, failing to comply with the terms of his contract, in consequence of which the contract is cancelled by the Postmaster General, the said sureties shall carry it out just as though they had each undertaken the obligations for themselves. If the Postmaster General should deem it more advisable, under the provisions of this Law, to call for fresh tenders for the further conveyance of the post, they shall also be bound to acquiesce therein, and shall make good all damage or loss occasioned thereby.

Sureties.

79. Nothing contained in Articles 62 to 78 inclusive shall apply to the conveyance of the post by train. The conveyance of the

Artt. 62 to 78 inclusive not

to apply to conveyance of post by train.

post by train shall take place in accordance with the provisions of the contracts entered into on behalf of the Government by the Postmaster-General with the recognised representatives of the railway companies in pursuance of the existing railway concessions, contracts or agreements relating thereto.

Private post bags.

80. Persons living alongside a post road may have a private post bag in which their correspondence may be transmitted, subject to such provisions and at such prices as shall be fixed by the Postmaster-General.

Lease of private letter-boxes.

81. At those Post Offices where private letter lockers or boxes have been put up by, or on behalf of the Government, such boxes may be leased at a yearly rental, the amount of which shall be fixed by the Postmaster-General. Payment shall be made in advance, and the hire shall be subject to such conditions and regulations as may be fixed by the Postmaster-General.

Money orders and postal orders.

82. Money orders and postal orders shall be obtainable by the public for sums not exceeding ten pounds sterling, provided that the Government shall have the right at any time in consultation with the Postmaster-General, to suspend this provision.

Regulations in regard to money orders, &c., issued by President.

83. The State President shall have the power, on the proposal of the Postmaster-General, to issue, alter or amend such regulations with regard to the money order or postal order administration, as may be considered necessary. In such regulations, moreover, provision shall be made for the commission to be charged for issuing the same. All such regulations framed by the State President shall be binding and final for all officials of the Postal Department, and for interested persons to whom money orders shall be issued, and the said regulations shall, one month after publication in the *Staatscourant*, in all respects have the same force and effect as if they had been taken up and included in this Law.

Payment of money orders, &c.

84. After a money order or a postal order shall once have been paid, no matter by whom it was presented, the Postal Department shall no longer be liable for any further claim. The Postmaster-General shall, however, have the power to claim from any Postmaster the amount which may have been wrongly paid out through negligence or neglect of duty.

Oath to be taken by officials.

85. The Post Office officials or all other persons in the employ of the Postal Department shall, before entering on their employment, take the following oath before a qualified person:—"I promise and solemnly swear that I shall act loyally to the people and the laws of the South African Republic in my appointment and office, honourably, justly and fairly, without respect of persons, in accordance with the law and to the best of my knowledge and conscience; that I shall always observe the strictest secrecy with regard to the matters entrusted to the post, including the affairs

of the Post Office Savings Bank ; that I shall not open, keep back or cause to be kept back, in conflict with my duty as _____, any letters or anything else entrusted to the post and placed under my charge, save with the consent or in the presence of the addressees or authorised persons, and that I shall in no way make away with letters or other articles entrusted to the post ; that I shall obey according to law the orders of those placed over me, and that I shall render an account of the money entrusted to my care, when and wherever such may be demanded of me. So truly help me God Almighty.”

86. All Post Office officials shall be subject to the orders of the Postmaster-General, which orders they shall carry out strictly.

Officials to obey orders of Postmaster-General.

87. All officials in the employ of the Postal Department shall be bound to strictly observe the secrecy and the inviolability of the correspondence and other affairs belonging to the Postal Department.

Secrecy and inviolability of correspondence.

88. It shall not be lawful for Postmasters to admit persons who do not belong to the postal service to the interior of the Post Office, unless such persons be provided with a special permit from the Postmaster-General, or unless they be persons who have a general authorisation from the government to be admitted.

Admission to interior of Post Offices.

89. The officials shall, in the case of misconduct or non-compliance with the duties entrusted to them by the Postmaster-General, be punished with a fine not exceeding five pounds sterling, or be suspended from office.

Penalty for misconduct by officials.

90. No Postmaster shall be entitled to open closed post bags or packets intended for another Post Office and passing through his office, unless he is authorised to do so by the Postmaster-General.

Postmaster not to open post bags intended for another office.

91. If at the time for transmission of a mail other mails have not arrived, the Postmaster shall have the power to delay the transmission, provided no considerable interference be caused thereby to the regular conveyance of the post in other places. In all cases the Postmaster shall give notice to the Postmaster of the office to which the post is going of the time and the hour of the final departure, by means of the way bills given to the post contractors. For no other reason shall the post be delayed without the consent of the Postmaster General.

When Postmaster may delay post.

92. All letters, postcards, or other documents shall be forwarded by the Post Office officials without delay to the General Post Office :—

When letters, &c., to be forwarded to the General Post Office.

(a.) When on the outside thereof blasphemous, filthy, insulting or libellous things are written or drawn ;

- (b.) When they contain no address or no legible or clear address, or when they cannot be delivered at the address written thereon ;
- (c.) When the persons to whom they are addressed refuse to accept them or to pay the postage due thereon ;
- (d.) When it is known, or when there is any reasonable ground for suspecting, that they have been posted or that they contain anything in conflict with this Law, or in contravention of the Law on Customs Duties, or that they contain anything immoral.

Custody and
destruction
of old
documents.

93. The following provisions shall have the force of law with regard to the custody and destruction of old documents relating to the postal service :

The following things shall be kept :—

- (a.) For a period of one year, viz., applications for and acknowledgments of the receipt of postage stamps and other means of franking, statistics of correspondence received and transmitted, lists of published and unclaimed letters, accounts of letter-boxes and post bags, way bills of posts transmitted between Post Offices, and other documents which are regularly booked, and which are included in other reports and books ;
- (b.) For a period of three years, viz., paid money order forms issued in South Africa, reports of irregularities which have taken place at offices, way-bills relating to the conveyance of posts, reports and investigations in regard to missing articles, and other correspondence or reports in regard to the conduct of postal affairs which in the nature of the case are of no further use ;
- (c.) For a period of five years, viz., registers of registered correspondence, forms of oversea money orders which have been paid out, money order journals for use in Post Offices, and such other registers or forms as have been registered in the permanent books of the head office.

Penalty for

94. Any person who is guilty of any of the following offences shall be liable to imprisonment with hard labour for a period not exceeding seven years :—

Forging
postage
stamps, &c.

- (a.) If he shall counterfeit, alter, forge, or shall assist in counterfeiting, altering or forging any postage stamp, postcard (with or without stamp), envelope, money order or postal order in use or made on the authority of the State President for the purposes of this Law, or shall use, utter or offer any counterfeit or forged postage stamps, envelopes, postcards, money orders or postal orders, knowing that the same are counterfeit or with fraudulent intent.

Engraving
plate, &c.

- (b.) If, without the authority of the State President (the onus of proving which authority shall in this case lie on the

accused person), he shall engrave on a plate or any material any stamp or figure used for the purpose of this Law.

- (c.) If he shall make, cause to be made, or have in his possession or keeping without lawful excuse (the onus of proving which shall lie on the accused person), any form, frame, or other tool on which are any words, letters, figures, marks, strokes or devices peculiar to paper which is used for postage stamps, money orders or postal orders, or if any person shall make, cause to be made, or assist in making, or have in his possession or keeping without lawful excuse (the onus of proving which shall lie on the accused) any paper in the fabric of which are any words, letters, figures, marks, strokes or devices peculiar to paper which is used for postage stamps, money orders or postal orders, and intended for the purpose of forging the same or to be passed off as such. Having in possession tools, &c.
- (d.) If he shall, without any lawful excuse (the onus of proving which shall lie on the accused) buy, sell, trade in, take or have in his possession or keeping, any paper on which money orders, or postal orders or postage stamps are printed. Selling, &c., paper on which money orders, &c., are printed.
- (e.) If he shall, for his own benefit and purposes or with fraudulent intent, make use of any stamp, plate, paper or colouring provided by anyone who is charged with the manufacturing of stamps, plates, paper or colouring for the purposes of this Law. Using for own benefit any stamp, &c.

95. If any person is guilty of any of the contraventions mentioned in the preceding Article, as far as concerns foreign issues of postage stamps, money orders and postal orders of countries belonging to the General Postal Union, he shall, on conviction, be liable to imprisonment, with or without hard labour, for a period not exceeding three years. Penalty for contravention in case of foreign issues of stamps, &c.

96. If any person, with intent to commit fraud, shall remove from a letter or other document entrusted to the post a stamp that is affixed thereto, or shall remove from any previously used stamp any mark which has been made thereon, or shall knowingly utter or use such a postage stamp, he shall, on conviction, be liable to a fine not exceeding fifty pounds sterling, or to imprisonment, with or without hard labour, for a period not exceeding six months. Penalty for removing stamp.

97. With the exception of the persons authorised thereto by the Postmaster-General or by this Law, no one shall be entitled to open post bags, post boxes or post packets, either on the way or elsewhere, and any person guilty of so doing shall be punished with imprisonment, with or without hard labour, for a period not exceeding three years. Penalty for opening post bags.

98. Any person who shall wilfully interfere with the conveyance of the postcart on its way, or whose fault it shall be that Penalty for interfering

with conveyance of post.

the post is interfered with on its way, shall be fined a sum not exceeding five pounds sterling for each hour or portion thereof during which the post is delayed, or, in default of payment, shall be punished with imprisonment for a period not exceeding one month, with this proviso—that in cases of riot or other disturbances where there is any suspicion of treason, letters, post bags and post packets may be opened by military officers on active service, who must be at least three in number.

Penalty on official opening letters, &c.

99. If it shall be proved that letters or other documents have been opened or done away with by a Post Office official, such official shall be immediately discharged from his office and punished with imprisonment, with or without hard labour, for a period not exceeding five years.

Penalty for

100. Any person convicted of any of the following acts or offences shall be liable to a fine not exceeding fifty pounds sterling with or without hard labour, for a period not exceeding six months :—

(a.) If he shall post or cause to be posted a packet or printed matter the contents of which are subject to a higher tariff, or shall wilfully write on the outside of a packet a false description of the contents.

Damaging places intended for reception of letters.

(b.) If he shall wilfully injure, break, or damage any place intended for the reception of letters or other documents, or shall place in or throw into any box intended for the reception of letters or other documents, any substance by which damage may be caused to a letter or other document, or to the *personnel* of the post office.

