

ORANGE RIVER COLONY.

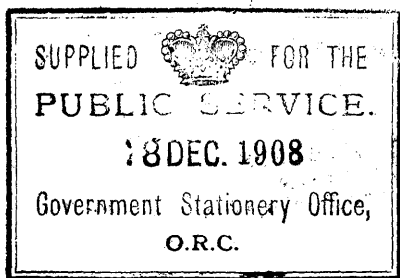


ORDINANCES

1907.

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1907.

No.	Date 1907	Title	Amending	Repealing	Amended by	Repealed by	Remarks
1	April 8	Colonial Boundaries Fencing... ..	...	...	...	...	...
2	„ 8	Solemn Declarations ... ..	...	...	...	...	...
3	„ 8	Conveyancers' Bills of Costs Taxation	...	...	...	...	Vide Bills of Costs Taxation Ord. 1902; Secs. 19 and 20.
4	„ 8	Jury Amendment	Ord. 17 of 1902.	Secs. 9 and 10 of Ord. 17 of 1902.	...	...	...
5	„ 8	Pensions Interpretation	Sec. 3 of Ord. 23 of 1904.	...	...	...	...
6	„ 8	Native Reserves Management... ..	...	...	...	...	...
7	„ 8	Magistrate's Courts and Powers Amending	Ord. 7 of 1902.	...	..	...	...
8	„ 8	Angora Export Duty ... ..	...	...	...	...	...
9	„ 8	Excess Appropriation 1905-6... ..	...	...	...	...	...

ORDINANCES (CHRONOLOGICAL INDEX).

No.	Date 1907	Title	Amending	Repealing	Amended by	Repealed by	Remarks
10	April 8	Liquor Licensing (Railway Station and Theatre) Amending...	Ord. 8 of 1903 and Ord. 10 of 1905.	Sub-Sec. (6) of Sec. 7 of Ord. 8 of 1903 and Sub-Sec. (10) of Sec. 9 of Ord. 10 of 1905.	...	...	...
11	" 8	Special Justices Extended Jurisdiction	...	...	...	...	...
12	" 8	Coloured Persons of Distinction Exemption	...	...	...	...	...
13	" 8	Further Revision of Laws	Chap. CIV. of the Law Book. Ch. CXXXIII. of the Law Book. Ch. CXXXIV. of the Law Book.	...	...	...	...
14	" 1902	...	Ord. 21 of 1902.	...	...	...	...
15	" 1903	...	Ord. 34 of 1903.	...	...	...	...

No.	Date 1907	Title	Amending	Repealing	Amended by	Repealed by	Remarks
18	April 8	Public Education Amendment ...	Ord. 29 of 1905.	Sec. 10; Sub-Secs. (6) (7) of Sec. 30, Sec. 31, Sub-Secs. (2) (3) of Sec. 32, Sec. 38 of Ord. 29 of 1905.	...	...	...
19	„ 8	Explosives	Secs. 1 and 16 of Ord. 15 of 1902.	Chap. XLVI of Law Book.	...	...	...
20	Aug. 9	Imperial Contribution Repeal ...	...	Ord. 36 of 1903.	...	...	...
21	„ 9	National Hospital Amendment ...	Ord. 11 of 1906.	Sec. 2 of Ord. 11 of 1906.	...	...	...
22	„ 9	Additional Appropriation 1906-7 ..	...	...	...	...	...
23	„ 9	Appropriation 1907-8 ... ..	...	...	...	...	...
24	„ 23	Profits Tax (Diamond Mines)... ..	...	...	...	...	...
25	„ 9	Insect Pests and Diseases of Plants Prevention ... ..	...	...	...	...	...

1907.

No.	Date 1907	Title	Amending	Repealing	Amended by	Repealed by	Remarks
26	Aug. 9	Lands Settlement Further Amendment	Ord. 22 of 1902.	Sec. 6 of Ord. 22 of 1902.	...	...	...
27	„ 9	Destruction of Locusts ... ..	...	...	...	..	...
28	—	Registration and Control of Coloured Persons on Mines and Diggings Consolidation ... ..	...	Sub-Sec. (1) of Sec. 19 of Ord. 2 of 1904. Chap. LXX (partly).	...	...	Operation of Ordinance suspended in Colony pending signification of His Majesty's pleasure.
29	„ 9	Lands and Survey Amendment ...	Ord. 16 of 1903.	...	...	...	...
30	„ 23	Mining of Precious Stones Amendment	Ord. 4 of 1904.	...	...	...	...

ORDINANCES (CHRONOLOGICAL INDEX).

No.	Date 1907	Title	Amending.	Repealing.	Amended by	Repealed by	Remarks
31	Sept. 13	Public Health ... ..	...	Law No. 7 of 1899. Law No. 31 of 1899. Part I. Smallpox. Proclamation No. 2 of 1901 (D.A.) Ord. 35 of 1903. Sec. 126 (5), (6), (7), (10), (13), (14), (15), (16) and (21), (b), (c), (d), (e) and (f). Sec. 126 (8), the words "preventing the exercise of in- jurious and objec- tionable trades and for." Sec. 126 (11), the words "wash- houses, abattoirs, urinals, latrines, public-baths." Sec. 126 (25), the words "sanitary control and." Ord. 14 of 1905. Sec. 17, (1), (2), (3), (4).	...	...	Date of tak- ing effect 1st July, 1908, ex- cept Parts I and X which come into operation on promul- gation.

ORDINANCES

OF THE

ORANGE RIVER COLONY.

Repealed by Act 17 of 1912

No. 1 of 1907.]

[April 8th, 1907.

ORDINANCE

To provide for the erection and control of
Fences on the boundaries of this Colony.

Whereas it is desirable that fences be erected and maintained along certain portions of the boundaries of this Colony in order to prevent more effectually the entry of stock from places where contagious diseases of animals are prevalent and for other purposes : Preamble.

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

1. Whenever it may appear necessary to the Lieutenant-Governor that a fence be erected or an existing fence repaired on or adjacent to the boundary of this Colony he may authorise the Director of Public Works or any person appointed by him and all persons employed by him or by such person appointed by him in that behalf to enter upon any land situated on or adjoining the boundary of this Colony and to bring thereon such material as may be required for the purpose of the erection of such fence, and of the maintenance and repair of the same as and when circumstances may require. Lieutenant-Governor may authorise Director of Public Works to enter upon land for fencing purposes.

2. In case in the erection of any such fence along the boundary of this Colony the nature of the land at any place on such boundary (such as a precipice, river-bed or other natural obstacle) be such as to render it impossible to carry or maintain the fence effectually along the exact boundary Fence may be erected along convenient line, when boundary cannot be fenced.

line it shall be lawful for the person or persons authorised to effect the work to erect the fence along a line nearest to the boundary where it may be reasonably possible to carry and maintain the same.

Fences to remain the property of the Government.

3. Such fence so erected and any such boundary fence heretofore erected by the Government of this Colony shall be and remain the property and under the control of the Government.

Penalty for obstructing the Director of Public Works.

4. Any person who shall prevent or endeavour to prevent the Director of Public Works or any person authorised as aforesaid to enter upon any such land from so entering or shall prevent or hinder or endeavour to prevent or hinder any such persons from performing their duty upon such land shall be liable on conviction to a fine not exceeding twenty pounds, or in default of payment to imprisonment with or without hard labour for a period not exceeding two months.

Penalty for damaging fence.

5. Any person wilfully damaging such fence shall be liable on conviction to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months and in addition to such penalty the Court may order that the cost of repairing such damage shall be defrayed by the offender, the amount of which cost may be recovered in any competent Court of Law.

Compensation for damage to buildings or cultivated lands.

6. Should any such boundary fence pass over land either built upon or cultivated, the owner of such land may obtain compensation for any direct damage done to the buildings or to the crops on such land, in so far as such buildings may be erected or such land may be under cultivation at the time of the promulgation of this Ordinance, to an amount to be afterwards settled by voluntary agreement or in default thereof to be ascertained by arbitration in manner provided by the 'Expropriation of Lands and Arbitration Clauses Ordinance, 1905.'

Gates for police patrol of boundary fence.

7. In the event of any fences being erected adjoining or adjacent to any such boundary fence in such a manner as to prevent or hinder members of the police force from patrolling the said boundary fence it shall be lawful for the Director of Public Works to cause gates to be constructed in such fences at or as near as may be to the said boundary fence which gates shall be kept locked and the keys thereof kept by the officer commanding the police of the district for the sole use of the members of the force so patrolling. Any person obstructing any such gate or interfering with the free passage of the police in patrolling

as aforesaid shall be liable on conviction to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

8. It shall be lawful for the Lieutenant-Governor from time to time to make, alter and amend or repeal regulations with reference to the proper control and maintenance of any such fence and in particular in respect of the following matters :—

Lieutenant-Governor may make regulations.

- (1) For the making and maintenance of gates therein, including the erection of private gates in such fence where it cuts through properties held by one owner, for the sole use of such owner, provided that the boundaries of his property beyond the limits of this Colony are properly fenced to the satisfaction of the Director of Public Works ;
- (2) For the prohibiting of any person passing or driving or conveying any live stock or other movable property across the boundary of this Colony except at and through such gates or any of them and the conditions under which the stock belonging to the owner of properties in the last subsection mentioned may pass through such private gates ;
- (3) For authorising the Police of the Colony or other persons to enter any land adjacent to such fence for the purpose of enforcing the provisions of this Ordinance or such regulations ;

And may by such regulations impose a fine for the contravention thereof not exceeding fifty pounds and in default of payment imprisonment with or without hard labour for a period not exceeding six months.

9. The provisions of this Ordinance and of any regulations made thereunder shall *mutatis mutandis* apply to any boundary fence erected by the Government of any neighbouring Colony or Territory or any person or Corporation jointly with or in pursuance of any agreement entered into with the Government of this Colony, and any person contravening such provisions or regulations with respect to such fence shall be liable to the penalties therein provided as if such fence had been erected by the Government of this Colony.

Provisions of Ordinance to apply to boundary fences erected by other Colonial Governments.

10. This Ordinance may be cited as the "Colonial Boundaries Fencing Ordinance, 1907."

No. 3 of 1907.]

[April 8th, 1907.

ORDINANCE

To provide for the Taxation of Conveyancers' Bills of Costs.

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

1. No Conveyancer shall be entitled to demand payment of his bill of costs until the same shall have been taxed by the Resident Magistrate or Detached Assistant Resident Magistrate of the district, provided that such taxation shall not be deemed necessary in cases where a client shall have consented in writing to waive the same.

Conveyancers' bills of costs to be taxed.

2. The taxing officer of such a bill of costs shall conform as near as may be to the tariff mentioned and set out in the Schedule hereto.

Tariff.

3. Any Conveyancer desiring the taxation of such a bill of costs shall give notice in writing to his client or his legal representative to be present at the taxation at a time and place to be specified in such notice; provided that such notice shall not be necessary if the client shall have consented in writing to the taxation taking place in his absence.

Notice of Taxation.

4. The provisions of sections nineteen and twenty of the "Bills of Costs Taxation Ordinance, 1902" shall *mutatis mutandis* apply to the taxation of such bills of costs as if they were embodied herein.

Application of sections nineteen and twenty of the Bills of Costs Taxation Ordinance, 1902.

5. This Ordinance may be cited as the "Conveyancers' Bills of Costs Taxation Ordinance, 1907."

Title.

SCHEDULE.

TARIFF FOR CONVEYANCERS.