Opening letter, &c., which ought to be delivered to another person.

(c.) If he shall open, keep back, hide, keep or destroy any letter or other document which ought to be delivered to anybody else, or any post bag, box, letter or other document which shall be found by him or anybody else.

Inducing Postmaster to deliver to him a letter not addressed to him.

(d.) If he shall, by means of false pretences or representations, induce any Postmaster or other official of the Postal Department to deliver to him any letter or other document not addressed to him.

For purposes of prosecuting, ownership of letters rests in Postmaster-General.

101. In any prosecution for any offence or contravention committed in regard to any post bag, letter box or packet, or letter, postcard or newspaper transmitted by post, or any property, money, postal orders or money orders under the control or administration of the Postmaster-General; or when any act shall be committed or done with any malicious, injurious or fraudulent intent, having regard to or affecting the Postal Department, or any property, money, money orders or postal orders, it shall be sufficient to state that the right of ownership is in the Postmaster-General, or that the things above mentioned are in his lawful possession, and that any offence of this nature has been committed with intent to injure or to defraud the Postmaster-General, without mentioning his name.

102. When any fine inflicted under the provisions of this Law is not immediately paid, the Court which has found the person guilty shall order him to be placed in prison for a period not exceeding twelve months, unless the fine imposed on him be paid. Imprisonment for non-payment of fine.

103. In cases where the law contains a prohibition clause for which no penalty is provided in this Law, the Court, on finding anybody guilty of a contravention of such prohibition clause, shall have the power to punish him with a fine not exceeding fifty pounds sterling, or imprisonment for six months, and where the only penalty mentioned is a fine the Court may proceed to fix such fine only. Penalty in cases where no penalty provided in prohibition clause.

104. Law No. 1, 1886, and the amendments of that Law effected by Law No. 19, 1887, and No. 1, 1890, are hereby repealed, as also all Laws and provisions with regard to the Postal Department, with the exception of contracts entered into or agreements made before the coming into operation of this Law Repeal.

105. This Law shall come into operation on January 1st, 1899.

SCHEDULE "A."

LETTERS.—Posted for delivery within the same place, or for delivery by another Post Office within the State, for every half-ounce or portion thereof	- - - - One penny.
NEWSPAPERS.—For each newspaper, if not more than four ounces in weight	- - - - One-half-penny.
POST-CARDS.—For each post-card	- - - - One-half-penny.
BOOKS AND SAMPLE PACKETS.—For every two ounces or portion thereof	- - - - One-half-penny. [1]
PACKETS.—For each packet not exceeding eight ounces in weight	- - - - Four pence.
For every additional four ounces or portion thereof	Two pence.
REGISTRATION.—For the registration of each separate article	Four pence.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Office,
Pretoria, November 11th, 1898.

¹ See F.V.R.R., 15-3-1899, Art. 329.

By FIRST VOLKSRAAD RESOLUTION, Art. 688, dated 29th June, 1898, the Raad approved of Executive Council Resolution, Art. 341, dated March 30th, 1898, reading as follows:—

Amendment of Art. 5 of Law No. 3, 1891. (Dog Tax.)

“ On the order Minute R. 12446/96 (E.C.R. 246/98) enclosing correspondence in regard to the jurisdiction of Commissioners for Natives and Sub-Commissioners for Natives relative to the application of Law No. 3, 1891, Law on the Dog Tax. The Executive Council, having regard to Art. 6, Law No. 4, 1885, relating to the administration of justice among natives, as supplemented and amended by First Volksraad Resolutions, Art. 1481-1488 and 1489 of 1894;

Jurisdiction of Commissioners and Sub-Commissioners for natives.

Having regard to the contents of the schedule mentioned in Art. 6 of Law No. 4, 1885, and being of opinion that it is desirable to lay down by law definitely what persons shall have jurisdiction in the event of the Law on the Dog Tax being contravened by natives;

Having regard, further, to the advice of the Acting State Attorney on the subject;

Resolves: To recommend the First Volksraad to add to Art. 5, Law No. 3, 1891 (Law on the Dog Tax) the following words:—

“The Commissioners for Natives and Sub-Commissioners for Natives shall have jurisdiction in the event of contravention hereof committed by coloured persons within their jurisdiction.”

SECOND VOLKSRAAD RESOLUTION, July 1st, 1898.

Filing of diagrams of homestead grounds. (“werven.”)

664. “The Second Volksraad, having regard to the report of the Head of the Mining Department, Part VIII., Art. 15, and in connection therewith Second Volksraad Resolution, Art. 1219, dated September 22nd, 1897, and also the report of the commission mentioned in the said resolution, and having regard to the discussion on the subject,

“Resolves: To instruct the government that the time for the filing of diagrams of homestead grounds (“werven”) referred to in the said resolution and report of the commission shall terminate on December 31st, 1898, and to instruct the Head of the Mining Department to have this resolution duly published.”

FIRST VOLKSRAAD RESOLUTION, December 2nd, 1898.

1911. "The First Volksraad, having regard to the Government minute dated November 28th, 1898, relating to the sale of underground mining rights, at present under discussion, resolves: to grant the Government the authorisation therein asked for, if the Executive Council should consider the time therefor has come, provided that such sale shall be effected in accordance with the First Volksraad Resolution relating thereto, wherein it is provided that such sale shall be effected by public auction and that the proceeds shall not be paid into the public treasury, and shall not be used to meet the ordinary expenditure of the Country."

Sale of
underground
mining rights.

AMENDMENT OF LAW No. 14, 1897, ART. 4.

Approved by the Second Volksraad by Art. 1749, dated November 22nd, 1898, and noted and accepted by the First Volksraad by Art. 1975, dated December 8th, 1898.

4a. If a licence granted on Government land in accordance with Art. 4 of Law No. 14, 1897, expires without being renewed on or before the date of expiry, the claim for which the licence was issued may not be pegged off by another person, but shall lapse to the Government, and such claims shall be dealt with as follows:—

Base metals,
when claims
lapse to
Government.

During three months after such date of expiry, the previous holder of such claims shall be entitled to recover his rights to such claims by taking out new licences for the same, on payment of extra licence monies equal to a fourth of the amount of the arrear licence monies.

If the new licence, however, is taken out within 14 days after the day of expiry by the former claimholder, only the licence monies for those days need be paid. After the expiry of the said period of three months the Head of the Mining Department shall cause such claims to be sold by public auction. The Head of the Mining Department shall, however, be bound to give back the claims in question to the original holders thereof, before such sale takes place, if the latter make application therefor and if there are no further disputes, on payment of all arrear licence monies as well as of the costs incurred in connection therewith.

Sale by public
auction.

On such application for the return of lapsed claims, a sum of money consisting of the arrear and extra licence monies, as well as the costs incurred, shall be deposited.

The conditions under which these claims which have lapsed to the Government shall be sold are the same as those contained in Schedule A to Law No. 15, 1898.

If the claims are not sold by public auction the Head of the Mining Department shall be obliged to declare such claims open ground thirty days after the date of the sale, when the ground may be pegged off by the public.

Amendment of Art. 5 of Regulations for vaccination, and explanation of par. 1 of Art. 33 of Law 12, 1895.

In *Staatscourant* for October 5th, 1898, p. 1387, appears a Proclamation by the President amending Art. 5 of the Regulations for vaccination in Pretoria mentioned as appearing in *Staatscourant* for Sept. 7th, 1898, p. 1267, and also explaining paragraph 1 of Art. 33 of Law 12, 1895, as follows:—Under paragraph 1 of Art. 33 of Law 12, 1895, must be understood:—“Children or persons who have not been vaccinated in consequence of negligence or remissness,” and not “such persons as have remained unvaccinated either through conscientious scruples or serious illness.”

LAW No. 4, 1899.

FOR REGULATION OF LAND TAXES.

Approved by the First Volksraad.

Art. 565, dd. 20th July, 1899.

Tax on Loan Farms.

1. The registered owner or owners of a Loan Farm (Leenings-plaats), or portion thereof, or piece of land situate beyond the boundaries of a proclaimed Township or Stands Township, shall yearly pay therefor as Land-Tax (quit rent), an amount of one shilling and sixpence for each 100 morgen or portion thereof.

Tax on Freehold Farms.

The Land Tax for freehold (Eigenaars) farms shall remain unaltered.

Unsurveyed Loan Farms.

2. So long as a loan farm or portion thereof is unsurveyed the Land Tax due thereon shall be paid according to the hitherto existing laws.

Foreign owners pay double.

3. Where the registered owner or owners referred to in Art. 1 is or are domiciled in foreign parts, the Land Tax shall be estimated at double the amount per 100 morgen defined in Art. 1 (viz., 3s.).

Tax on Land of Native Tribes.

4. The provisions of Arts. 1 and 2 shall also be of application to farms or portions thereof, or pieces of land registered in the

name of the Superintendent of Natives, in trust for natives, and the tax will have to be paid by such natives.

5. The registered owner or owners of an erf or portion thereof, situate within the bounds of a proclaimed town, shall pay a yearly Land Tax :— Tax on erven.

- (a.) For each erf with a building or buildings thereon and for each portion of an erf, larger than a half erf, with a building or buildings thereon £1. 10s. 0d.
- (b.) For each half erf or portion less than a half erf with a building or buildings thereon 15 shillings.
- (c.) For each erf which is not built upon, and for each portion of an erf not built upon, being greater in extent than half an erf 10 shillings.
- (d.) For each half erf or portion less than half an erf, not built upon, 5 shillings.

6. The collection of the land-tax shall take place according to the Laws and Volksraad Resolutions relating thereto. Collection of Tax.

7. All legal enactments conflicting with the provisions of this Law are hereby repealed with the exception of the provisions in this connection laid down with reference to the tax on burgher-right erven. Repeal.

8. This Law shall come into operation on 1st January, 1900.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Office, Pretoria,
9th August, 1899.

LAW No. 7, 1899.

Regulating the competency of the Native Commissioners and Sub-Commissioners for Natives to punish legal practitioners in such Courts for any improper conduct in these Courts.

(Approved by Second Volksraad, Art. 624, dated 26th July, 1899 :—Noted and accepted by First Volksraad, Art. 830, dated 11th August, 1899).

1. The Commissioner for Natives or Sub-Commissioner for Natives may punish any agent or practitioner who is guilty of contempt of Court, with a fine not exceeding £10, or upon non-payment with imprisonment for a period not exceeding 14 days. Practitioners guilty of contempt of Court in Native Courts.