Transfers (in duplicate) declarations and powers and all matters in connection therewith	£3 3 0
For each transferee after the first an extra fee of	0 10 6
For each property transferred after the first an extra fee of	0 10 6

Deeds of Partition (in duplicate) with declarations and powers and all matters in connection therewith	3	3	0
For each property divided after the first an extra fee of	0	10	6
Copy for each owner	1	1	0
Bond (in duplicate) with power	2	2	0
For each property bonded after the first an extra fee of	0	10	6
Bonds handed in for cancellation, for each bond	0	10	6

Where deeds are drawn outside Bloemfontein and are passed by a Conveyancer in Bloemfontein a further registration fee of £1 1 0 on which no allowance shall be made.

No. 4 of 1907.]

[April 8th, 1907.

ORDINANCE

To amend the "Jury Ordinance, 1902."

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows:—

1. In this Ordinance the expression "principal Ordinance" shall mean the "Jury Ordinance, 1902."

2. Sections nine and ten of the principal Ordinance shall be and are hereby repealed and in the place thereof the following provisions shall apply:—

- (1) Every area within a radius of twenty-four miles from the Court House of the Resident Magistrate of every town where a Circuit Court is to be held and an area within twelve miles of the Court House of the Resident Magistrate of Bloemfontein shall respectively be deemed a jury district: Provided that no such area shall extend beyond the limits of the Magisterial District within which the Court House is situate.

The "principal Ordinance."

Sections 9 and 10 of the principal Ordinance replaced.

(2) If within a radius of twenty-four miles mentioned in sub-section (1) there shall not be found in any such jury district fifty-four men qualified and liable to serve as jurors such radius shall (subject always to the proviso to the said subsection (1)) be extended to thirty-six miles and such extended area shall be a jury district until the said number shall at any subsequent taking of a jury list be found within twenty-four miles.

3. As soon as possible after the completion of the first circuit for the year 1907 new jury lists shall be made in the manner provided in the principal Ordinance for the jury districts defined as aforesaid and thereafter the said lists shall be made annually as provided in section eleven of the said Ordinance.

New lists to be framed after first circuit of 1907.

4. This Ordinance shall be read together with the principal Ordinance and may be cited as the "Jury Amendment Ordinance, 1907."

Title.

No. 5 of 1907.]

[April 8th, 1907.]

ORDINANCE

To amend Section Three of the "Pensions Ordinance, 1904."

Whereas a doubt has arisen as to the interpretation of the proviso to section three of the "Pensions Ordinance, 1904" as amended by the "Pensions Amendment Ordinance, 1905 :"

Preamble.

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

1. The proviso to section three of the "Pensions Ordinance, 1904" shall be and is hereby amended by deleting therefrom the words "to the Assistant Law Adviser or" and the word "other" in the fourth line thereof.

Section 3 of Ordinance 23 of 1904 amended.

2. This Ordinance may be cited as the "Pensions Interpretation Ordinance, 1907."

Title.

No. 6 of 1907.]

[April 8th, 1907.

ORDINANCE

To Provide for the Management of Native Reserves.

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

Where provisions of Ordinance to apply.

1. The provisions of this Ordinance shall apply to all such Native Reserves as the Lieutenant-Governor may by any Proclamation in that behalf published in the *Gazette* declare to be subject thereto.

Proclamation.

2. Every such Proclamation shall determine the limits of the local areas within which the provisions of this Ordinance shall be in force and such limits may be altered by the Lieutenant-Governor from time to time by Proclamation as aforesaid ; and the Lieutenant-Governor may also by Proclamation as aforesaid wholly withdraw any such area from the said provisions.

Definition.

3. In the construction of this Ordinance the following terms if not inconsistent with the context shall have the meanings hereby respectively assigned to them :—

“ Magistrate ” shall mean the Special Justice of the Peace resident in such Reserve or within whose jurisdiction such Reserve is situated, or if there be no such Special Justice of the Peace so resident then the Resident Magistrate or Detached Assistant Resident Magistrate of the District.

“ Board ” shall mean the Board of Management of every such Reserve duly nominated by the Lieutenant-Governor under the provisions of this Ordinance.

Nomination of Board.

4. As soon as any such Proclamation as is mentioned in section one shall have been issued the Lieutenant-Governor shall nominate such a number of persons not being less than seven or more than nine as he may deem fit, all of whom with the exception of the Chairman and Vice-Chairman mentioned in the next section hereof shall be coloured persons, to be members of the said Board for a term of three years and should any vacancy occur during that period the Lieutenant-Governor shall nominate a person to fill up the said vacancy.

5. The Lieutenant-Governor shall nominate for such Board two white persons to be respectively Chairman and Vice-Chairman thereof, the former being also Treasurer of the Board; and no meeting of the Board shall be held unless either the Chairman or Vice-Chairman be present. Such Chairman, or in his absence the Vice-Chairman, shall preside at the meeting of the Board (whereof four shall form a quorum).

Chairman of Board.

6. Such Board shall meet as soon as practicable after coming into office and shall continue to meet from time to time at intervals of not more than three months at such time and place as they shall have determined at their previous meeting.

Meetings of the Board.

7. All questions coming before any meeting of the Board shall be decided by the majority of votes of the members present, which votes shall be given openly. In case of equality of votes the chairman of the meeting shall have a second or casting vote in addition to his regular or deliberative vote.

Questions to be decided by a majority of those present.

8. Minutes of the proceedings of every meeting of such Board shall be regularly entered in a book to be kept for that purpose and shall be read and confirmed at the next succeeding meeting and signed by the person presiding thereat. All such minutes shall be deemed and may be produced and read as *primâ facie* evidence of all the proceedings therein recorded in any Court civil or criminal.

Minutes to be kept.

9. It shall be lawful for any Board within the limits of any Reserve :—

Powers and duties of Board.

- (1) To cause any road not being a main road to be kept in good and sufficient order and repair.
- (2) To erect any fences either on the boundary of the Reserve or within the area of the same and in respect of such boundary fences to have and exercise the duties and rights of landowners under the Fencing Laws of this Colony.
- (3) To make all necessary furrows, watercourses, drains, sewers, culverts and bridges.
- (4) To construct such works and to take such lawful measures as to them may seem necessary for the purpose of providing a proper supply of water for the inhabitants.

- (5) To provide by contract or otherwise for a proper sanitary service of the community.
- (6) To carry out all the duties and powers granted thereto by regulations framed under the provisions of this Ordinance.
- (7) In consultation with the Director of Education to establish or subsidize any school for the industrial or other education of coloured persons.
- (8) For the purpose of providing the means for carrying into effect the provisions of this Ordinance to levy a location tax from year to year not exceeding one pound in any year on each coloured male person resident within the Reserve (between the ages of sixteen and sixty); provided, however, that the Board shall have power to exempt any person from payment of the tax for good and sufficient grounds such as destitution, old age, sickness or other infirmity.

Purposes for which Board may make regulations.

10. Every Board shall have the power to make, alter and amend regulations from time to time in respect of the following matters and may by such regulations impose any fine for the contravention thereof not exceeding two pounds, or in default of payment imprisonment with or without hard labour for a period not exceeding two months :—

- (1) The sanitation of the community, the removal from public and private places and the deposit in properly appointed places only of night soil, filth and refuse and the fees payable therefor.
- (2) The grazing and watering of cattle on common land and the fees, if any, payable therefor by the inhabitants and visitors respectively.
- (3) The supply, use and distribution of water and the fees payable therefor.
- (4) The repair and maintenance of roads, (other than main roads) public places and water furrows.
- (5) The erection and maintenance of dipping tanks and the fees payable for dipping.
- (6) The establishment of burial places and the conduct of funerals.
- (7) The prohibition of the keeping of dangerous animals.

- (8) The abatement of nuisances.
- (9) The prevention and extinguishing of fires.
- (10) The planting, maintenance and protection of trees and bushes.
- (11) The issue of licenses and permits for brickmaking, quarrying, digging and excavating ground, gravel or stone, and for cutting and removing wood or grass upon the Reserves and the fees payable for the same.
- (12) The establishment and regulation of residential locations within the Reserve and the control of the same.
- (13) The collection of the location tax referred to in section nine, sub-section (8) hereof.
- (14) The general good order and government of the community and the protection of the rights of its inhabitants.

11. Such regulations when made, altered or amended as aforesaid shall be open for inspection at some convenient place within the Reserve for a period of not less than ten days and the Chairman of the Board shall cause a notice thereof to be posted at at least two conspicuous places within the Reserve.

Regulations to be open for inspection.

12. Such regulations approved or amended as aforesaid shall be transmitted by the Chairman to the Colonial Secretary for submission to the Lieutenant-Governor in Council together with a statement to the effect that the provisions of the last preceding section have been complied with in all respects and it shall be competent for the Lieutenant-Governor to sanction, amend or reject any such regulations.

Regulations to be forwarded to Colonial Secretary.

13. Such regulations so sanctioned or amended shall on publication in the *Gazette* have the force of Law until they be altered, amended or repealed in like manner as hereinbefore provided in that behalf.

Regulations to be published in *Gazette*.

14. All prosecutions for contraventions of such regulations may be instituted in the Courts of the Resident Magistrate or Special Justice of the Peace, provided that no penalty imposed by any Special Justice of the Peace shall exceed a fine of five pounds or in default of payment imprisonment with or without hard labour for a period of six weeks.

Offences where triable.

Application of
fines.

15. All fines recovered by means of any such prosecution together with all moneys that shall become payable under and by virtue of such regulations shall be paid to the Board and be applied by them in carrying out the purposes of this Ordinance.

Board to enforce
regulations.

16. It shall be the duty of every Board to enforce all regulations made under the authority of this Ordinance and to institute prosecutions in respect of all breaches and contraventions of the same and to use all diligence in carrying out the several provisions and objects of this Ordinance generally.

Board may enter
into necessary
contracts.

17. It shall be lawful for every Board to enter into contracts and to employ labour for the purpose of carrying out any work required to be done or for doing anything which such Board is by the provisions of this Ordinance authorised to undertake or do: provided that no contract involving the expenditure of more than fifty pounds shall be entered into by the Board without the consent of the Lieutenant-Governor first had and obtained.

How actions to be
brought.

18. In any action or suit, civil or criminal, which may be brought by or against any such Board as aforesaid it shall be sufficient to describe such Board as "The Board of Management of Native Reserve," without mentioning the names of any of the members comprising such Board.

Expenses incurred
under this Ordinance
to be paid out
of Board's funds.

19. All necessary costs, charges and expenses incurred in the carrying out of this Ordinance and the regulations made thereunder may be lawfully paid out of any funds which shall come into the possession of the Board.

Title.

20. This Ordinance may be cited as the "Native Reserves Management Ordinance, 1907."

No. 7 of 1907.]

[April 8th, 1907.]

ORDINANCE

To amend certain provisions of Law relating to Resident Magistrates and Assistant Resident Magistrates.

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows:—

1. In the interpretation of this Ordinance the expression the "principal Ordinance" shall mean the "Magistrates Courts Ordinance, 1902."

The "principal
Ordinance."

2. Notwithstanding anything in the principal Ordinance contained it shall be lawful for the Lieutenant-Governor—

(1) To authorise and appoint any Resident Magistrate or Assistant Resident Magistrate of any district to act as such and to hold Court at such place or places within the said district other than and in addition to the stated and ordinary place for holding Court therein as the Lieutenant-Governor may determine.

R.Ms. and A.R.Ms. may hold Court at any appointed place in the district.

(2) To authorise and appoint any Assistant Resident Magistrate, who has been appointed by him to act as such within the local limits assigned as provided by sub-section (4) of section sixteen of the principal Ordinance, (hereinafter termed a Detached Assistant Resident Magistrate), to so act and hold Court at more than one place within such local limits.

Detached A.R.M. may hold Court at more than one place in his jurisdiction.

3. In every civil action brought and instituted before a Court of Resident Magistrate against any person resident within the local limits assigned for the jurisdiction of a Detached Assistant Resident Magistrate the defendant shall be summoned to appear before the Court established within such local limits unless the said defendant shall consent that the case be brought before the Resident Magistrate at the stated and ordinary place for holding his Court : Provided that nothing herein contained shall be deemed to prohibit the Resident Magistrate of the district from holding Court and hearing and determining such action at the Court within such local limits as aforesaid in place of the said Detached Assistant Resident Magistrate.

Civil actions to be heard at Court within whose jurisdiction defendant resides, unless by consent of parties.

4. From and after the promulgation of this Ordinance (anything in section fifty-four of the principal Ordinance to the contrary notwithstanding) it shall not be lawful for any Court of Resident Magistrate to admit and enrol as agents of the said Court any persons save such as were prior to the month of October, 1899, duly qualified and entitled to be admitted to practise and enrolled as Admitted Agents in any of the Courts of the late Orange Free State.

No more agents to be admitted unless qualified for admission before October, 1899.

5. Save as provided in section twenty-five of Schedule B of the principal Ordinance no person other than an Advocate, Attorney or Admitted Agent shall be admitted to appear in a Court of Resident Magistrate on behalf of any party to any civil proceeding : Provided that it shall be competent for any Clerk employed by and duly article

Articled clerk may appear in Court under certain conditions.

to any Attorney to act and appear on behalf of any person employing such Attorney in case such person has given due authority to sue and defend to such Attorney with power of substitution and such articled clerk has been duly substituted thereunder; in which case the same fees may be allowed on taxation as if the said Attorney had personally appeared; provided always that the said person shall have consented in writing to the appearance of such articled clerk.

A.R.Ms. to have power under Chapter CVI. and Ordinance 8 of 1902.

6. Every Detached Assistant Resident Magistrate shall have and exercise the powers granted to Landdrosts and to Resident Magistrates respectively by Chapter CVI. of the Law Book, by section one of the "Civil Commissioners Ordinance, 1902," and by section forty-eight of the "Liquor Licensing Ordinance, 1903."

Jurisdiction of Commandant of Witzieshoek defined.

7. Notwithstanding anything in Article 2 of Law No. 9 of 1898 contained the Commandant appointed under the said Law shall have and exercise in respect of crimes and offences committed within his area of jurisdiction all the powers granted to Courts of Resident Magistrates by the principal Ordinance and the provisions of the said Ordinance shall apply precisely as if the said Commandant had been duly appointed as Detached Assistant Resident Magistrate in respect of the said area: Provided that when by any Statute jurisdiction is given to Resident Magistrates to try cases and impose penalties in excess of those prescribed in the principal Ordinance the said Commandant may and is hereby empowered to try the said cases but no penalty imposed by him shall exceed the penalties in the said Ordinance respectively prescribed.

Title.

~~6. This Ordinance may be cited as the "Magistrates Courts and Powers Amending Ordinance, 1907."~~

No. 8 of 1907.]

[April 8th, 1907.]

ORDINANCE

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

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows:—

1. Upon every Angora ram or ewe exported from this Colony after the date of the taking effect of this Ordinance there shall be payable save as hereinafter provided to the

Duty on export of Angora rams or ewes.

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

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

Penalties for contravention of Ordinance.

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

Special jurisdiction of Magistrates to impose penalties.

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

Power to make regulations for carrying out Ordinance.

5. This Ordinance may be cited as the "Angora Export Duty Ordinance, 1907."

Title.

No. 9 of 1907.]

[April 8th, 1907.]

ORDINANCE

To apply a sum of money not exceeding Eighty-Two Pounds Sixteen Shillings and Eight Pence for the purpose of covering certain unauthorised expenditure.

Whereas it has been necessary to expend in the service of this Colony a certain sum of money in addition to the sums voted by the Legislative Council : and whereas it is expedient to legalise such unauthorised expenditure :

Preamble.

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Public Revenue of the Colony is hereby charged with a further sum of Eighty-two Pounds Sixteen Shillings and Eight Pence, which sum shall be paid for excess of

Revenue charged with £82 16s. 8d.

expenditure beyond the amounts appropriated for the service of the financial year ended the Thirtieth day of June, 1906, as specified in the Schedule annexed hereto.

Title.

2. This Ordinance may be cited as the "Excess Appropriation 1905-6 Ordinance, 1907."

SCHEDULE.

Head of Estimates.	Original and Supplementary Estimates.	Amount Expended.	Amount required to be Voted.
Stationery, Printing and Office Requisites	£12,827	£12,909 16 8	£82 16 8

No. 10 of 1907.]

[April 8th, 1907.]

ORDINANCE

To amend the Law relating to Liquor Licenses at Railway Stations and Theatres.

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof as follows:—

New provisions in respect of the issue of Railway Station liquor licenses.

Sub-section (6) of section seven of the "Liquor Licensing Ordinance, 1903" and sub-section (10) of section nine of the "Liquor Licensing Amendment Ordinance, 1905," shall be and are hereby repealed and there shall be substituted therefor the following provisions:—

Licenses for the sale of liquor at any railway station refreshment room which is situated upon any railway within this Colony under the control of the Central South African Railways Administration or to which not being under such control the provisions of the Railway Regulation Ordinance, 1903, or any amendment thereof are or shall hereafter be declared to be applicable shall be obtainable in the following manner and subject to the following conditions:—

- (1) The lessee or occupier of such refreshment room may apply to the General Manager of the Central South African Railways (or to any officer

of the Railway Administration appointed by the General Manager in that behalf) or in the case of such other railways as aforesaid through the General Manager thereof to the Colonial Secretary of this Colony for the issue of such certificate as is mentioned in the next succeeding sub-section.

- (2) The said General Manager or any such officer aforesaid with the approval of the Resident Magistrate of the district in which the refreshment room aforesaid is situate or in case of such other railways as aforesaid the Colonial Secretary may if he think fit issue a certificate to the applicant authorising the grant to him of a license by the Receiver of Revenue of the district in which the refreshment room aforesaid is situate for periods of six months or twelve months, but every such license shall expire on the thirtieth day of June or the thirty-first day of December next after the date of issue thereof as the case may be.
- (3) If the owner, lessee or occupier of any such refreshment room shall be the Central South African Railways Administration the said General Manager or officer aforesaid may issue without the approval aforesaid to any servant of such Administration a certificate authorising the grant to such servant by the Receiver of Revenue of such a license as is described in the last preceding sub-section.
- (4) Every license so granted may be renewed by the like authority for periods of six months or twelve months.
- (5) Every license so granted may be transferred with the consent of the said General Manager or such officer aforesaid or of the said Colonial Secretary as the case may be; provided that in the case of a license issued under sub-section (2) on the certificate of the said General Manager or such officer aforesaid such transfer shall be approved by the Resident Magistrate of the district in which the aforesaid refreshment room is situate.
- (6) Every license so granted may at any time be cancelled by the said General Manager or the said Colonial Secretary as the case may be.

- (7) For or in respect of such license there shall be paid such sums as are prescribed by Schedule C of the "Stamps and Licenses Ordinance, 1903" in respect of a "Railway Station Liquor License" according as such license be issued for six or twelve months.
- (8) Nothing herein contained shall be deemed to authorise the granting of a "Railway Station Liquor License" in respect of any premises situated outside the limits of a recognised town or village.

Sale of liquor at railway station refreshment rooms.

2. The sale of liquor at railway station refreshment rooms shall be subject to the following provisions; that is to say, that upon any other day than Sunday, Christmas Day or Good Friday or parliamentary and municipal election days liquor shall be sold only to persons lawfully using the railway premises for railway purposes or to persons taking meals at the refreshment rooms and during such meals. And upon Sunday, Christmas Day and Good Friday and parliamentary and municipal election days liquor shall be sold only—

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

Provided always that it shall be lawful for the Lieutenant-Governor to impose any such further conditions as he may deem fit in respect of the times during which and the persons to whom the sale of liquor at such refreshment rooms shall be prohibited and such conditions when notified in the *Gazette* shall be deemed to be included in such license and any breach thereof shall render the license holder or his servants liable on conviction to the penalties prescribed in section fifty one of the "Liquor Licensing Ordinance, 1903."

Extension of time for sale of liquor under a theatre liquor license in certain instances.

3. Notwithstanding anything in the "Liquor Licensing Ordinance, 1903" or any amendment thereof contained it shall be lawful for the Licensing Court to endorse any Theatre Liquor License granted by them for premises in respect of which it is proved to their satisfaction that a sum of not less than fifteen thousand pounds

has been expended for the erection and equipment of the theatre and by such endorsement to authorise the holder of such license to supply liquor by retail within the building so licensed till not later than the hour of midnight on such nights as any entertainment held therein may continue till half past ten o'clock or later and thereafter to persons taking meals in such building and during such meals till not later than one o'clock the next morning : Provided that in no case shall such premises be kept open beyond the hour of midnight on Saturday night.

4. This Ordinance shall be read together with the Title.
"Liquor Licensing Ordinance, 1903" and may be cited as the "Liquor Licensing (Railway Station and Theatre) Amending Ordinance, 1907."

No. 11 of 1907.]

[April 8th, 1907.]

ORDINANCE

To amend the jurisdiction of Special Justices
of the Peace.

Whereas it is desirable to extend the jurisdiction of Preamble.
Special Justices of the Peace to certain Laws in respect of which such Special Justices have not at present jurisdiction :

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

1. The jurisdiction of Special Justices of the Peace is extended to and in respect of the Laws or Regulations made thereunder mentioned in the Schedule annexed hereto to the extent specified therein, and such Justices shall be competent to try any contravention of the said Laws and subject to the limitation in section two of the "Special Justices Extension of Powers Ordinance, 1905" contained to impose the penalties therein provided. Jurisdiction of S.J.P.'s extended to certain laws.

2. This Ordinance may be cited as the "Special Title.
Justices Extended Jurisdiction Ordinance, 1907."

SCHEDULE.

Law.	Subject.	Jurisdiction extended to.
Chapter CXXXIV. of the Law Book ...	To Provide against Theft of Hides, Mohair, Wool and Ostrich Feathers ...	The whole.
Ordinance 21 of 1902	Police Offences	Sections 23, 24, 30.
Ordinance 13 of 1903 (as amended by Ord. 26 of 1906) ...	Animal Diseases	Section 6.
Ordinance 14 of 1903 (as amended by Ords. 12 of 1905, and 22 of 1906) ..	Scab	Sections 4, 5, 6, 8, 12.
Ordinance 52 of 1903	Stock Removal	Section 2.
Ordinance 3 of 1904	Mining of Precious Metals	Regulations framed under Sections 6 and 92.
Ordinance 4 of 1904	Mining of Precious Stones	Regulations framed under Sections 6, 84 and 85.
Ordinance 8 of 1904	Mining of Base Metals .	Regulations framed under Section 12.
Ordinance 20 of 1905	Rabbits	Sections 3 and 4.
Ordinance 1 of 1906	Administration of Justice Supplementary	Section 13.
Ordinance 5 of 1906	Half Holidays	The whole.
Ordinance 18 of 1906	Villages Management Amendment	Section 9.
Ordinance 30 of 1906	Pass Laws Supplemen- tary	The whole.

No. 12 of 1907.]

[April 8th, 1907.

ORDINANCE

To exempt certain Coloured Persons visiting this Colony from certain disabilities.

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

1. (1) It shall be competent for the Lieutenant-Governor at his discretion to issue to coloured persons of distinction not being inhabitants of this Colony who may be visiting or about to visit this Colony a certificate of exemption.

Certificate of exemption to distinguished coloured visitors.