Appeal.

Subject to the provisions with reference to appeals, it is open to the Agent to appeal to a higher Court against any order of the Commissioner or Sub-Commissioner of Natives given against him under this Article.

Suspension
from practice.

In the case of Attorneys and Advocates practising in these Courts, the Commissioner or Sub-Commissioner for Natives is competent in respect of proved misconduct or otherwise, to refuse to allow them to practise in such Court, subject however to the right of appeal.

Operation.

2. This Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Office, Pretoria,
23rd August, 1899.

LAW No. 8, 1899.

Being Supplement to Law No. 2, 1882.

(Approved by the Second Volksraad, Art. 668, dated 28th July, 1899:—Noted and accepted by the First Volksraad, Art. 930, dated 18th August, 1899.)

Improper sale
of stock by
Pound-master

1. Pound-masters are hereby strictly forbidden to sell in their said capacity under any pretext whatsoever any stock that has not been delivered to them in terms of the said Pound Ordinance, to be detained by them in the Pound.

Penalty.

Contravention of this provision shall be punished by a fine of £10, or in default of payment thereof, a month's imprisonment.

2. This Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Offices, Pretoria,
31st August, 1899.

LAW No. 10 OF 1899.

FOR THE ESTABLISHMENT OF A DEPARTMENT FOR THE IDENTIFICATION OF CRIMINALS AND SUSPECTS.

(Approved by Second Volksraad, Article 972, dated 28th August, 1899. Noted and accepted by First Volksraad, Article 1,195, dated 11th September, 1899.)

WHEREAS it has appeared desirable in order to establish a record of the personal appearance of criminals and suspected persons in the South African Republic to have a better personal description, filed of record, than up to the present has been the case, to which end the well-known "Bertillon" system gives the most satisfactory results, it is hereby provided and enacted as follows:—

1. A Department shall be established in this Republic, entitled the "Department for the Identification of Criminals and Suspects," and shall be placed under supervision of the State Attorney, in which Department portraits and personal descriptions of the persons indicated by this Law shall be prepared and kept. Identity Department established.

2. Such portraits and personal descriptions shall be prepared in the gaols to be pointed out for that purpose by the Government in consultation with the State Attorney, and by officials entrusted with the carrying out of the above-mentioned system, and appointed for that purpose by the Government, upon recommendation of the State Attorney. Portraits and personal descriptions.

3. The following persons may be subjected to bodily measurement, personal description and photographic portraiture, viz. :— Who may be subjected thereto.
 - (a) Those condemned to imprisonment for a period of three months or longer, with or without hard labour.
 - (b) Accused persons committed to trial before the Circuit Court.
 - (c) Suspected persons, who may be thereto pointed out by or on behalf of the State Attorney.

4. The persons named, in the previous Article, who prove refractory to the officials charged with the work of examination for identity purposes, or who refuse to submit themselves to the photographic portraiture or the bodily measurement and personal description shall be reported by the aforesaid officials or their substitutes to the State Attorney, by whom they shall be deemed, dealt with and punished as refractory prisoners, as is set forth and provided in Artt. 10 and 12 of the Gaol Law (No. 14 of 1880) which Articles shall be applicable to these facts or as may be provided by the Articles of any law which may take the place of the said Gaol Law. Refractory persons.

Rules to be framed.

5. The Government shall in consultation with the State Attorney frame rules, regulating the establishment, departmental service, administration expenses, &c., of the Identity Department.

6. This law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Offices, Pretoria,
20th September, 1899.

[1] LAW No. 12, 1899.

Being an amendment and substitution of Law No. 14, 1895, concerning Bills of Cost in Lawsuits.

(Approved and enacted by Second Volksraad Art. 917, dated 18th July; noted and accepted by First Volksraad Art. 846, dated 6th August, 1895; amended by Second Raad's Resolution, Art. 1078, dated 4th September, 1899; noted and accepted by First Volksraad Resolution, Art. 1297, dated 20th September, 1899.)

Taxation.

1. All bills of costs in lawsuits in the High Court or Circuit Court shall be taxed by the Taxing Master of the High Court, unless the High Court otherwise determines, and in the Lower Courts by the Clerk of the Court.

2. No bill of cost in a lawsuit shall be claimable in law until after it shall have been properly taxed.

Procedure for taxation.

3. He who desires to have a bill of costs taxed must request the person against whom it is drawn, or his lawful representative, in writing, to be present at the taxation, with mention of place and time of taxation.

Consent to taxation.

When the bill of costs is one between attorney and client, the said notice shall not be necessary if the client shall have consented in writing to the taxation taking place in his absence.

Proof of item charged.

4. The Taxing Master of the High Court, and the Clerks of the Lower Courts, shall be bound to demand from the persons who wish to have a bill of costs taxed, proofs to their satisfaction, that the services for which payment is claimed in such bill have actually been rendered.

10.—*Tariff of charges which may be brought into account by the Sheriff*stariff. Sheriff and Deputy Sheriff.*

	£	s.	d.
Services of summonses, notices, orders and other documents - - - - -	0	2	6
Registering a document - - - - -	0	1	0
Return of any document - - - - -	0	1	0
Horse hire, per hour's distance going - - - - -	0	4	6
Do. do. coming - - - - -	0	4	6

Whenever more services than one have to be done on the same journey, the distance from the town to the place of service can be only once brought into account, and the distances to the other places of service must be calculated, each one from the last preceding place of service and back to the town in the same way.

Postage in criminal matters free.

„ in Civil matters, as per post tariff.

	£	s.	d.
Making of inventory, not exceeding a foolscap folio of 30 lines - - - - -	0	2	6
For each following foolscap folio - - - - -	0	2	6

Where a writ is withdrawn after execution, but before advertisement in the *Staatscourant*— $\frac{1}{2}$ per cent. of the amount of the writ. After advertisement, but before the sale has taken place 1 per cent., and where the sale has taken place $2\frac{1}{2}$ per cent. on the first £100 and $1\frac{1}{2}$ per cent. on each following £100.

If monies are taken in execution $\frac{1}{2}$ per cent. shall be charged on the first £100 and $\frac{1}{4}$ per cent. on each following £100.

	£	s.	d.
Keeping possession of goods which necessitate continuous care, per diem - - - - -	0	7	6
Keeping possession of other goods - - - - -	0	3	0
Whenever anyone has to be sent beyond the limits of the town to take or keep charge of goods, per diem	0	15	0

If goods have to be removed the usual rent can be charged, besides the necessary costs of conveyance.

	£	s.	d.
For the execution of any writ whether of arrest, ejection or against movables or immovables - - - - -	1	0	0
Drawing any Deed of Security - - - - -	0	10	0
Notice of attachment of immovables to Registrar of Deeds or Defendant (for each notice) - - - - -	0	3	0
Drawing advertisements - - - - -	0	2	0
In case of execution of a writ against movables and sale thereof, for copies thereof to transmit to the High Sheriff - - - - -	0	7	6
For each letter enclosing documents for service despatched to the Deputy Sheriffs - - - - -	0	2	6
For assistance in framing inventories beyond the limits of the town, besides horse hire as per tariff, per diem	0	15	0
Do. within the town - - - - -	0	10	0

In criminal cases only horse hire, service, return of registration (*sic*), may be brought into account, according to tariff in civil cases.

	£	s.	d.
For attending and supervising the carrying out of a sentence of death - - - - -	2	0	0

Lower Courts
tariff.

11. An advocate, attorney or agent, appearing in any case in the Lower Court, shall not be entitled to further costs than—

	£	s.	d.
Demand - - - - -	0	3	0
For drawing of summons and taking charge of case if undefended - - - - -	1	11	6
If defended, or witnesses heard for first day, not exceeding - - - - -	3	3	0
Each day following thereon not exceeding - - - - -	1	11	6
For appearance to note judgment - - - - -	0	10	6
Drawing power - - - - -	0	3	0
For copies, per folio - - - - -	0	1	3
Drawing of Petition or declarations per folio - - - - -	0	2	6
Copies, per folio - - - - -	0	1	3
Drawing of subpoena - - - - -	0	5	0
Copies of each - - - - -	0	2	6
Notice of set down - - - - -	0	3	0
„ of withdrawal - - - - -	0	3	0
„ of taxation - - - - -	0	3	0
For attending taxation whether defended or not - - - - -	0	5	0
Drawing and issuing writ - - - - -	0	5	0
Copies of writ - - - - -	0	2	6
Writ for personal arrest - - - - -	0	10	0
Drawing of “Deed de Restituendo” - - - - -	0	5	0

For collection of moneys 5 per cent. commission for £100 or portion thereof and for amounts over this $2\frac{1}{2}$ per cent.

Collection.

12. Where judgment is given by the Lower Courts, for the payment of money, the attorney or agent shall not be entitled to costs of collection.

Bill of Costs.

13. No Attorney or agent, practising in the Lower Courts, shall be entitled to receive payment of his bill of costs before the same shall have been taxed, under pain of suspension or being struck from the roll, according to the nature of the case.

Tariff of Stamps for the Office of the Registrar of Lower Courts.

	£	s.	d.
Lower Court Stamps Tariff. Power to sue or defend - - - - -	0	1	0
Substitution of power - - - - -	0	1	0
Summons - - - - -	0	1	0
Subpoena - - - - -	0	1	0
Writ - - - - -	0	2	0

	£	s.	d.
Each document submitted in a case - - - -	0	1	0
Judgment - - - - -	0	2	0
Petition or notice of application - - - -	0	2	0
Affidavit- - - - -	0	2	0
Certified copy of a document - - - - -	0	1	0
Orders and interdicts - - - - -	0	2	0
Notice of withdrawal of a case - - - - -	0	1	0
Deed of security in case of appeal - - - -	0	1	0
Bills of cost in all cases and applications 1 per cent. on the amount to be taxed.			
Consent to judgment - - - - -	0	1	0
Notice of appeal - - - - -	0	7	6

Tariff for Messengers of Court—Civil Cases.

			Messengers' tariff.
For registration of each summons - - - -	0	0	6
Return of each service - - - - -	0	1	0
Effecting any service - - - - -	0	1	6
Effecting a personal arrest - - - - -	0	10	6
Drawing and execution of deed suretyship or guarantee	0	4	0
Taking of inventory, not exceeding 100 words with copy - - - - -	0	2	6
Each following 100 words - - - - -	0	1	0
If no security is given and the goods have to be taken care of by some one, per diem - - - - -	0	5	0
If the goods are removed, the necessary costs of conveyance, store rent, &c.			
Notice in the Gazette and copy besides the publication	0	2	0
Execution of a judgment for eviction - - - -	0	10	6
Laying an attachment in goods - - - - -	0	10	6
Horse hire per hour - - - - -	0	4	6

Whenever the messenger at the same time has to make more than one service, he is, besides 1/- for registration of each summons and 1/- return of each service, entitled to 2/6 for the person and 4/6 per hour for horse hire, reckoned according to the distance, which he actually has to travel.

Every judgment in execution placed in the hands of the messenger but satisfied before attachment 5/-.

Every attachment, but where after advertisement of sale no sale takes place, 1 per cent. on the amount of the judgment only, without inclusion of costs.

After attachment and sale 2½ per cent. on the amount realised.

Where the messenger draws a salary from the Government he shall, in criminal cases, be entitled only to 4/6 per hour for horse hire.

General Provisions.

14. A Messenger can claim payment under this tariff only after his account shall have been duly taxed by the Registrar of the Landdrost Court of his district. Taxation of messenger's account.

17. If one of the parties is not satisfied with the taxation of a Bill of Costs by the Registrar of a Lower Court or Landdrost clerk, he may likewise within fourteen days after completion of the taxation, bring the matter by way of application in revision before the Judge of the Lower Court to which such Registrar is attached.

Work already done.

19. The compensation for work charged in the bills of cost referred to in this Law, and done before the date of the coming into operation of this Law, shall be estimated according to the Tariffs at that time in force.

Operation.

20. This Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER.
State President.

F. W. REITZ,
State Secretary.

Government Offices,
Pretoria, 26th September, 1899.

LAW No. 13, 1899.

TARIFF FOR MINE SURVEYORS, ADMITTED IN THE SOUTH AFRICAN REPUBLIC.

Approved by Second Volksraad Resolution Article 1054, dated 1st September, 1899, noted and accepted by first Volksraad Resolution Article 1257, dated 18th September, 1899.

I.

Travelling working day.

Travelling and working days: A day's travelling shall be deemed to be : A journey of at least 4 hours or 24 miles ; A working day shall contain at least six hours.

II.

Travelling expenses and compensation :—

Travelling expenses.

1. All travelling expenses shall be paid to the Mine Surveyor, as also the cost of conveying his instruments, diagrams and other necessaries. Besides this, £2. 10s. 0d. shall be paid him for each day's journey.

The amount of travelling expenses and remuneration, shall, where the Mine Surveyor in the course of the same journey has visited different mines, be apportioned amongst the various mines visited, *pro rata* to the time taken up.

Charge per hour.

2. If the time spent in travelling is less than 4 hours, the journey shall be charged for at the rate of 12/6 per hour.

3. Should the Mine Surveyor be kept from commencing the work, by causes for which he is not responsible, he shall be entitled to his remuneration of £2. 10s. 0d. per day during such delay.

4. If after the Mine Surveyor has commenced his survey, he shall be prevented from continuing the same, or if he has to do work not specified in the tariff, he shall be entitled to a remuneration of 15/- per hour, not however exceeding the sum of £4 per diem.

III.—TARIFF.

Tariff.

SURVEYS.	No. of Metres.	Above Ground.			Under Ground.		
		£	s.	d.	£	s.	d.
1. For selecting and determining a corner beacon; charge per day or per hour, in terms of II. 4.							
2. For trigonometrical surveys with the theodolite, calculation of the co-ordinates of the corner beacon, locating the position on the draft-plan and insertion of the observations and calculations in the survey (field) book, for each angle:—							
(a) in triangulations - - -	—	0	15	0	—	—	—
(b) in polygon-surveys - - -	—	0	10	0	0	15	0
(c) in correlating the points and directions of lines in surface surveys to points within the mine, by means of soundings -	—	0	15	0	1	10	0
(d) in fixing points by trigonometrical survey, in relation to three known points for each such point - - -	—	3	0	0	—	—	—
For each further point surveyed and used in the calculations - -	—	0	15	0	—	—	—
(e) If in placing the instrument, more than one angle is surveyed, as in the case of polygon extensions or determining points of intersection, a charge may be made, for each additional angle, of - - -	—	0	4	0	0	6	0
3. For calculating and recording trigonometrical surveys with the gauging compass as under 2.							
(a) By observations from the sextant	10	0	1	3	0	2	0
(b) Without observations from the sextant - - - -	10	0	1	0	0	1	6

Gauging compass and sextant.

III.—TARIFF—*continued.*

SURVEYS.	No. of Metres.	Above Ground.			Under Ground.		
		£	s.	d.	£	s.	d.
4. For calculating and recording trigonometrical surveys with the gauging compass and making a double survey (once forward and once back) in order to eliminate any error caused by local deflection of the magnetic needle, as in terms of 2:—							
(a) By observations from the sextant	10	0	2	0	0	3	6
(b) Without observations from the sextant - - - - -	10	0	1	6	0	2	6
Pendant compass.							
5. For calculating and recording surveys with the pendant compass:—							
(a) With compass and sextant -	10	0	1	3	0	2	0
(b) With compass only - - -	10	0	1	0	0	1	6
(c) With sextant only - - -	10	0	0	6	0	1	0
(d) For survey of distances with chain and rod - - - - -	10	0	0	4	0	0	6
(e) For extension of the lines -	10	0	0	4	—		
Levels.							
6. For taking levels:—							
(a) With the hydrostatic levelling instrument, for each time the instrument is placed (in surveying forward and backward) -	—	0	0	9	0	1	6
(b) For each additional survey with the vertical sextant of the theodolite - - - - -	—	0	0	5	0	0	9
For each time the instrument is placed (in surveying forward and backward) - - - - -	—	0	1	0	0	1	6
For each additional survey -	—	0	0	9	0	1	0
With the sextant for each reading	—	0	0	6	0	0	9
The survey of distances by taking of levels shall be reckoned according to III. 5 (d) or III. 7.							
The extension of lines by taking superficial levels in terms of III. 5 (e) and the charting per day or hour, in terms of II. 4.							
Extension surveys.							
7. For a carefully executed survey of extension, including the check surveys - - - - -	10	0	1	0	0	2	6
Base surveys will be charged for by the day or per hour (II. 4).							

III.—TARIFF—*continued.*

SURVEYS.	No. of Metres.	Above Ground.			Under Ground.			
		£	s.	d.	£	s.	d.	
<p>8. Should the surveys referred to in Articles 2-7 be executed in mine workings having an incline of from 20° to 40°, 1½ times as much shall be charged, and in mine workings having more of an incline than 40°, twice as much.</p> <p>A double charge may be made in respect of surveys for the purposes of a connection between two opposite passages.</p>								Base surveys.
<p>9. For taking soundings of shafts and measuring the sounding lines in shafts - - - - -</p> <p>Soundings, serving for the purpose of calculating waterlevels shall be charged for by the day (II. 4).</p>	10	—		0	4	0		
<p>10. Determining and pointing out the spot where a new shaft or borehole has to be made, the direction in which a passage must be driven, or locating the boundary line of the mine at any point underground, if effected with the theodolite, shall be charged for according to 2 (c), and in other cases per day.</p> <p>The work which is sometimes required as a preliminary to the above-mentioned work shall likewise be charged for per diem or per hour (II. 4).</p>								Pointing out shaft directions.
<p>11. For Tachometrical surveys. For each point determined thereby -</p>	—	0	2	6	—			Tachometrical surveys.
<p>12. If the surveys have to be executed in very wet or very warm mine workings (above 80° F.) or in mining areas charged with mephitic air or explosive gas (as in coal mines) or in low passages less than 1·25 m. in height, the survey costs will be increased by one-third, as also in respect of surveys effected in the hours between 8 p.m. and 6 a.m.</p>								Special difficulties.

III.—TARIFF—*continued.*

	SURVEYS.	No. of Metres.	Above Ground.			Under Ground.		
			£	s.	d.	£	s.	d.
Other instruments.	13. Surveys executed with other than the above instruments, shall be charged for per diem or per hour (II. 4).							
Assistants.	14. In case the mine surveyor has himself paid his assistants (one or more of whom may be a white person) he shall be entitled to bring their wages into account. The wage of a white assistant shall not exceed the average wage of a white miner, and that of a coloured assistant shall not exceed the average wage of coloured persons by more than one-fourth.							

(B) *Draughtsmanship.*Draughts-
manship.

1. Preparing all descriptions of plans, as also the filling in of plans, shall be charged for by the day (II. 4).

2. For copying plans the following tariff shall apply :—

For every 100 square centimetre portion of plans filled in.

	s.	d.
On a scale of from 1 : 100 to 1 : 1,000 - - -	1	6
On a scale of from 1 : 1,000 to 1 : 4,000 - - -	3	6
On a scale of from 1 : 4,000 to 1 : 10,000 and upwards	6	0

Topographical draughtsmanship shall be charged for per hour or per diem (II. 4).

No charge shall be made in respect of that portion of the plans which is not drawn upon but merely contains the drawing lines.

Reproduction
of plans
on different
scale.

3. Should plans be reproduced on a smaller or larger scale, twice the amounts allowed in B 2 shall be allowed for any eight-fold or less change of the linear dimensions, and for a greater change $2\frac{1}{2}$ times the said amounts shall be allowed.

Tracings.

4. For copies of plans on tracing paper or linen, half of what is allowed for ordinary copies may be charged.

Colouring.

5. For colouring plans framed on a scale of from 1 : 100 to 1 : 1,000 one-third, and on a scale of upwards of 1 : 1,000 one-fourth more than the amount allowed in B 2 may be charged.

6. Instead of charging per tariff, a charge may be made by day or per hour for draughting work (II. 4). Time charges.

7. All expenditure incurred by the Mine Surveyor for transmission of the plans, purchase of draughting paper, portfolios and other requisites, may be brought into account by him. Reimbursement of expenditure.

IV. CONCLUDING PROVISIONS.

8. Mine Surveyors and employers may at all times enter into special agreements. Special contracts.

This Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Offices,
Pretoria, 26th September, 1899.

LAW No. 15, 1899.

For the Levyng of Stamp Duty on Estates of Deceased Persons, being Amendment of Law No. 2, 1871. Approved by Second Volksraad, Article 1,063, dated 4th September, 1899. Noted and accepted by first Volksraad, Article 1,296, dated 20 September, 1899.