(2) Such certificate shall for such limited period as may be mentioned therein exempt such person from all and several the provisions of law or of any regulations having the force of law in this Colony which impose special obligations, duties or disabilities upon coloured persons as such and from any penalties prescribed for the contravention of the same excepting always the provisions of Chapters 33 and 34 of the Law Book.

2. Any such person who desires to obtain such a certificate may make application to the Colonial Secretary and in such application shall state—

Application for such certificate.

(a) his nationality ;

(b) his occupation and position ;

(c) the purpose and duration of his visit ;

and the Colonial Secretary may call upon the applicant to furnish such proof as he may deem fit of such statements.

3. No person shall be liable to any penalty imposed by law by reason only of any act or omission on his part in respect of a coloured person who has obtained such certificate of exemption and during the period of its validity which act or omission would have been lawful if such person had not been a coloured person.

Exemption from penalties for acts or omissions in respect of certificate holders.

4. This Ordinance may be cited as the “Coloured Title Persons of Distinction Exemption Ordinance, 1907.”

No. 13 of 1907.]

[April 8th, 1907.

ORDINANCE

To further revise the Laws of the Colony.

Preamble.

Whereas it is desirable that certain verbal errors in the existing Statutory Laws be corrected in addition to those mentioned in the Schedule to the "Correction of Verbal Errors in Laws Ordinance, 1905" and Schedule B of the "Interpretation and Revision of Laws Ordinance 1906 :"

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

Corrections in Laws.

1. The Laws in the Schedule to this Ordinance are hereby corrected to the extent mentioned therein.

Title.

2. This Ordinance may be cited as the "Further Revision of Laws Ordinance, 1907."

SCHEDULE.

Chapter CIV. of the Law Book.

In Article 14, eleventh and twelfth lines, delete the words "to be imprisoned with or without hard labour for any period not exceeding seven years or."

In Article 52, second line, for the word "to" read "by."

In Article 85, fifth line, for the words "get and" read "yet have."

In Article 97, tenth line, for the comma read "to."

In Article 136, fifth line, for the word "for" read "of."

Chapter CXXXIII. of the Law Book.

In Article 17, third line, delete the word "any," and for the words "a share of the cost of fencing to the landowner desiring to fence in terms of this Law," read the words "by instalments as is by this Law provided the share of the cost of fencing due by him to the landowner who desired to fence."

In Article 18, eighth line, for the words "to a" read the word "or."

Chapter CXXXIV. of the Law Book.

In Article 5, first line between the words "barter" and "sheep" insert the words "the skins of."

Ordinance 21 of 1902.

In section 26, sub-section (5), in the third line, for the comma read the word "or"; and in the fourth line for the word "other" read "any."

In section thirteen, sixth line, for the figures "15" read "17." Ordinance 34 of 1903.

In section fifty-nine, tenth line, delete the word "and." Ordinance 50 of 1903.

In section seventy-three, third line, after the word "authorised" insert the words "by the drawer of any postal draft shall be made."

In section sixty-six, thirteenth line, after the word "claims" insert the word "so." Ordinance 4 of 1904.

In section seventeen, sub-section (5), for the word "twelve" read "fifteen." Ordinance 14 of 1905.

No. 14 of 1907.]

[April 8th, 1907.

ORDINANCE

To amend the "Medical and Pharmacy Ordinance, 1904."

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows:—

1. In this Ordinance the term "principal Ordinance" shall mean the "Medical and Pharmacy Ordinance, 1904." **Definition**

2. Section eight of the principal Ordinance shall be and is hereby repealed and the following substituted in the place thereof:— **Section 8 of principal Ordinance amended.**

(1) At every meeting of the Council the President if present shall act as Chairman and in his absence some other medical member present shall be chosen to act as Chairman. **Chairman.**

(2) All acts of the Council shall be decided by the majority of the members present and voting at any meeting and in case the number of votes be equal the Chairman in addition to his deliberative vote shall have a second or casting vote. **Casting vote.**

(3) At every such meeting five shall form a quorum provided that the number of medical members present shall not be less than three. **Quorum.**

Section 45 of principal Ordinance amended.

3. Section forty-five of the principal Ordinance shall be and is hereby amended by deleting the words "not exceeding one hundred pounds in one year" and inserting the words "and as may be provided in the approved Estimates of the Colony" after the word "thereunder" in the seventh line thereof.

Locum Tenens may practise under the registration license of a registered medical practitioner.

4. Notwithstanding anything in the principal Ordinance or in the "Stamps and Licenses Ordinance, 1903" contained—

- (1) It shall be lawful for any duly registered and licensed medical practitioner to apply to the Medical and Pharmacy Council for a certificate to entitle any person who is qualified to be registered as a medical practitioner in this Colony whether so registered or not to practise in his place as his *locum tenens* during his absence from the district in which his practice lies for any period not exceeding three months or during his absence from the Colony or illness for any period not exceeding six months.
- (2) Such certificate may be issued by the said Council on their being satisfied that the person named therein is a fit and proper person and duly qualified as aforesaid.
- (3) Any person holding such certificate may for such period as is named therein practise in this Colony as a medical practitioner in the place of the said registered medical practitioner and under the license issued to the latter precisely as if he were a duly registered and licensed medical practitioner and shall not be required to pay any registration or license fees in terms of the said Ordinances.
- (4) During such time as the *locum tenens* shall continue to practise as aforesaid (unless he be himself a duly registered and licensed medical practitioner) it shall not be lawful for the medical practitioner to whom the license has been issued to practise in this Colony under the said license and should he do so he shall be deemed to be practising without a license.
- (5) Immediately on his return to his practice the said medical practitioner shall notify the Medical and Pharmacy Council whereupon the certificate issued as above shall be deemed to have expired

and to be of no effect and the said *locum tenens* shall not thereafter practise under the said license and should he do so shall be deemed to be practising without a license unless he be himself a duly registered and licensed medical practitioner.

5. In case of any member of the Medical and Pharmacy Council being absent from this Colony with the leave of the Council his place may be filled during such absence in the following manner, namely—

Procedure for filling temporary vacancies on the Council.

- (1) In the case of an elected medical member the elected medical members of the Council shall choose a substitute.
- (2) In the case of the elected chemist the nominated chemists on the Council shall choose a substitute.
- (3) In the case of a nominated member the Lieutenant-Governor shall nominate a substitute.

6. The word "registration" shall be substituted for the word "competence" in the first sentence of section twenty of the principal Ordinance.

Amendment of section 20 of the principal Ordinance.

7. (1) From and after the first day of July, 1907, no woman shall attend women in childbirth for gain, hire or hope of reward otherwise than under the direction of a registered medical practitioner within the limits of any municipality having a population of over 2,000 white inhabitants as determined by the last preceding Census unless she be the holder of a certificate of registration as a midwife under the provisions of section twenty of the principal Ordinance.

Provisions as to Midwives.

Any woman so acting within such limits without having obtained a certificate as aforesaid shall be liable to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

- (2) It shall be lawful for the Lieutenant-Governor on the recommendation of the Medical and Pharmacy Council to apply the provisions of the last preceding sub-section to such other urban areas as defined in section four of the "Police Offences Ordinance, 1902" as he may by proclamation determine and define.

Amendment of the provisions of the principal Ordinance in respect of poisons.

8. The provisions of the principal Ordinance dealing with poisons shall be and are hereby amended as follows:—

- (1) The words "or Division Three" in section forty-six shall be deleted and the word "or" inserted between "Division 1" and "Division 2:"
- (2) The Third Schedule shall be and is hereby repealed and the Schedule hereto attached shall be substituted in the place thereof.
- (3) The provisions of sections forty-seven and forty-eight shall apply to general dealers who have obtained a certificate to sell poisons under section fifty and the said general dealers shall be liable to the duties and penalties therein prescribed as if they had been mentioned therein, save that the provisions in respect of the cancellation and withdrawal of licenses shall in such cases be deemed to apply to the certificate aforesaid as if the word "certificate" were substituted for the word "license" in section forty-eight.
- (4) Sub-section (1) of section fifty shall be and is hereby repealed and the following substituted in the place thereof—

Notwithstanding anything in the last preceding section contained it shall be lawful for any general dealer (upon obtaining annually a certificate from the Resident Magistrate of the district in which he carries on his business as such general dealer to the effect that in the opinion of the said Resident Magistrate he is a fit and proper person to deal in poisons under the terms of this section) to keep for sale and to sell—

(a) Patent and Dutch medicines containing poisons within the meaning of this Ordinance.

(b) The following poisons namely—

Tincture of opium (Laudanum);

Poisons to be used for veterinary purposes;

Vermin killers;

Arsenic or its compounds and strychnine or its salts to be used for the destruction of vermin or for agricultural or horticultural purposes:

Provided the said poisons be sold in unbroken vials properly corked and sealed or in sealed

packets which shall bear the names and addresses of the original packers, and no such certificate shall be granted unless with the endorsement of the Colonial Secretary and satisfactory proof produced that there is no shop within a distance of six miles of the place of business of such general dealer. All certificates granted under this sub-section shall be reported to the Council by the Colonial Secretary.

- (5) The words "Division one of" in fourth line of subsection (c) of section fifty-three shall be deleted.
- (6) The word "first" shall be substituted for the word "third" in sub-section (a) of section fifty-seven.

9. Every registered medical practitioner keeping an open shop under the provisions of section thirty-eight of the principal Ordinance who shall sell poisons thereat within the meaning of the principal Ordinance and of this Ordinance shall sell the same subject to the conditions laid down for the sale of poisons by chemists and druggists in the principal Ordinance and shall be liable to the penalties therein prescribed for contravention of the same except in the case of medicines prescribed and dispensed by himself.

Medical Practitioners keeping open shop to be subject to the conditions prescribed for Chemists and Druggists in respect of the sale of poison.

10. This Ordinance shall be read together with the principal Ordinance and may be cited as the "Medical and Pharmacy Amendment Ordinance, 1907." Title.

SCHEDULE.

LIST OF POISONS.

DIVISION I.

Arsenic and its preparations.
 Aconitine, Atropine, Strychnine and all poisonous alkaloids and their salts.
 Atropine, preparations of.
 Cantharides.
 Corrosive Sublimate.
 Cyanide of Potassium and all metallic cyanides and their preparations.
 Tartar Emetic.
 Ergot and its preparations.
 Opium (crude or powdered).
 Prussic Acid and its preparations.

Savin and its oil.

Strophanthus and its preparations.

Vermin Killers, if preparations of poisons contained in Division I. of this Schedule.

These poisons are not to be sold unless—

- (1) The purchaser is known or is introduced by some person known to the seller; and
- (2) The purchase is attested in the Poison Book by the signature of the purchaser and if the purchaser is introduced as aforesaid of the person introducing him and an entry made in the Poison Book of—
 - (a) date of sale;
 - (b) name and address of purchaser;
 - (c) name and quantity of articles sold and purpose for which they are wanted; and
- (3) In every case of sale the label bears—
 - (a) name of the article;
 - (b) the word "Poison";
 - (c) name and address of seller.

Provided that when these articles are sold on medical prescription they need not be labelled with the word "Poison" nor the name of the article but entry shall be made in the prescription book of—

- (a) date of sale;
- (b) name and address of purchaser;
- (c) ingredients and quantities of prescription.

DIVISION II.

Carbolic Acid, liquid preparations of, and its homologues containing more than 3 per cent. of those substances, except any preparations prepared for use as sheep wash or any other purpose in connection with agriculture or horticulture and contained in a closed vessel distinctly labelled with the word "Poisonous," the name and address of the seller and a notice of the agricultural or horticultural purpose for which the preparation has been prepared.

Almonds, essential oil of (unless deprived of Prussic Acid).

Belladonna and its preparations.

Cantharides, tincture and all vesicating liquid preparations of.

Chloroform.

Chloral Hydrate and its preparations.

Cocaine, preparations of, of not more than 3 per cent.

Comp. Syrup of the Hypophosphites with strychnine and tablets of the same composition.

Corrosive Sublimate, preparations of.

Easton's Syrup and tablets of the same composition.

Morphine, preparations of.

Nux Vomica, preparations of.

Opium, preparations of, and preparations of Poppies.

Oxalic Acid and Soluble Oxalates.

Precipitate, red (red oxide of Mercury).

Precipitate, white (ammoniated Mercury).

Sulphocyanides of the metals.

Vermin Killers-compounds containing "poisons" if not subject to the provisions of Division I. are in Division II.

These poisons are not to be sold unless in every case of sale the label bears—

1. Name of the article ;
2. The word "Poison" ;
3. Name and address of seller.

When these articles are sold on medical prescription they need not be labelled with the word "Poison" nor the name of the article, but entry shall be made in the prescription book of—

- (a) Date of sale ;
- (b) Name and address of purchaser ;
- (c) Ingredients and quantities of prescription.

No. 15 of 1907.]

[April 8th, 1907.

ORDINANCE

To amend the provisions of Law imposing a Tax on Coal.

Whereas it is desirable to develop the coal mining industry of this Colony : Preamble.

And whereas it is expedient to grant power to the Lieutenant-Governor to vary the tax upon coal imposed by the "Coal Tax Ordinance, 1903" if and when circumstances may require :

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

Lieutenant-Governor may determine the amount of the Coal Tax.

1. Notwithstanding anything in section one of the "Coal Tax Ordinance, 1903" contained it shall be lawful for the Lieutenant-Governor from time to time by Proclamation to determine the amount of the tax on Coal to be imposed under the said Ordinance : Provided that the said tax shall not be more than three pence or less than one penny halfpenny per ton upon all coal mined and sold as provided in the said section one of the said Ordinance.

Title.

2. This Ordinance may be cited as the "Coal Tax Amendment Ordinance, 1907."

No. 16 of 1907.]

[April 8th, 1907.

ORDINANCE

To amend the Law in respect of the Municipality of Bloemfontein.

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

Ordinance No. 36 of 1905 amended.

1. The Bloemfontein Municipality Amendment Ordinance, 1905 shall be and is hereby amended as follows :—

- (1) In section two thereof, by renumbering the same as sub-section (1) of the said section and inserting the word "household" between the words "other" and "refuse" in the seventh line, and adding thereto the following sub-section (2)—

In addition to the said Rate it shall be lawful for the Council by Regulations passed in due form of Law, to levy a fee or charge for services performed in the removal of refuse from premises used as Livery and Bait, and Licensed Cab Stables, Factories, Breweries, Mills, Dairies and other like institutions (but not including shops, stores, clubs, offices and hotels), where removals of refuse other than household refuse are rendered necessary by reason of the trade, business or occupation therein conducted, which fees or charges shall be recoverable from the occupiers of the said premises and payable at the Town Office on the first day of each and every month.

(2) In section three thereof by the addition thereto of the following proviso :—

and provided further that in the case of buildings valued at an amount exceeding fifteen thousand pounds the Council may levy by way of rate an additional sum on the value of such property so far as it exceeds fifteen thousand pounds if the total amount of the sanitary rate payable on the value of fifteen thousand pounds be less in proportion to the sanitary services rendered than the average amount payable on residential properties throughout the Municipality. The amount of such rate shall be determined by agreement between the Town Council and the owner of such building and in case the parties shall not agree the matter shall be referred to arbitration under the provisions of the "Expropriation of Lands and Arbitration Clauses Ordinance, 1905," the basis of the said agreement or award as the case may be being the amount to which such premises would be proportionately liable as aforesaid in respect of the sanitary services rendered thereto.

(3) In section five thereof by inserting the word "household" between the words "other" and "refuse" in the fourth line, and by the addition at the end of the said section of the words "save as hereinbefore provided in sub-section (2) of section two."

2. The Bloemfontein Municipal Ordinance, 1903 shall be and is hereby amended as follows:—

Amendment of the Bloemfontein Municipal Ordinance, 1903.

- (1) By inserting the word "triennially" between the words "shall" and "on" and deleting the words "in each and every year" in section eighty.
- (2) By deleting the words "as aforesaid" in the eighth line of section eighty-six.
- (3) By substituting the words "thirty-first day of March" for the words "fifteenth day of February" in section ninety-nine.
- (4) By the addition at the end of section one hundred and eighteen of the following words "and for the levying and collection of such fees and charges as the Council may determine by regulations made and sanctioned in due form of law."

(5) By the addition at the end of paragraph (b) of sub-section (22) of section one hundred and twenty-six, of the following words "and the licensing of motor vehicles and traction engines."

Buildings used for public worship not liable for sanitary rate.

3. Anything in the "Bloemfontein Municipality Amendment Ordinance, 1905" contained to the contrary notwithstanding no church, chapel or other building exclusively appropriated to religious worship nor the land on which such buildings are erected save in so far as it may be occupied for residential purposes shall be rateable under the provisions of the said Ordinance in respect of the sanitary rate thereby imposed.

Council may levy rate for service of special loan.

4. For the purpose of paying the loan and interest thereon raised by the Municipality for the purposes mentioned in section one of the "Bloemfontein (Special) Loan Ordinance, 1904" it shall be lawful for the Council to raise, levy and collect the special rate mentioned in section five of the said Ordinance and the provisions of the said section shall apply notwithstanding that the said loan has been obtained from sources other than those contemplated by the said Ordinance: Provided that the said rate shall not exceed one penny in the pound.

Title.

5. ~~This Ordinance may be cited as the "Bloemfontein Municipal Amendment Ordinance, 1907."~~

No. 17 of 1907.]

[April 8th, 1907.]

ORDINANCE

To provide out of Treasury Balances for Extraordinary Expenditure on certain Works and other Services.

Preamble.

Whereas it is desirable to appropriate a portion of the balances in the hands of the Colonial Treasurer for the purpose of providing for certain Capital and other extraordinary expenditure for the benefit of the Colony:

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows:—

1. It shall be lawful for the Lieutenant-Governor by warrant under his hand to authorise the Colonial Treasurer to issue and pay from time to time out of any balances remaining in his hands on the thirtieth day of June, 1906, and not appropriated by Law for any other purpose, such sums of money as shall be required for the purposes expressed in the Schedule attached to this Ordinance and more particularly specified in the Additional Estimates of Extraordinary Expenditure.

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

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

Money to be applied only to purposes set forth in Schedule.

3. This Ordinance may be cited for all purposes as the "Appropriation (Additional Extraordinary) Ordinance, 1907."

Title.

SCHEDULE.

Head of Extraordinary Estimates.	Amount required.
	£
A. Public Works	44,200
B. Agriculture	10,000
	<hr/>
	£54,200
	<hr/>

No. 18 of 1907.]

[April 8th, 1907.]

ORDINANCE

To amend the Law relating to Public Education.

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows:—

1. In the interpretation of this Ordinance the following expressions in inverted commas shall have the meanings thereto respectively assigned:—

Definitions.

"Principal Ordinance" shall mean the "Public Education Ordinance, 1905."

“Ratepayer” shall mean every person who is qualified to vote for the election of members of the Committees as provided in section three hereof, and for the purposes of any meeting of ratepayers held before the thirtieth day of April in the year 1907 shall include any male person who has made a voluntary contribution of not less than ten shillings to the School Committee of his district for the financial year ending on the thirtieth day of June, 1906.

“Income” shall mean the nett amount of any revenue or gain received by a person in any year from any source and shall include all rents, interest, salaries, wages, allowances, pensions, stipends, annuities, dividends and all profits or increase accruing from professions, trades, farming, mining, quarrying or other occupations after deducting—

- (a) All losses and outgoings (including interest and expenses) actually incurred in the production of such income ;
- (b) All sums expended for the repair of premises occupied for the purpose of such occupations and for the repair and alteration of machinery, implements, utensils and articles employed for the purpose of such occupations and the amounts which represent the diminished value of the same during the year by reason of wear and tear.

2. Notwithstanding anything in section three of the principal Ordinance contained it shall be lawful for the Lieutenant-Governor from time to time as he may deem necessary by proclamation to increase or decrease the number of School Districts in this Colony and in such proclamation to define the boundaries of any new district thereby created.

3. Section ten of the principal Ordinance shall be and is hereby repealed and the following shall be substituted in the place thereof :—

The persons qualified to vote for the election of members of the Committee in each district shall be all persons resident in such district who have paid the tax imposed by law for the purposes of education in such district for and in respect of the last preceding period for which the same became due prior to the said election or who having come to reside in such district from another district in the Colony have paid the tax due from them for the said period at or in respect of their previous place of residence.

Lieutenant-Governor may increase or decrease the number of school districts.

Qualification of voters.

4. Notwithstanding anything in sub-section (4) of section thirty of the principal Ordinance contained it shall be competent for the Committee in furnishing their estimates to ask for a special grant for their district in excess of the proportionate sum estimated in respect of Government funds as in the said sub-section provided on producing to the Director satisfactory proof that owing to sparseness of population or other exceptional cause the Government Grant estimated as aforesaid together with the local contribution will be inadequate to provide for the district the educational facilities that generally exist throughout the Colony.

Committee may ask for additional grant in certain circumstances.

5. Sub-sections (6) and (7) of section thirty of the principal Ordinance shall be and are hereby repealed and in the place thereof the following provisions shall apply:—

Education Tax.

After the amount of expenditure for the ensuing year has been determined as provided in section thirty of the principal Ordinance the Government shall raise the local contribution by the imposition of an education tax of ten shillings on every male of twenty-one years of age and upwards resident in the district not being a coloured person the amount whereof shall be payable to the Resident Magistrate, Detached Assistant Resident Magistrate or Special Justice of the Peace as the case may be or to such other person as the Lieutenant-Governor may determine.

The amount so raised in each district may be expended therein for educational purposes in addition to the Government Grant during the current financial year but any balance remaining will be carried forward to the next year.

6. (1) Section thirty-one of the principal Ordinance shall be and is hereby repealed.

Education Tax may be increased after referendum.

(2) In case with a view to extending the curriculum or increasing the number and efficiency of the schools within its district any Committee shall deem it desirable that the said education tax be increased it shall be competent for the Committee after consultation with and with the sanction of the Director to submit proposals to the ratepayers of the district in the manner provided in Schedule A hereto for the imposition of a tax graduated in accordance with the incomes of the

persons liable to pay the same in the manner following that is to say that the amount of such tax be payable in such district as follows :—

(a) the sum of ten shillings by persons whose income from all sources during the foregoing calendar year has been less than three hundred pounds ;

(b) the sum of one pound by persons whose income as aforesaid has been three hundred pounds or over but less than six hundred pounds ;

(c) the sum of two pounds by persons whose income as aforesaid has been six hundred pounds or over ;

Provided that it shall be lawful for the Committee in the said proposals with the sanction of the Director as aforesaid to substitute for the aforesaid sums any increased amounts proportionate thereto which they may deem necessary for the purposes aforesaid.

(3) In case the majority of ratepayers voting in such district shall be in favour of such proposals the Government shall determine whether the proposed increase shall take effect and if so decide what additional supplementary grant shall be made from Government Funds.

(4) Any such increase of taxation so determined on and notified in the *Gazette* shall be due and payable in the said district for the current financial year in like manner as if it were the tax prescribed by the last preceding section.

Solemn declaration
of income.