WHEREAS, it has appeared desirable to amend Law No. 2, 1871, as regards the stamp duties on estates of deceased persons, at present defined by Art. 7 of the above-mentioned Law relating to stamp duties, so it is that the following provision is enacted and substituted in lieu of that portion of the said tariff, Art. 7, commencing with the words "testaments and other writings of this nature," up to and inclusive of the tariff for "liquidation accounts in estates or administration," to wit:

1. The stamp duty on inventories of deceased persons, shall be estimated according to the assessed value of the estate of the deceased, or upon sale of the estate according to the vendu roll, and shall amount to one per cent. on the amount of the inventory. Bequests, legacies, and any apportionment or sale of land, shall be brought up in such inventory as directed by the testament. In the case of persons married in community of goods, the stamp duty of one per cent. shall, upon the decease of one of the spouses, be estimated upon half of the joint estate, according to inventory or vendu roll. One per cent. on value of estate or amount of vendu roll

Repeal.

2. All Laws and provisions conflicting with this Law are hereby repealed.

Operation.

3. This Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Offices, Pretoria,
26th September, 1899.

LAW No. 17, 1899.

Approved by Second Volksraad, Art. 1,118, dated 12th September, 1899, noted and accepted by First Volksraad, Art. 1,421, dated 29th September, 1899.

(Being modification of and in substitution for Law 21, 1898. Approved by Second Volksraad, Art. 1,901, dated 2nd December, 1898, whilst the First Volksraad by Art. 1,952, dated 7th December, 1898, took the following Resolution:—

“The First Volksraad, having regard to Government Note, dated 5th instant, requesting the revision of First Volksraad Resolution, Art. 1,881, of November last, now being discussed:”

Resolves: To agree to the said proposal and furthermore deeming it necessary, in cases where so-called Kaffir eating houses exist, that a proper control should be kept over them, and that they should be so managed as not to become a *nuisance* or annoyance to other inhabitants, as also with a due regard to the sanitary condition of such places:

Resolves: To instruct the Government to frame and carry into effect the necessary measures until the Raad shall have more definitely decided with reference thereto.

AND finally the Raad resolves to suspend the operation of the following sentence of the said Art. 1, to wit:—

“No Kaffir eating houses shall be permitted in the town, or on proclaimed goldfields, until such time as the First Raad shall have further decided with reference thereto.” [1]

WHEREAS it is deemed necessary to amend the existing enactments relative to the licences required for the exercise of the various callings and businesses, it is hereby enacted as follows:—

Licences
required.

1. Licences shall be levied for the exercise of the professions and trades and businesses specified in Articles 6 and 7 of this Law, for the amounts therein set forth and with a due regard to the following provisions.

¹ This portion in brackets appears to have been unnecessarily included in the text, being a reprint from the Law of 1898.

2. Except where the contrary is in this Law specifically laid down, the licences shall not be granted for a longer or shorter time than up to and including the last day of December in the year in which the licence is issued. Term for which granted.

3. The amount due for the licence shall be paid upon the issuing thereof and calculated from the commencement of the quarter in which the issue takes place, in proportion to the sum fixed for the licence. How amount computed.

4. Licences may be taken out per quarter, and paid for at an amount calculated in proportion to the sum fixed for the yearly licence with an increase of ten per cent. Quarterly licences.

5. All trade licences which are taken out for one year, may be assigned by endorsement, save those for which security is given or which are of a personal nature or with regard to which special laws have provided or will provide. Assignment.

Such assignment shall, however, not be lawful, until expressly approved of in writing by the Controller of Licences.

6. The amount of the various licences is fixed as follows :— [1] Amounts.

	Per Year.		
	£	s.	d.
1. Advocate	25	0	0
2. Attorney	25	0	0
3. Notary	10	0	0
4. Agent	10	0	0
5. Conveyancer	5	0	0
6. Sworn Translator	3	0	0
7. Sworn Valuator	2	0	0
8. Land Surveyor	10	0	0
9. Auctioneer	7	10	0
10. General Agent, Broker, Book-keeper, or Accountant	7	10	0
11. Physician	5	0	0
12. Surgeon	5	0	0
13. Dentist	5	0	0
14. Banks, for each branch	150	0	0
15. Boards of Executors or Companies of like kind, for each branch	50	0	0
16. Pedlars and Hawkers	5	0	0
17. Travelling trader domiciled here	20	0	0
18. Travelling trader not domiciled here	30	0	0
19. Traveller or representative of foreign trading houses	20	0	0
20. Bakers, for each store or bake-house	2	0	0
21. Butchers, for each store or butcher-shop	2	0	0
22. Hotel-keeper in a town or village	20	0	0

	Per Year.
	£ s. d.
23. Proprietors of a Boarding or Lodging-house as follows :—	
From 5 to 10 boarders - - - -	5 0 0
More than 10 boarders - - - -	7 10 0
(Excluded herefrom are boarding or lodging-houses for school-children.)	
24. Proprietor of a wayside hotel - - - -	12 0 0
25. Kaffir eating house licences - - - -	5 0 0
(Only to be issued for locations; no Kaffir eating houses will be permitted in the town or on the proclaimed goldfields.)	
26. Keeper of public billiard table, per table - - -	20 0 0
27. Keeper of a bagatelle table, per table - - -	5 0 0
28. Miller or keeper of a mill, whose grinding capacity is less than 5 muids in 24 hours - - -	0 10 0
Mills which can grind 5 muids in 24 hours - - -	1 0 0
Mills which can grind from 5 to 10 muids in 24 hours - - -	2 0 0
From 10 to 15 muids - - - -	4 0 0
From 15 to 25 muids - - - -	7 0 0
From 25 to 35 muids - - - -	10 0 0
From 35 muids upwards - - - -	15 0 0
29. Wood sawyer - - - -	10 0 0
30. Foreign transport riders, per wagon - - -	8 0 0
31. Pawnbrokers - - - -	40 0 0
32. Keepers of coffee and tea rooms - - - -	3 0 0

Storekeepers.

7. For dealers, storekeepers, apothecaries or Companies carrying on any trade business in this State not specified in Art. 6 the amount of the yearly licence for each business or branch business shall be estimated according to a tariff rising in proportion to their sales as hereinbelow set out, the sales of products of agriculture and cattle breeding raised in the South African Republic being excluded in the making of such estimate :—

	£ s. d.
For Sale of £2,500 or less - - - -	7 10 0
” ” £2,500 to 5,000 - - - -	10 0 0
” ” £5,000 ” 7,500 - - - -	12 10 0
” ” £7,500 ” 10,000 - - - -	15 0 0
” ” £10,000 ” 15,000 - - - -	20 0 0
” ” £15,000 ” 20,000 - - - -	25 0 0
” ” £20,000 ” 25,000 - - - -	30 0 0
” ” £25,000 ” 30,000 - - - -	35 0 0
” ” £30,000 ” 40,000 - - - -	45 0 0

and so on for every £10,000 or portion thereof £10 more.

It shall be permitted to storekeepers to have a separate establishment under the one licence and on the one erf or stand for carrying on sales to natives provided that only one set of books is kept.

8. The person or the Company who has to take out a licence in terms of the previous section shall yearly before the 1st January, hand in to the Landdrost, Civil Commissioner, Mining Commissioner, Responsible Clerk or Resident Justice of the Peace a sworn declaration setting out what amount he has to take out a licence for.

Declaration by Store-keeper.

In the calculation thereof the average amount of the sales during the last three years may be taken, or where the business or the trade has not been established for so many years, during the time it has existed.

9. The person or the Company, who established a trading business as aforesaid, shall commence by paying for a licence of the lowest class ; but shall be obliged before the 15th December of the current year to supplement the same according to the above scale, until he reaches the class he ought to be ranked in, and he shall pay up the balance which is due by him.

How to act when business first started.

9a. This obligation of making a supplementary payment shall operate in respect of all businesses where it appears that the amount of the sales exceeds the estimate of the declarant.

Supplementary payments.

10. If it be proved, that the estimate made by the declarant exceeds the amount of the sales the Government will, upon request, refund the amount overpaid, provided that application is made therefor within six months after lapse of the year for which the licence was taken out.

Refunds.

11. The Landdrost, Civil Commissioners, Mining Commissioners, Responsible Clerks, and Resident Justices of the Peace are charged with the signing and issuing of licences, with the exception of special marriage licences, which are signed and issued by the Under State Secretary.

Administration.

12. The above-mentioned officials shall monthly transmit a complete list of the licences so issued, to the "Controller" appointed over their department, who shall monthly transmit a complete return to the Inspector General of Import dues.

Monthly returns.

The Government appoints Controllers of licences, who shall be subject to the instructions of the Inspector General of Import dues.

13. The Controllers of licences shall keep a register of all licences issued.

Register of Licences.

They shall be obliged after the end of each month to publish a list in the *Staatscourant*, containing the names of the persons to whom and the object and the time for which such licences have been granted, in addition to the date of issue,

Duty of Controller of Licences.

14. The Controllers shall at all times have the right to order any holder of a licence to produce his licence.

Powers.

Refusal to comply with such order shall be punished by a fine not exceeding £100, and in default of payment, by imprisonment, with or without hard labour, for a term not exceeding six months.

15. The Controllers of licences are authorised to enquire into the correctness of the facts alleged in the declaration made in terms of Art. 8.

Inspection of
Books.

In the event of well-grounded suspicion or complaint they shall be competent to inspect the books of the declarant, or to take possession of the same in order that they may be inspected.

Any person, who has such books in his possession or under his charge or control, and shall refuse in the case mentioned in the previous paragraph, to exhibit or hand the same to the Controller of Licences, shall be punished by a fine not exceeding £300, and in default of payment, by imprisonment, with or without hard labour, for a period not exceeding nine months.

Prohibition to
Trade, &c.,
without
Licence.

16. No person or Company shall exercise or carry on any calling or business, specified in Articles 6 and 7 of this Law, unless he be provided with the licence requisite therefor according to this Law.

Penalty.

17. Each contravention of this provision shall be punished by a fine of five times the amount of the licence due, and in default of payment by imprisonment with or without hard labour for a period not exceeding one year.

Penalty for
permitting
unauthorised
persons to
trade.

18. He, who being provided with a trading licence, allows or enables any person who is not entitled to carry on business, to trade by means of the said licence, shall be punished by a fine not exceeding £500, or imprisonment with or without hard labour for a period not exceeding one year.

Penalty for
false
declaration.

19. He, who in the declaration, which he is obliged to submit in terms of Articles 8 and 9, understates the amount of the sales, shall be punished by a fine equal to five times the amount of licence money short paid due in respect of the amount understated, and in default of payment by imprisonment with or without hard labour for a period not exceeding one year.

Companies
and firms.

20. In case any contravention punishable according to this Law, is committed by a Company or firm, each partner, manager or local director of the Company shall be held responsible therefor.

Informant.

21. The Government shall have the right to award a portion, not exceeding one-half, of any fine inflicted by and paid up under this Law, to the informant. If the informant is a salaried official, not more than one-fourth of the fine inflicted and paid shall be awarded him.

- 22.** The Landdrosts, special and Assistant Landdrosts, Judicial Commissioners and resident Justices of the Peace, shall have special jurisdiction in respect of all contraventions of this Law ; the right of the State Attorney to bring an accused to trial before the High or Circuit Court being reserved. Jurisdiction.
- 23.** The regulation of licences for the exercise of callings and businesses, for which provision is made or shall be made by special Laws is left to be dealt with in terms of such Laws. Special Laws.
- 24.** All licences which, before the coming into operation of this Law, were issued for the exercise of any calling or business as specified by Artt. 6 & 7 of this Law, shall remain of effect for the period for which granted, and all legal provisions which were of effect before the passing of this Law shall continue to be applicable to such licences. Licences already issued.
- 25.** The removal or transfer of licences under this Law from one place or locality to another within the same district, town or village, shall be effected without any additional payment of licence for the period for which the licence is taken out: provided the holder of the licence gives notice of such transfer or removal to the officer charged with the issue of licences, who in his turn gives notice thereof to the Controller of Licences. Transfer of Licences.
- 26.** Repealed by Ord. 50 of 1902.
- 27.** All Laws conflicting with this Law are hereby repealed, and more especially Law No. 21, 1898. Repeal.
- 28.** This Law shall come into operation immediately after publication. Operation.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Offices, Pretoria,
5th October, 1899.

LAW No. 18 OF 1899.

Approved by First Volksraad by Art. 1,418, dated 29th September, 1899.

WHEREAS it has appeared necessary to make certain provisions, whereby the goods of persons who are guilty of crimes against this Republic may be declared forfeited, it is hereby enacted as follows :—

- 1.** Every person, within this Republic, who is guilty of the crime of riot, public violence, high treason or treason or of inciting Confiscation.
Riot, treason,
etc.

or urging to the commission of any of these crimes, shall be liable to the penalties fixed by the General Law for the said crimes. All property, whether movable or immovable, belonging to such person or to which he directly or indirectly may or can lay claim within this State at the time of the commission of the said crime or at any time thereafter, may be wholly or in part declared forfeited in favour of the State, without prejudice, however, to the rights of bondholders, provided such bonds were passed and registered prior to the commission of the crime.

Plotting
beyond limits
of the State.

2. Where it is proved to the satisfaction of a competent Court, that any person or persons residing beyond the limits of the State, has instigated, incited or stirred up any inhabitant of this State to the commission of any acts of riot, high treason, public violence or treason, all the property whether movable or immovable belonging to such person or persons or which they may directly or indirectly be entitled to within this State, at the time of the commission of such crimes or at any time thereafter, may be either wholly or in part declared forfeited in favour of the State, without prejudice, however, to the rights of bondholders, provided that their bonds were passed and registered prior to the commission of the crime, and without prejudice to the punishments which are prescribed in respect of such crimes according to the laws of this Republic.

Plotting with
Foreign
Powers.

3. Where it is proved to the satisfaction of a competent Court, that any person or persons, beyond the limits of this State, has projected plots or has entered into an understanding with foreign powers or their representatives in order to persuade them to hostile acts or to the undertaking of war against this Republic, or in order to provide them with the means so to do, or where such persons endeavour to commit any treasonable act or any act of hostility to this Republic. All their property, whether movable or immovable, or any rights to any such property whether direct or indirect, which such persons may or can lay claim to at the time of the commission of the above misdeeds or at any time thereafter, may wholly or in part be declared forfeited in favour of the State, without prejudice to the rights of bondholders, provided that their bonds were passed and registered, before the crime was committed and without prejudice to the punishments, which are prescribed according to the laws of this Republic in respect of the crimes of riot, public violence, high treason or treason.

Confiscation
of property of
burgher who
evades mili-
tary service.

4. Where it is proved to the satisfaction of a competent Court that any burgher of this Republic, after notice has been given him by the Officer of War having jurisdiction over him, that he is to hold himself in readiness for any commando or military service, or where he is ordered with a view to such service not to leave his ward, or where after being commandeered to render such service, he has left the country, without written leave from the said military officer concerned or from the Government, all his property, whether movable or immovable, whether such burgher may or can directly

or indirectly at the time of the commission of the said act or at any time thereafter lay claim to any such property, may be declared forfeited in favour of the State, without prejudice to the rights of bondholders, provided that their bonds were passed and registered before the commission of the misdeed and without prejudice to the punishments prescribed by other laws for such acts.

5. All legal enactments, in so far as they conflict with the above-mentioned provisions, are hereby repealed. Repeal.

6. This Law shall come into operation immediately after publication in the *Staatscourant*. Operation

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Offices, Pretoria,
5th October, 1899.

F. V. R. R., ART. 329, 15th March, 1899.

(PROMULGATED BY GOVERNMENT NOTICE No. 150,
1899).

SCHEDULE "A" OF POSTAL LAW.

No. 18, 1898, amended.

Instead of "Book and Samples post—

"For every four ounces or portion thereof, $\frac{1}{2}$ d."

read "Book and Samples post: For every two ounces or portion thereof, $\frac{1}{2}$ d. (with a minimum for samples and packages of 1d.)."

F. W. REITZ,
State Secretary.

Government Offices, Pretoria,
20th March, 1899.

REGULATIONS for Towns in the South African Republic, being modification and amendment of the Regulations drafted in 1858, and confirmed by First Volksraad resolution, Art. 77, dated 12th May, 1890; Art. 1,013, 14th July, 1896, modified by Second Volksraad resolution, Art. 1,050, dated 1st September, 1899, and noted and accepted by First Volksraad, Art. 1,256, dated 18th September, 1899.

(Published in *Staatscourant* of 25th October, 1899, page 1,673.)

1. The Public Town-lands of towns in this Republic remain State property, but may be used by the inhabitants of the town, Town
commonage.

and shall also be available for and may be used by travellers, in so far as not otherwise provided by the First Volksraad upon recommendation of the Executive Council.

Number of cattle which each person may depasture.

2. No person shall be allowed to keep more cattle in any town than one span of oxen or draught cattle, ten cows and a flock of sheep, the number of sheep not to exceed one hundred; unless the Landdrost or Town Board or Council shall have granted a permit allowing a larger number to be kept for any period.

Sluices, &c.

3. The Landdrost or Town Board or Council shall see that the main town water-furrow is kept clean and in good condition; and wherever necessary shall have proper sluices for the furrows made in the Government erven or lands, or in the streets, so that the free course of the water through the town may not be hindered or polluted.

Duty of inhabitants in regard to furrows.

4. The Landdrosts shall particularly attend to and see that the inhabitants of the towns or owners or erven shall keep the public water-furrows running alongside or through their erven clean, tidy and in good order, so that no nuisance or trouble may be caused to the other inhabitants or owners of erven by any uncleanness or neglect.

Use of water in Town furrows.

5. Every possessor or owner of one or more erven may use the water allowed him, or dispose of it, but it shall not be lawful for him to make use of the same at any other than his allotted time unless he has previously obtained leave from his neighbour or some one else entitled to the water; and at the same time every person shall take care in diverting the water that a sufficient stream of drinking water is left in the furrow for household use.

Distribution of water.

6. As soon as the time allotted for the irrigation of an erf has elapsed, the owner or possessor thereof shall be bound and obliged immediately to divert or cause the water to be diverted into the public water-furrow, so that no unpleasantness or offence may be neglected thereof be caused to the other inhabitants. And the lower erven, where any of the public water-furrows ends, shall have the right to use the discharge water, subject to the approval of the Landdrost or Town Board or Council.

Damages to sluices.

7. No person shall have the right to cause any damage to sluices or water-furrows, or to meddle in any way with those of others; nor to dig any hole, ditch, or water-furrow in the streets or on Government land, unless he has previously obtained leave thereto from the Landdrost or the Town Board or Council.

Bathing in water-courses.

8. No one may bathe in any dam, public watercourse, sewer or ditch, or wash therein or throw in any dirt, or pollute the water in any other way.

- 9.** Any person throwing any dirt, rubbish, earth or ground, in any street, public place or square, without the consent of the Landdrost or the Town Board or Council, shall pay for the removal of the same and also pay the fines herein imposed. Deposit of dirt.
- 10.** Pigs and poultry found in any public water-furrow or dam shall be without exception killed. Pigs and fowls.
- 11.** The Landdrosts or Town Managers or Town Councillors of the towns shall be obliged to see particularly that no damage is done to dams or springs. Dams and springs.
- 12.** No horse or live stock shall be allowed to run free in any street or public place in this town, and such animal being found thus wandering shall or may be sent to the pound, and the ordinary pound fees shall be payable upon its release. Impounding of stray cattle, &c.
- 13.** No wagon or other conveyance shall be allowed either in loading or off-loading to block the way in any street; nor shall two or more vehicles, wagons or carts be allowed to stand next to each other in any street, passage or thoroughfare, and the owner or driver in charge of such conveyance if he does not immediately remove the same shall be liable to the fine hereby imposed. Blocking the way.
- 14.** It shall not be permitted to in any way impede traffic in the streets. Traffic impeded.
- 15.** No dead animals, which have died a natural death, branches or anything else may be dragged through the streets of the Towns or through the Main Town water-furrow or furrows; and all such dead animals, shall without delay be properly removed to or buried on the town commonage. Dead animals, &c.
- Should the owner of any such dead animal, that is found within the limits of the town or its suburbs after proper notice given him through the Landdrost or Town Board or Council, refuse or neglect to remove such animal within 12 hours to the appointed or proper place, it shall be lawful for the Landdrost or Town Board or Council to have such animal conveyed thither at the cost of such owner, who shall besides be prosecuted for contravention of these regulations, unless he shall within 24 hours after the death of the animal have notified the same to the Landdrost or Town Overseer, and have declared himself ready to bear the costs of removal according to tariff.
- 16.** No person shall throw or cause to be thrown any filth or offensive matter, either on his own erf, or in the streets, squares, or other public erven in the town, in such quantity that the same might be a nuisance to his neighbours or the public. Depositing or collecting filth.