7. In case any such increased taxation be imposed as aforesaid every person on paying the tax shall make a solemn declaration in the form prescribed in Schedule B hereto that his income during the previous calendar year ending on the thirty-first day of December, has not exceeded the sum with reference to which the amount of the tax due by him is payable and no officer appointed to receive the said tax shall accept payment of the same from any person unless accompanied by a solemn declaration as aforesaid : Provided that no person shall be required to make the said solemn declaration who shall pay the maximum amount of the tax imposed as aforesaid.

Provisions re audit
and payment of
teachers' salaries.

8. (1) Sub-sections (2) and (3) of section thirty-two of the principal Ordinance shall be and are hereby repealed.

- (2) Each School Committee shall cause to be kept accounts of all receipts and expenditure according to a system and subject to such provisions as regards inspection and audit as the Lieutenant-Governor may determine by regulations framed in that behalf.
- (3) Salaries of teachers shall be paid to them by the Department either direct or through the Resident Magistrate.

9. Notwithstanding anything in section twenty-six of the principal Ordinance contained it shall be competent for any Committee with the consent of the Director to appoint two persons to be respectively Secretary and Treasurer of the Committee and in such case the Treasurer's books shall also be subject to inspection as provided in section thirty-three of the principal Ordinance.

Committees may appoint both Treasurer and Secretary.

10. Section thirty-eight of the principal Ordinance shall be and is hereby repealed and the following substituted in place thereof :—

Amendment of Section 38 of principal Ordinance.

- (1) All appointments of teachers shall be made by the Lieutenant-Governor after selection and nomination by the Committee of the district and approval of such nomination by the Director.
- (2) All nominations made by the Committee shall be subject to the following conditions :—
 - (a) The Committee may with the approval of the Director advertise for teachers in any newspapers which they may think fit in addition to such as shall be determined by the Department. Such advertisements shall contain no conditions which are denominational in character or which might impose upon candidates any religious tests or disabilities.
 - (b) All qualifications to be specified in such advertisements shall be subject to the prior approval of the Director.
 - (c) Salaries offered by the Committee shall be in accordance with the approved estimates of the Colony or shall receive the prior approval of the Director.
 - (d) All applications received for the vacancy shall be forwarded to the Director when the nomination is made.

- (3) Any nomination made by the Committee which has been made or for which an advertisement has appeared in contravention of any of the conditions contained in the preceding sub-section shall be null and void.
- (4) The Director may submit to the Committee in connection with any vacancy which may occur the names of candidates who have applied directly to the Department for posts or who may be entered upon a register of teachers kept in the Department; and the names of such candidates shall be considered by the Committee in making their nominations.
- (5) The Director may refuse to recommend the appointment of any person nominated and in such case a fresh nomination shall be made by the Committee.

Date when education tax is payable and penalty for non-payment.

11. (1) The education tax shall be due and payable during the month of May in the year 1907 and during the months of January, February and March in every succeeding year.
- (2) In case any person liable to such tax shall fail to pay the same on or before the last day of the aforesaid periods respectively an amount equal to one-half the tax in arrear shall be due and payable by him as a fine in addition to the amount of the said tax.
- (3) In case any such person so in arrear shall on demand by any officer appointed in that behalf by the Lieutenant-Governor fail or refuse to pay such tax and fine he shall be liable on conviction to a penalty not exceeding five pounds and if the said tax, fine and penalty be not paid forthwith the same shall be levied of the movable property of the defaulter under and by virtue of a warrant under the hand of the convicting Magistrate together with the costs of such levy.

Lieutenant-Governor may make regulations exempting persons from the education tax.

12. The Lieutenant-Governor may from time to time make, amend and repeal regulations with reference to the conditions under which any person may be exempted from the payment of the education tax or any fines payable in respect thereof.

Title.

13. This Ordinance may be cited as the "Public Education Amendment Ordinance, 1907."

SCHEDULE A.

Whenever any Committee shall determine to submit to the ratepayers proposals for the increase of the education tax in their district the following provisions shall apply:—

- (1) The Committee shall summon meetings (to be held not less than one month before the education tax becomes due and payable in any year) at each Municipality and at such other suitable centres throughout the district as the Committee may deem fit to be held on the same day and at the same time at each centre and shall cause notice thereof to be advertised for a period not less than three weeks or more than six weeks before the date of holding such meeting in the *Gazette* and in one or more newspapers (if any) locally circulating and by posting the same at the Court House of every town and village throughout the district.
- (2) The said notice shall set out the date and hour and places of the said meetings and shall describe the amount of the contribution desired to be raised and the amount and incidence of the education tax estimated by the Committee to be necessary to raise such contribution.
- (3) At such meetings the ratepayers attending the same shall choose their own Chairman who shall make such arrangements as may be necessary to ensure the due conduct thereof and that none but ratepayers take part therein and to provide for the voting on the question to be decided subject to any regulation which may be framed in that behalf.
- (4) At each meeting a member of the Committee shall if possible be present to explain the decision arrived at by the Committee and to propose the following question to the meeting, namely, that the education tax shall be increased to the amounts proposed by the Committee. In the absence of such member of the Committee the said question shall be submitted to the meeting by the Chairman.
- (5) After the resolution has been discussed the Chairman shall put the same to the meeting without amendment and the ratepayers present shall vote thereupon by show of hands and the Chairman

shall count and declare the number of the rate-payers voting for and against the same and shall record the names of such voters.

- (6) In case any ratepayer present at such meeting shall dispute the number so declared it shall be competent for him to require that the votes be given in writing and the Chairman having counted the voting papers shall declare the numbers accordingly.
- (7) The Chairman shall thereupon transmit to the Secretary of the School Committee a statement of the number of votes recorded for and against the resolution together with a list of the names of the ratepayers present and voting at such meeting and the Committee having recorded the said statements in respect of each meeting shall declare the total number of ratepayers voting for and against the resolution in the district and shall communicate the resolution and the said numbers to the Director.

SCHEDULE B.

SOLEMN DECLARATION.

I, A.B. of..... do solemnly and sincerely declare that my income in terms of the "Public Education Amendment Ordinance, 1907" for the year ending on the thirty-first day of December last has been less than the sum of £³⁰⁰₆₀₀ and I make this solemn declaration conscientiously believing the same to be true.

No. 19 of 1907.]

[April 8th, 1907.

ORDINANCE

To regulate the Law relating to Explosives.

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

1. The term "explosive" in this Ordinance shall mean dynamite, nitro-glycerine, explosive compounds of nitrate of ammonium, explosive compounds of chlorate of potassium, gun-cotton, blasting-powder, blasting gelatine, fulminate of mercury or of other metals and shall

Definition of
"explosive."

include detonators and any other substance whether similar to the aforesaid or not used or manufactured with a view to produce a practical effect by explosion which the Lieutenant-Governor may from time to time declare to be an explosive and every adaptation and preparation of an explosive as herein defined but shall not include—

- (a) blasting fuse,
- (b) the combination of explosives commonly known as "fireworks" and used for pyrotechnic displays,
- (c) gunpowder manufactured solely for use as ammunition for small arms.

2. The Lieutenant-Governor may from time to time make, alter, amend and repeal regulations for the purpose of regulating in the interest of the safety of the public—

Lieutenant-Governor may make regulations.

- (1) The transport of explosives and in particular the methods of loading and unloading the same and limiting the amounts to be carried at the same time in any vehicle or train of vehicles.
- (2) The packing of explosives for transport.

3. No person shall import or export into or out of this Colony or purchase within this Colony any explosives unless and until he shall have obtained from the Magistrate a permit for such purpose.

Permits to import, export or purchase explosives.

4. The Magistrate shall have discretion to issue or refuse to issue any such permit; but any person to whom the Magistrate may have refused to issue any such permit may apply to the Colonial Secretary who may if he deems fit instruct the Magistrate to issue the same: provided that no such permit shall be issued to any coloured person without the special authority of the Lieutenant-Governor.

If Magistrate refuses to issue permit, appeal to Colonial Secretary.

Issue of permit to Coloured Person.

5. No permit to import explosives in quantities over one hundred pounds in weight shall be granted unless the applicant shall satisfy the Magistrate that he has a proper magazine available for storage of the same at its destination: provided that this section shall not apply to explosives to be imported directly for mining purposes by persons engaged in mining operations in this Colony who shall satisfy the Magistrate that they are so engaged and are importing the explosives for the said purposes.

Magazine to be provided for quantities over one hundred pounds.

6. All such permits as are mentioned in the foregoing sections shall be respectively in the form prescribed by regulations to be framed in that behalf and in case of import and transport permits shall state the destination of the explosives to be imported and any person conveying

Forms of permits. Import permits to state destination of explosives.

explosives to any other place than to the destination named therein shall be guilty of a contravention of this Ordinance.

Transport permit to move quantities over fifty pounds.

7. No person shall except under an import or export permit as aforesaid transport any explosives in quantities exceeding fifty pounds in weight except within the boundaries of his own property or property occupied by him or over which he has mining or prospecting rights without having first obtained a transport permit to that effect from the Magistrate which it shall be in his discretion to grant or refuse.

Police may require production of transport permit.

8. It shall be lawful for any member of the police to require the production of his permit by any person importing, exporting or transporting explosives and any person failing or refusing to produce the same shall except in the case of persons transporting explosives in quantities for which no permit is required be guilty of a contravention of this Ordinance.

Returns of permits issued and explosives imported

9. (1) Every Magistrate issuing permits for the import of explosives shall once every month transmit to the Colonial Secretary a return of all such permits issued by him.

(2) Every person to whom such a permit has been issued shall as soon as he shall have imported any explosives thereunder furnish the Magistrate with a return of the quantities so imported and any person failing to furnish such a return shall on conviction be liable to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

(3) The Magistrate shall once every month transmit to the Colonial Secretary a summary of the total amount of explosives so imported within his district or sub-district.

License to deal in explosives.

10. (1) From and after promulgation of this Ordinance no person shall deal in explosives in any store, shop or other premises without previously having taken out a license to be duly issued by the Receiver of Revenue for the district.

(2) Such license shall be taken out yearly or half yearly in accordance with the conditions prescribed in the "Stamps and Licenses Ordinance, 1903" or any amendment thereof for the issue of

licenses generally and on payment of the sum of twenty pounds or ten pounds for the year or half year respectively.

- (3) Any license taken out under the provisions of section sixteen of the "Arms and Ammunition Ordinance, 1902" shall authorise the holder thereof to deal in explosives and for such purposes shall be deemed to be a license taken out in terms of this section.
- (4) The said "Arms and Ammunition Ordinance, 1902" shall be and is hereby amended by the deletion of—
 - (a) The definition of explosives in section one.
 - (b) The words "or explosives" in section sixteen.

11. No person shall sell or dispose of by way of trade any explosives without having taken out a license as aforesaid nor in any case to any person who shall not exhibit to him his permit to purchase as aforesaid.

Permit to purchase must be shown before sale of explosives.

12. From and after the first day of October, 1907 no explosives shall be kept or stored at any place except in a magazine or store for explosives licensed under this Ordinance: provided that this section shall not apply—

Magazines licensed for store of explosives.

- (a) To a person keeping for his private use and not for sale explosives to an amount not exceeding on the same premises five pounds in weight.
- (b) To the keeping of explosives by a carrier or other person for the purpose of conveyance when the same are being conveyed or kept in accordance with the provisions of this Ordinance or any regulations framed thereunder.
- (c) To the keeping of explosives by persons engaged in mining or prospecting operations on property owned or occupied by them for that purpose or over which they possess mining or prospecting rights and in accordance with regulations framed under the Laws relating to mining.
- (d) To the keeping of explosives in quantities not exceeding one hundred pounds weight by persons engaged in quarrying, well-sinking or other operations requiring blasting (other than mining or prospecting): provided that such explosives be kept not less than two hundred and fifty yards from any building or public road or right of way.