It shall further not be lawful within the limits of the town, village or suburbs to dry skins or hides, or collect stinking skins, stinking horns, stinking bones or decomposing substances, or to throw or cause to be thrown, keep or cause to be kept, any offensive liquids in such quantities that offensive exhalations are thereby occasioned to the annoyance of the public.

Trades which are nuisances by reason of injurious exhalations.

17. It shall not be lawful to prosecute any calling or occupation within the limits, or in the immediate neighbourhood of the Town or suburbs, or to carry on any business, which gives rise to injurious or offensive exhalations or vapours.

Firewood, &c., left in streets.

18. No timber or firewood shall be left lying on the public streets or squares during the night, without the consent of, or leave from, the Landdrost or Town Board or Council.

Builders.

19. In building houses or other similar operations after due notice and with leave of the Landdrost, or Town Board or Council, a space of 12 feet of the street may be used for the carrying out of such work.

Impounding cattle.

20. Every owner or possessor of one or more erven shall be obliged to enclose his erf or erven with a wall four feet high, or to fence it in with four strands of wire and keep such wall or fence in good order, otherwise he shall not be entitled to any compensation for damage occasioned by cattle.

No willows may be planted along the water-furrows in the towns.

Hunting.

21. No person shall be allowed to gallop in the streets of the towns, or to ride harder than at an ordinary slow canter or trot.

Shooting off firearms, &c.

22. No person shall be permitted or allowed to carry any loaded gun or other firearm in or through the town, or to fire off the same, or explode any dynamite or any explosive substance within a distance of 1,000 yards from the town.

This article shall, however, not have reference to police in the execution of their duties, or to such other persons as may be *acting under authority* from the Landdrost.

Sanitary inspection.

23. Should it be suspected that any unsanitary state of affairs exists it shall be lawful for the Landdrost, or upon order from him, the town inspector or other proper officer to inspect at any reasonable time any erf, house, privy or room (with the exception of houses inhabited by white people), and to give the owner or occupier orders for the cleansing thereof. Should any person, without any reasonable excuse, refuse or neglect to carry out such orders within the appointed time, it shall be lawful for the Landdrost, or upon his order some other proper officer to cause such erf house, room or privy to be cleansed at the cost and for account of

the occupier or owner, provided always, that if the owner is not the offender, the Town Inspector or other official competent so to do, shall first warn him as well as the offender.

24. Any person who within the limits of the town at any place other than the place to that end appointed shall relieve nature in such a way as to offend against decency, may be arrested without warrant and thereafter punished. Sanitary.

25. It shall not be lawful to keep pigs within the limits of the town and the suburb, in such number or in such manner as to be an annoyance to any member of the Public. Pigs.

26. No Butcher by calling may slaughter any animal within the limits of the town or suburbs. All animals slaughtered by him shall be slaughtered at the slaughter poles or shambles appointed by the Landdrost, or Town Board or Council. Butchers.

27. All slaughter poles, shambles and Butchers' wagons or carts intended for the conveyance of meat, must be kept clean and sweet. Such wagons or carts must be lined with tin. Shambles, &c.

The Town inspectors or other officer competent so to do, shall have the right to inspect all shambles, slaughter poles and Butchers' wagons or carts at all reasonable times.

28. It shall not be lawful to sell or offer for sale any meat, fish, milk, vegetables, fruit or any other article of diet which is unfit for human consumption. Tainted food-stuffs, &c.

It shall be lawful for the Town Inspectors or Police Officers, if they consider that such articles are unfit for human consumption, to immediately attach the same and without loss of time have the same inspected by the District Surgeon, the Landdrost of the district, the Chief Constable or a competent expert, and (if after such inspection the articles attached are declared to be unfit for human consumption) to cause the offender to be prosecuted in the manner laid down in these regulations.

29. Any animal suffering from a contagious disease and found within the limits of the town, village or suburbs, shall be killed and then buried at the place appointed for that purpose, unless it be isolated immediately after notice to the owner or his representative. Contagious diseases.

Upon refusal or neglect on the part of the owner, it shall be lawful for the Town Inspectors or Police Officers to kill and bury such animals at the expense of the owner, who may be further prosecuted for contravention of these regulations.

30. It shall not be lawful to cycle on the sidewalks

Cycling on
sidewalk.

Dangerous
buildings.

31. Any wall or building abutting on a street or otherwise which may be insecure or dangerous, shall be demolished by the owner, or repaired or supported in such manner as may be appointed by the Local Board, Council or Landdrost for account of the owner, who shall furthermore be liable to the penalties laid down in these regulations.

Trees, &c., on
town lands.

32. It shall be punishable to damage or destroy any trees or plants growing on the Town Lands, or planted in any public square or place.

Vehicles left
without
proper
supervision.

33. No vehicle, wagons or other conveyance, in which any draught animals are inspanned, shall be allowed to proceed in any street or to halt therein without being in proper charge; in case such animals are oxen, proper charge shall be taken to mean that there must be a leader. Any contravention of this Article shall be punished in terms of Article 41 of these regulations.

Disturbance
of the Peace.

34. It shall not be lawful for any person to disturb the Public Peace, or commit a nuisance by keeping any House of Illfame or Brothel or by making any unnecessary noise, whether by day or by night, whether in the street or in any public place, or in any public or private building or place where divine service is held. Nor shall it be lawful for anyone to use any indecent or blasphemous words in public.

Bitches.

35. It shall not be lawful to permit bitches or female dogs to run about loose while in heat.

Sidewalks.

36. Coloured persons are prohibited from walking on the sidewalks of the streets, or on any stoep serving as a sidewalk.

Native Passes.

37. Every male coloured person above the age of 12 years, residing in any town or village, shall be provided with a printed Town pass, setting out the name of his master and time of service.

Natives must
be clad.

38. No coloured person, male or female, may enter or go about in any town or village improperly clad.

Natives may
not reside in
or along
streets.

39. Coloured persons may not reside in any place abutting on the public street in any town or village, but every householder, or owner of an erf may keep in his back yard whatever servants he requires for domestic service.

Obstructing
Officials.

40. Any person, who by violence shall hinder or obstruct any officer in the execution of his duties under these regulations, may be immediately arrested without warrant and thereafter punished.

Penalty
Clause.

41. All contraventions of any provision contained in these regulations shall be punished by a fine not exceeding £10 sterling,

or, in default of payment, by imprisonment for a period not exceeding three months.

42. The Landdrost, Assistant Landdrost, Resident Justice of the Peace, or any officer with like jurisdiction, shall have jurisdiction in respect of all contraventions of these regulations to deal with the same by way of summary process. Procedure.

43. These regulations shall come into operation immediately after publication in the *Staatscourant*. Operation.

GOVERNMENT NOTICE, No. 137.

By virtue of Art. 4 of Law 15, 1898, the following provisions and regulations with regard to the levying of a $2\frac{1}{2}$ per cent. tax on the gross yield of gold from the "*mijnpachts*" in the South African Republic are hereby published for general information, in terms of Art. 26 of Law No. 15, 1898, as approved by Executive Council Resolution, Art. 1,116, dated November 16th, 1898, and as further amended and supplemented by Executive Council Resolution, Art. 207, dated 20th February, 1899. Regulations with regard to the levying of $2\frac{1}{2}$ per cent. on "*mijnpachts*."

F. W. REITZ,
State Secretary.

Government Office,
Pretoria,
March 18th, 1899.

Resolved by the Executive Council to levy the $2\frac{1}{2}$ per cent. tax on those "*mijnpachts*" which are being profitably worked, and which shall, by order of the Government, from time to time be brought under these regulations, and which, if the said $2\frac{1}{2}$ per cent. is levied, will yield more than the "*mijnpacht*" charges as at present reckoned at 10s. per morgen per annum, under the following regulations and provisions:—

1. Notwithstanding the levy of $2\frac{1}{2}$ per cent. for any previous year, the Government shall have the right in any subsequent year to again levy the ordinary "*mijnpacht*" charges, if it shall appear that the latter course will be more profitable. Government may revert to the ordinary charges on "*mijnpachts*."

2. The gross yield of gold as provided in Art. 26 of the Gold Law, No. 15, 1898, shall be taken as the amount on which the $2\frac{1}{2}$ per cent. shall be calculated. Gross yield.

3. Proper forms for book-keeping shall be prescribed by the Government in consultation with the inspection and mining departments, which forms shall be filled in by the mining companies, showing the yield of gold from the "*mijnpachts*," and the chief inspector of offices shall cause such books to be inspected in accordance with instructions. Forms for book-keeping.

Payment to
Mining Com-
missioner.

4. The "mijnpacht" holder or holders shall, at the end of their financial year, pay to the Mining Commissioner or responsible clerk under whose jurisdiction the "mijnpacht" is situate the 2½ per cent. on the value of the finds for the previous year due to the State.

Mine plans.

5. The persons, syndicates or mining companies which work "mijnpacht" ground shall be bound to have the mine plans properly completed at the end of each financial year, and on these plans all data necessary for the elucidation thereof shall appear.

Proceeds from
"mijnpachts"
and claims
to be kept
separate.

6. Whereas on some mines claims are developed in addition to the "mijnpacht" or "mijnpachts," the number of tons of ore obtained from the "mijnpacht" shall be recorded separately from those obtained from the claims, and this course shall also be followed as regards the proceeds therefrom, and for the purpose of checking this the respective excavations shall from time to time be indicated on the mine plans, as shall more fully be defined by the State Mining Engineer.

Method of
estimating
value of the
gold in ore
sold.

7. If ore, tailings, slimes, concentrates or other bye-products from any mine are sold to metallurgical establishments or others, the net amount received by the Company as per its realisation returns shall be taken as the value of the gold.

It shall, however, be at the option of the Chief Inspector of Offices to assess the value thereof, according to assays made or to be made.

Returns

8. Statements showing the contributions payable in terms of Arts. 4 and 7 shall be filed with the Government and subscribed by the "mijnpacht" holder, or where the holder is a Company or Syndicate, by the Managing or some other Director.