Penalty for keeping explosives in unauthorised place.

13. Any explosives kept in any place other than as in the last preceding section mentioned or save as therein excepted shall after the said date be deemed to be kept in an unauthorised place and the following provisions shall apply—

- (1) All or any part of the explosives found in such place may be forfeited.
- (2) The occupier of such place and also the owner of or other person guilty of keeping in such place the explosives shall each be liable on conviction to a fine not exceeding five pounds for every pound of explosives so kept or in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

Stipulations as to erection of Magazine.

14. No magazine or store for explosives except such as may be established under the laws or regulations relating to mining shall be established except on the site and in the manner specified in a license for the same granted under this Ordinance.

Application for Magazine license.

15. (1) An applicant for such license shall submit to the Mayor of the Municipality or the Chairman of the Village Board of Management if the magazine be situated in any Municipality or Village area or to the Magistrate if the magazine or store be situated elsewhere a draft of a license accompanied by a plan (drawn to scale) of the proposed magazine or store and the site thereof and a sketch plan showing the said site in relation to the nearest buildings or public roads, if any, in proximity thereto which plans shall be deemed to form part of and to be in this Ordinance included in the expression "the license."
- (2) Notice of his application shall be published by the applicant in the *Gazette* not less than one month before the hearing thereof as hereinafter provided.

What Draft License to specify.

16. The draft license shall contain the terms which the applicant proposes to have inserted in the license and shall specify such of the following matters as are applicable namely—

- (a) The boundaries of the land forming the site of the magazine or store and either any belt of land surrounding the site which is to be kept clear and the buildings and works from which it is to be

kept clear or the distances to be maintained between the magazine or any part thereof and other buildings.

- (b) The situation, character and construction of all buildings connected with the magazine or store.
- (c) The amount of explosives to be allowed at the same time in any building having regard to the nature and construction of such building and to the distance thereof from any other building : provided that no license issued for a store for explosives situated within the limits of any surveyed even of any town or village shall authorise the storage therein of explosives to the total amount of more than fifty pounds weight.
- (d) Any special terms which the applicant may propose by reason of any special circumstances arising from the locality, the situation or construction of any buildings or otherwise.

17. The Town Council or Village Board of Management or the Magistrate as the case may be after the examination of the proposal may reject the application altogether or may approve of the draft license with or without modifications or additions and grant to the applicant permission to apply to the Colonial Secretary for his assent to the establishment of a magazine or store on the proposed site. On the consent of the Colonial Secretary having been obtained the license may be granted by the Council, Board or Magistrate as the case may be.

Permission to apply to Colonial Secretary for assent to establishment of magazine.

18. The Council or Board or Magistrate as aforesaid upon the hearing of the application or any adjournment thereof may dissent altogether from the establishment of such magazine or store on the proposed site or assent thereto either absolutely or on any conditions requiring additional restrictions or precautions and may at any time prior to deciding on the question submit any point arising in connection therewith to the Head of the Mines Department in writing for his advice thereon.

Dissent or assent to establishment of magazine.

19. The Council or Board or Magistrate aforesaid shall appoint a competent magazine master for any town, village or locality as the case may be to supervise and control the storage and handling of explosives. Such magazine master shall be recommended and paid by the trader concerned and such payment shall be either by means of salary or fees as may be arranged between the Council Board or Magistrate as the case may be and the trader.

Appointment of magazine masters.

Lieutenant-Governor may make regulations for storage of explosives.

Penalties for breach of regulations.

Search for explosives kept or conveyed illegally.

Search Warrant.

Disposal of forfeited explosives and receptacle.

Jurisdiction of Magistrates.

20. The Lieutenant-Governor may in the interest of public safety make, amend and repeal regulations with reference to the storage of explosives in any magazine.

21. In the event of any breach by act or default of the said regulations or of the conditions contained in any license as aforesaid—

- (a) All or any part of the explosives in respect to which or being in any building in respect to which the offence is committed may be forfeited.
- (b) The occupier shall be liable to a penalty not exceeding twenty pounds and in addition (in the case of a second or subsequent offence) five pounds for every day during which such breach continues or in default of payment of the aforesaid penalties to imprisonment with or without hard labour for a period not exceeding three months.

22. It shall be lawful for the Collector of Customs or any officer of His Majesty's Customs or any Magistrate, Justice of the Peace or member of the police to enter into and search any house, place, wagon or other vehicle in which there may be reason to suspect that any explosives are kept contrary to the provisions of this Ordinance and also to stop and to search any person, wagon, vehicle or animal by whom or upon which there may be reason to suspect that any explosives are being conveyed contrary to the provisions of this Ordinance.

23. Any Magistrate or Justice of the Peace may grant his warrant addressed to any other person to make such search as aforesaid.

24. Any explosive or ingredient forfeited in pursuance of this Ordinance may be sold, destroyed or otherwise disposed of in such manner as the Court declaring the forfeiture or the Colonial Secretary may direct and the proceeds of any such sale or disposal shall be paid into the Public Treasury.

The receptacle containing any such explosive or ingredient may be forfeited, sold, destroyed or otherwise disposed of in like manner as the contents thereof.

25. Courts of Resident Magistrate shall have jurisdiction to try all offences against the provisions of this Ordinance or any regulations made thereunder and to impose the penalties therein prescribed.

26. Where no special penalty is prescribed any person contravening the provisions of this Ordinance or any regulations made thereunder shall on conviction be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding twelve months and any explosive dealt with in contravention of this Ordinance or the said regulations shall be *ipso facto* forfeited. Penalties.

27. In this Ordinance the expression "Magistrate" shall include Resident Magistrate and Detached Assistant Resident Magistrate. Definition of "Magistrate."

28. The provisions of Chapter XLVI. as far as they remain in force shall be and are hereby repealed : provided that the provisions thereof dealing with private magazines shall remain of force and effect until the date mentioned in section twelve hereof. Repeal.

29. This Ordinance may be cited as the "Explosives Ordinance, 1907." Title.

No. 20 of 1907.]

[August 9th, 1907.]

ORDINANCE

To Repeal the "Imperial Contribution
(Contingent) Ordinance, 1903."

Be it enacted by the Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

1. The "Imperial Contribution (contingent) Ordinance, 1903" shall be and is hereby repealed. Repeal of Ordinance No. 36 of 1903.

2. This Ordinance may be cited as the "Imperial Contribution Repeal Ordinance, 1907."

No. 21 of 1907.]

[August 9th, 1907.

ORDINANCE

To amend the "National Hospital Ordinance, 1906."

Be it enacted by the Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows:—

Definition.

1. In this Ordinance the expression the "principal Ordinance" shall mean the "National Hospital Ordinance, 1906."

Section 2 of principal Ordinance repealed.

2. Section two of the principal Ordinance shall be and is hereby repealed and in place thereof the following provision shall apply:—

The management and control of the Hospital shall subject to the provisions of the principal Ordinance be vested in a Board of nine members or such number of members as the Governor shall from time to time prescribe of whom one shall be nominated by the Railway, one by the Municipality and the remainder by the Governor.

Title.

3. This Ordinance shall be read as one with the principal Ordinance and may be cited as the "National Hospital Amendment Ordinance, 1907."

No. 22 of 1907.]

[August 9th, 1907.

ORDINANCE

To apply a further sum not exceeding Fourteen Thousand and Fifty-five Pounds Sterling for the Service of the year ending the thirtieth day of June, 1907.

Be it enacted by the Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows:—

Public Revenue charged with £14,055.

1. The Public Revenue of the Colony is hereby charged towards the service of the year ending the thirtieth day of June, 1907, with a further sum of Fourteen thousand and fifty-five pounds sterling in addition to the sums provided by the "Appropriation 1906-7 Ordinance, 1906."

2. The money granted by this Ordinance shall be applied to the purpose and services expressed in the Schedule annexed hereto and more particularly specified in the Supplementary Estimates of Expenditure for the year ending the thirtieth day of June, 1907.

How money to be applied.

3. This Ordinance may be cited for all purposes as the "Additional Appropriation 1906-7 Ordinance, 1907."

Title.

SCHEDULE.

Head of Estimates.	Amount Required.
	£
2. Lieut.-Governor and Councils	400
4. District Administration	1,750
8. Administration of Justice	450
14. Education	6,010
15. Survey and Mines	485
17. Stationery, Printing, and Office Requisites	650
20. Agriculture	3,680
22. Miscellaneous	630
Total	<u>£14,055</u>

No. 23 of 1907.]

[August 9th, 1907.

ORDINANCE

To apply a Sum for the Service of the year ending the thirtieth day of June, 1908.

Be it enacted by the Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Public Revenue of the Colony is hereby charged towards the service of the year ending the thirtieth day of June, 1908, with a sum of six hundred and seventy-four thousand five hundred and fifty pounds sterling.

Public Revenue charged with £674,550.

2. The money granted by this Ordinance shall be applied to the purposes and services expressed in the

How money to be applied.

Schedule annexed hereto and more particularly specified and set forth in the Estimates of the Expenditure for the year ending the thirtieth day of June, 1908.

Title. 3. This Ordinance may be cited for all purposes as the "Appropriation 1907-8 Ordinance, 1907."

SCHEDULE.

Head of Estimates.	Amount Required.
	£
1. Pensions and Grants	16,990
2. His Excellency the Governor (formerly Lieutenant-Governor and Councils)	3,530
3. Legislative Council and Legislative Assembly	15,000
4. Colonial Secretary's Department	9,802
5. District Administration	46,675
6. Treasury	5,420
7. Customs	11,349
8. Revenue Services	200
9. Administration of Justice	17,832
10. Master of High Court	3,555
11. Deeds Office	3,520
12. Audit Department	5,375
13. Prisons	28,929
14. Medical	41,210
15. Education	125,437
16. Survey and Mines	9,825
17. Post Office and Telegraphs	116,526
18. Stationery, Printing and Office Requis- ites	11,684
19. Public Works	130,325
20. Agriculture	55,200
21. Land Settlement	1,858
22. Miscellaneous	13,508
23. Refunds	800
Total	£674,550

No. 24 of 1907.]

[August 23rd, 1907.]

ORDINANCE

To Impose a Tax on the Profits of Diamond Mining Companies.

Whereas under the terms of Ordinance No. 4 of 1904, the Government became entitled to a considerable proportion of the Profits obtained from the Working of Diamond Mines other than "Existing Mines" as defined in Part 8 of that Ordinance : Preamble.

And whereas it is deemed just and reasonable that some share of the Profits earned by such "Existing Mines" should also be paid to the Revenue of the Colony :

Be it enacted by the Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

1. From and after the First day of July, 1907, subject to the provisions of this Ordinance and any Ordinance and any Regulations issued thereunder there shall be levied, collected and paid into the Revenue of the Colony a tax of seven per cent. on such part of the net profits obtained from the working of all such Diamond Mines in this Colony as are defined in Part VIII of Ordinance No. 4 of 1904 as "Existing Mines" as may be— Levy of tax of 7 per cent. on profits of certain Diamond Mines.

- (1) assigned or used for payment in the form of Interest, Dividend, Bonus or other like distribution to the shareholders or debenture holders of the Companies working the said mines or other mineholders thereof as defined in the said Ordinance; or
- (2) allocated for investment or use in any concern, undertaking or security not directly or indirectly connected with the working or business of the mine as such.

2. (1) No tax shall be levied on any such portion of the net profits earned by the Mineholders of such "Existing Mines" as may arise from investment of Capital not directly or indirectly connected with the working of the mine. Exemptions from taxation.

- (2) No tax shall be levied under this Ordinance in respect of any mine until the aggregate amount of the net profits assigned, used or allocated in the manner described in section one, either

before or after the promulgation of this Ordinance, in respect thereof shall have amounted to fifty thousand pounds together with interest at the rate of ten pounds per centum per annum from the date of the said promulgation which sum shall be allowed free of taxation as an equivalent for working capital expended on the equipment and development of the mine.