Any wrong statement, false item or fraudulent dealing on the part of the Owner or Director shall be punished by a fine equal to five times the value of the amount unaccounted for, in addition to a further fine not exceeding £500 or twelve months' imprisonment with or without hard labour.

Further
provisions.

9. Such other provisions and regulations and instructions as shall be made and given by the Government from time to time.

SCHEDULE C.

Yield of gold from the "mijnpacht" for the year ending	18
ounces gold from tons of milled ore	- - £
ounces gold	- - £
From treated with cyanide	- - £
Proceeds of tailings, slimes, concentrates, &c.	- - £
Total yield of gold on which the Government gets 2½ p.c.	- £

SECOND VOLKSRAAD RESOLUTION (Gazette, 1899, page 1,597). Art. 1,182, dated 18th September, 1899.

Noted and accepted by First Volksraad Resolution, Art. 1,425, dated 29th September, 1899.

The Second Volksraad taking cognisance of (Government) Note BB 3,115/99, dated 12th September, 1899, containing a proposition with regard to Art. 140 of the Gold Law, and having regard to Second Volksraad Resolution, Art. 1,172, dated 15th September, 1899, whereby it was resolved to discuss the (Government) Note now on the order,

Resolves to make Art. 140 of the Gold Law read as follows:—

140. Should the Government for preponderant reasons of public interest deem it undesirable that the operations of any mine should continue to be either wholly or in great part stayed and not proceeded with; the holder or worker of the "mijnpacht" claim or concession concerned shall be obliged to resume operations within a time fixed, upon being called upon so to do by a notification given on behalf of the Government to him personally and also twice published in the *Staatscourant*.

It shall be lawful for the Government upon refusal or non-compliance to withdraw and take over the rights granted under this Law (Gold Law).

The regulations which shall be observed in such a case, and in the framing of which due regard shall be had to the interests as well of the owners as of the bondholders and other interested parties, shall be more specifically laid down by Law.

The mining rights in this manner taken over by the Government shall not be alienated or exploited, except with the approval of the Second Volksraad.

After withdrawal of the rights as above-mentioned, the Government shall grant the former holder such reasonable time as the State Mining Engineer may deem fit within which to remove any plant and appliances found at the mine, and in default of his so doing such plant and appliances shall be publicly sold after due notification thereof in the *Staatscourant*. The proceeds of the sale, after deduction of the costs incurred and of such arrear licences and taxes as may happen to be due in respect of such mining-rights by the former holder thereof to the Government, shall be paid over to such former holder.

Irrespective of what has been hereinabove provided, it shall be lawful for the Government from the time of proclamation of Martial Law until the withdrawal thereof to take under its own control any mine, such as is described in Chapter 2, Par. "A," Law No. 12, 1898, as also the appliances and implements,

Amendment of Art. 140 Gold Law. Owners of mines which have stopped work may be called upon to proceed with the working. Failing which the Government may confiscate the property.

Regulations to be framed.

Former owner must remove his plant from confiscated mines.

Sale of plant if not removed.

Government may work any mine.

plant, instruments, mine plans, documents, registers and books appertaining thereto, and to work any such mine and apply the proceeds of such working to its (the Government's) own benefit.

Inventory of
plant, &c.

The Government shall in such case be obliged, upon entering into possession to make or cause to be made a proper inventory of all plant, appliances, machinery, implements, things, mine plans, documents, registers and books appertaining to such mine and found there, and shall in addition thereto keep a true account of all minerals and metals extracted by it, as also of the costs of development, and to that end the Government shall see that the mine plans and books of any such mine shall be marked out on the day of such taking over, and shall thereafter be written up and marked out from day to day.

Return of
mine to
owners after
withdrawal of
martial law.

Such mine shall within a reasonable time after withdrawal of the proclamation of Martial Law be restored by the Government to the parties interested therein, to be held by them in undisturbed possession, provided always that such interested parties shall not have been guilty of the crimes of public violence, high treason or treason, or have incited or instigated any person to commit any such crime, or have plotted or entered into any understanding with any foreign powers or their representatives, in order to induce such powers to commit any hostile act or to undertake a war against this Republic, or have supplied them with the means of so doing, or have attempted in any way to commit treason.

Compen-
sation.

It shall also be the duty of the Government to properly account for and make good to the parties so interested the proceeds of the working of the mine realised by the Government, after deduction of all taxes, claims, licences, and other charges, imposed by law on the said mining property, "mijnpacht" or concession, and all working expenses during the term that the Government shall have had the said mine in possession, and for (*sic*) all damage which may have been occasioned by the action of the Government to the plant, appliances, or machinery of such mine.

Damage for
which
Government
not liable.

The Government shall, however, not be responsible for the payment of any other damage, nor for the payment of any damage where property shall in the public interest and by the public authorities have been destroyed, or either permanently or temporarily rendered useless, nor for reasonable wear and tear.

All prospecting and digging for account of the State shall in like manner be subject to the provisions of this Law.

SECOND VOLKSRAAD RESOLUTION, Art. 1,183, dated 18th September, 1899.

The Second Volksraad, having regard to the acceptance of the amended Art. 140 of the Gold Law,

Resolves that the said Article shall have the force of Law immediately after publication in the *Staatscourant*.

(Published in *Staatscourant* of 11th October, 1899.)

APPENDIX.

NOTE TO LAW No. 2, 1874.

See Proclamation dated 19th June, 1891, defining the kinds of weights, &c., of which models are to be kept:—

WEIGHTS.—56 lbs., 28 lbs., 14 lbs., 7 lbs., 4 lbs., 2 lbs., 1 lb. Weights and Measures.
(avoirdupois), 8 ounces, 4 ounces, 2 ounces, 1 ounce, 8 drams, 4 drams, 2 drams, 1 dram, $\frac{1}{2}$ dram.

DRY MEASURE.—1 bushel, $\frac{1}{2}$ bushel, 1 peck.

MEASURE for Liquids.—1 gallon, $\frac{1}{2}$ gallon, 1 quart, 1 pint, $\frac{1}{2}$ pint, 1 gill, $\frac{1}{2}$ gill.

LONG MEASURE.—1 yard divided into feet, inches and into $\frac{1}{16}$, $\frac{1}{32}$, $\frac{1}{64}$, and $\frac{1}{128}$ parts of an inch.

PROCLAMATION, 24th January, 1887.

AMENDMENT OF LAW No. 3, 1885.

Whereas Law 3, of 1885, called “The Law about Coolies, Arabs, and other Asiatics,” and published in the *Staatscourant* of 10th June, 1885, was approved and enacted by Resolution of the Volksraad, Art. 255, 1st June, 1885.

And further, whereas an Executive Council Resolution, Art. 164, was passed on the 12th August, 1886, to the following effect:—

On the Order: Amendment of Law No. 3 of 1885.

The Executive Council perceiving that it is desirable that the said Law be amended in some respects and with a view to the short period of the sitting of the Volksraad which still remains, resolves to propose to the Volksraad to authorise the Government to amend the said Law, to the following effect:—

- (1.) That the following shall be added after the 1st paragraph of Art. 2 (*b*) of Law No. 3, 1885: “Except in such streets, wards and locations as the Government for sanitary purposes shall appoint as their residence.”
- (2.) That the sum of £25 (twenty-five pounds sterling) mentioned in the second paragraph of Art. 2 (*c*) of the said Law shall be reduced to £3 (three pounds sterling).
- (3.) That Art. 2 (*d*) of the said Law shall read as follows: “The Government shall have the right for sanitary purposes to appoint special streets, wards and locations for their residence. This provision shall not apply to servants living with their masters.”

And whereas further on the 12th August, 1886, Volksraad Resolution, Art. 1,419, was passed, reading as follows:—

“That the word ‘sanitaire’ (sanitary) be altered into ‘gezondheids’ (sanitary). Executive Council Resolution, Art. 164, 12th August, 1886, adopted unanimously by the Raad.”

Now, therefore, with the advice and consent of the Executive Council, it is hereby enacted and provided as follows:—

Coolie ownership of fixed property.

(1.) Art. 2 (b) of Law No. 3, 1885, shall be amended as follows:—

“They may not be owners of fixed property in the Republic except in such streets, wards and locations as the Government shall appoint for sanitary purposes as their residence.”

Registration fee.

2. The second paragraph of Art. 2 (c) of Law No. 3, 1885, shall be amended as follows:—

“On such registration, which shall take place within 8 (eight) days after arrival, the sum of £3 (three pounds sterling) shall be paid.”

Special residences appointed.

3. Art. 2 (d) of Law 3, 1885, shall be amended as follows:—

“The Government shall have the right to appoint special streets, wards and locations as their residence. This provision shall not apply to servants living with their masters.”

4. This Amendment of Law No. 3, 1885, shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria.
24th January, 1887.

VOLKSRAAD RESOLUTION, 8th May, 1889.

Cruelty to animals.

44. The Raad, having regard to Executive Council Resolution, Art. 37, dated 24th January, 1889; now on the order, resolves to approve of the said Executive Council Resolution, with this addition—that it shall be the duty of all officials, as also police officers, to maintain the Law, and that any private person lodging information as to any ill-treatment, shall receive one-third of the fine inflicted.

The Executive Council Resolution above referred to is as follows:—

Resolution to specially direct the attention of the Field-Cornets and Assistant Field-Cornets in the various towns and villages to the provisions of this Law, and to enjoin on

them that the same shall be strenuously enforced, whilst further providing, that every person who lodges a complaint with the proper authorities as to a contravention of this Law, and causes a conviction to be obtained, shall receive one-third of such fine as may be inflicted if such fine be paid, and the application for such one-third of the fine be made within one month after the date of the infliction of the fine.

FIRST VOLKSRAAD RESOLUTION, 8th August, 1890.

1222. The Raad, having regard to Executive Council Resolution, Art. 493, dated 7th August, 1890, now on the order, resolves that all underhand testaments, in so far as the number of subscribing witnesses is concerned, are hereby acknowledged and declared to be lawful, if the signatures of at least two witnesses appear on such underhand testaments. (*See* Law No. 7, 1895.)

Attestation of wills.

FIRST VOLKSRAAD RESOLUTION, dated 3rd August, 1892.

1040. The Raad unanimously accepted the Commission's Report, which reads as follows:—

Witness fees in criminal cases.

“Your Commission submits that for persons, who are summoned from elsewhere, the witness fees shall be fixed at twelve shillings and sixpence per day for costs of living, instead of ten shillings per day (Law No. 7, 1888).