Balances carried forward subject to tax.

3. In the event of a portion of any Reserve Fund Balances carried forward or any like funds being appropriated in any year for distribution as aforesaid the same shall be deemed to be part of the net profits liable to the tax under the terms of section one of this Ordinance.

Tax payable annually.

4. The tax payable under the terms of section one of this Ordinance shall be due in respect of the regular financial year of any such Mining Company or Mineholder as aforesaid, that is to say, the twelve months immediately preceding the day up to which the accounts of such Company or Mineholder have customarily been made up and shall be paid annually within three months of the expiration of such financial year. The first annual payment of the said tax shall be due and payable as aforesaid in respect of the first financial year of any such Company or Mineholder terminating after the promulgation of this Ordinance :

Provided that it shall be lawful for the Colonial Treasurer on good cause being shown to his satisfaction to extend the period of payment as aforesaid on condition that payment is made within the said period of three months of a sum representing the estimated amount of the tax on any sum available for dividends in respect of the past financial year and that the matter be finally adjusted on the assignment of such dividends.

Assessment of tax.

5. For the purpose of determining the amount due as aforesaid the following annual statements shall be rendered to the Colonial Treasurer by every Diamond Mining Company or Mineholder referred to in section one of this Ordinance :—

- (a) A certified copy of the Annual Balance Sheet and Report (if any) rendered to the Shareholders.
- (b) An annual statement of account in which shall be shewn the net profits, if any, of the Mine, the distribution or disposal of such profits and the amount payable to the Government in terms of section one of this Ordinance.

6. The Statements referred to in the last preceding section shall be rendered within two months of the close of any financial year of the Company or Mineholder as aforesaid or at such later date as may be agreed to by the Colonial Treasurer prior to the expiration of one month from the close of the said financial year.

Statement of profits, etc., to be rendered within two months of close of financial year of any Diamond Mining Company.

7. The Colonial Treasurer may call for such evidence as he thinks fit with a view to satisfying himself as to the correctness of the aforesaid Statements, and for this purpose shall have the right at all reasonable times of inspecting the Books of the Company or of causing the same to be inspected by any persons authorised thereto in writing.

Colonial Treasurer may call for evidence in support of financial statement of any Company.

8. Any Company or person failing to render the aforesaid Statements within the dates aforesaid and in accordance with the provisions of this Ordinance shall be liable to a penalty of ten pounds for every day such Company or person is in default.

Penalty on failure to render statement.

9. Any person wilfully framing any false statement or account for the purpose of this Ordinance shall be deemed to be guilty of perjury and shall be liable to the penalties provided for the commission of that crime and any Company wilfully employing such person to frame such statement or account shall be liable to a penalty not exceeding five hundred pounds.

False statement. Penalty.

10. Any statements or accounts required to be furnished by any Company under the terms of this Ordinance or any Regulations issued thereunder shall be signed by the Managing Director or Secretary thereof; and every notice, process or proceeding which, under this Ordinance or any Regulations issued thereunder, may be given to, served upon or taken against any Company, may be given to, served upon or taken against such Managing Director or Secretary or against any person acting or appearing to act in the management of the affairs of such Company.

Statement must be signed by Managing Director or Secretary.

11. The Governor may make Regulations for the better carrying out of this Ordinance in any or all of the following respects :—

Governor to frame regulations.

- (1) Prescribing the forms of any Return that may be required to be furnished.
- (2) Preventing the evasion of the tax payable under this Ordinance by the improper diversion of the produce or profits of the mine or otherwise.

- (3) Imposing penalties for the breach of any regulations.
- (4) Making further provision in respect of any matter or thing necessary to give full effect to this Ordinance.

Title. 12. This Ordinance may be cited for all purposes as the "Profits Tax (Diamond Mines) Ordinance, 1907."

No. 25 of 1907.]

[August 9th, 1907.

ORDINANCE

To prevent the spread of Insect Pests and Diseases of Plants.

Preamble.

Whereas it is desirable to make provisions for preventing the spread in this Colony of insect pests and diseases of plants and to provide for the licensing and inspection of nurseries and other places :

Be it enacted by the Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

Governor empowered to make Regulations for carrying out provisions of Ordinance.

1. It shall be lawful for the Governor from time to time to make, alter or repeal regulations for all or any of the following purposes and to provide penalties for the breach thereof ;

- (a) For the licensing and inspection of nurseries, orchards, gardens or other places in which plants are reared and for defining the powers and duties of Inspectors of such places as aforesaid.
- (b) For the charging of fees in respect of any licenses issued or inspection or treatment carried out by regulations made under this Ordinance.
- (c) For the cleansing or destruction of any plant or portion thereof whatsoever infected with any insect pest or plant disease, the dissemination of which shall be considered detrimental to the interests of this Colony.
- (d) For prohibiting the removal of any plant or portion thereof infected with any insect pest or plant disease or growing in an area infected with such insect pest or plant disease, to any other place in this Colony.

Provided that no penalty shall be imposed by any such regulation as aforesaid exceeding a fine of fifty pounds or in default of payment of the same imprisonment with or without hard labour for a period not exceeding six months.

2. This Ordinance may be cited as the "Insect Pests and Diseases of Plants Prevention Ordinance, 1907." Title.

No. 26 of 1907.]

[August 9th, 1907.]

ORDINANCE

To further amend the "Lands Settlement Ordinance, 1902."

Be it enacted by the Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows:—

1. In this Ordinance the term "principal Ordinance" shall mean the "Lands Settlement Ordinance, 1902." The "principal Ordinance."

2. Notwithstanding anything in section twenty-three of the principal Ordinance or the Schedules thereto or in any agreement of sale made under the said Ordinance contained any purchaser under the said Ordinance may at any time during the continuance of such agreement make application to the Director that the terms of his agreement be so modified that the conditions as set forth in sub-section (b) of section twenty-three of the said Ordinance and included in the said agreement in respect of the payment of the purchase price shall from the date of receipt of the said application be deemed to be amended by the addition thereto of the following proviso which shall thereupon be deemed to be included in and form part of the said agreement—

Purchaser under principal Ordinance may apply to have the terms of agreement modified.

Provided that for the remainder of the said period of thirty years from the _____ day of _____ (being the date of an application in writing to that effect made to the Director by the purchaser) the terms of payment of the purchase price and interest shall be as follows:—

The purchaser shall pay an annual sum amounting to four pounds per centum of any balance of the purchase price at any time remaining unpaid in half-yearly instalments of two pounds per

centum of the said price by way of interest thereon, the first of which instalments shall be due and payable six months after the date on which the last instalment which became due prior to the amendment of his agreement as aforesaid accrued due and payable. The balance of the capital amount of the purchase price remaining unpaid at the said date may be paid by the purchaser at such time or times and in such amounts during the remainder of the said period (subject always to the provisions of sub-section (d) of section twenty-three of the principal Ordinance) as the purchaser may deem fit: Provided that no interest shall be credited to the purchaser on any amount so paid in respect of the purchase price as provided in sub-section (e) of the said section: and provided always that in the event of the said purchase price not being fully paid on or before the expiration of the said period the land occupied by the purchaser shall revert to the Government.

Previous liabilities of purchaser not to be affected.

3. Nothing in the last preceding section shall be deemed to exempt any purchaser from any liability incurred by him under the said sub-section (b) in respect of the payment of capital and interest up to the date of the said application: Provided that it shall be lawful for the Governor on the advice of the Board to defer payment of any sums so due to such time as he may deem fit, and any such payments so deferred prior to the promulgation of this Ordinance shall be deemed to be or to have become due and payable on the date to which payment shall have been deferred as aforesaid.

Purchaser may choose either of two terms of payment.

4. In any agreement entered into under the principal Ordinance subsequent to the promulgation of this Ordinance it shall be competent for the purchaser to elect whether the terms of payment as set forth in the said sub-section (b) or the terms of payment as embodied in the proviso set forth in section two hereof shall be included in the said agreement. In which latter event the provisions of section twenty-three of the principal Ordinance with the exception of sub-sections (b) and (e) shall *mutatis mutandis* apply.

Purchaser may elect manner of repaying advance under principal Ordinance.

5. Notwithstanding anything in sections nineteen and thirty-one and Schedule B of the principal Ordinance contained it shall be competent for any purchaser or lessee who has received any advance from the Government

payable under the principal Ordinance to make application to the Director in writing that the then unpaid balance of the said advance together with any outstanding interest thereon be thereafter repayable in the manner following, that is to say :—

- (1) The said balance together with the said interest, if any, shall be repayable as a capital sum by equal payments payable in three instalments at four years, seven years and ten years respectively from the date of such application. Provided that it shall be competent for such purchaser to pay off the whole or any portion of such sum at such times as he may deem fit prior to such dates.
- (2) Interest on the said capital sum so far as it remains unpaid shall be paid at the rate of four pounds per centum per annum payable half yearly the first payment to become due six months after the date of the said application and thereupon the said balance and interest shall be payable as aforesaid and not otherwise.
- (3) In case of any purchaser or lessee not having made application as aforesaid the terms of the aforesaid sections and Schedule shall continue to apply provided that interest shall be payable at the rate of four pounds instead of five pounds per centum per annum.

6. From and after the promulgation of this Ordinance all future advances made to purchasers or lessees shall be repayable with interest in the manner provided in the last preceding section for the payment of the balance of outstanding advances.

Future advances to be repayable as in Section 5 provided.

7. In the event of failure on the part of the purchaser to pay any instalment of interest or capital in respect of any such advances when the same shall become due and payable as aforesaid it shall be lawful for the Governor to cancel the agreement of sale on giving to the purchaser three months' notice in writing of his intention so to do and the land shall thereupon revert to the Government subject to the provisions of section twenty-six of the principal Ordinance: Provided that, in cases of extreme urgency, such as are contemplated by section thirty of the principal Ordinance or by reason of successive failure of crops it shall be competent for the Governor, with the advice of the Board, at any time during the currency of any agreement of purchase to enter into an

On failure to pay instalment of interest or capital land to revert to Government.

agreement with the purchaser whereby any improvements effected by the said purchaser, in accordance with the provisions of section twenty-nine of the principal Ordinance, may be taken over by the Government and treated as if they had been completed prior to the purchaser coming into occupation of the land, in which case—

- (a) The purchaser shall not thereafter be liable for the payment of any outstanding portion of the capital or interest in respect of any sum advanced by the Governor and shown to the satisfaction of the Board to have been expended on the erection of such improvements under section twenty-nine of the principal Ordinance.
- (b) No compensation shall be payable to the purchaser by the Government in respect of such improvements in the event of the cancellation of the agreement of purchase.
- (c) The said improvements shall become the property of the purchaser on the land being transferred to him, in accordance with the provisions of the principal Ordinance, or shall become the property of the Government should the land revert to the Government.

Purchaser under principal Ordinance may cancel agreement of purchase on giving three month's notice.

8. Any purchaser under the principal Ordinance or any amendment thereof may cancel his agreement of purchase by giving three months notice in writing of his intention so to do in which event the provisions of section twenty-six of the principal Ordinance shall apply. Provided always that upon the cancellation of any such agreement as aforesaid or under the provisions of the principal Ordinance no such purchaser shall be deemed to have any claim for the refund of any instalment that may have been paid by way of interest or any right to withhold any amount which may have become due and payable under his agreement prior to the date of the termination of the same.

Section 20 of principal Ordinance to apply in certain cases.

- 9. (1) So soon as any notice of the cancellation of any agreement of purchase has been given under the last preceding section or under section twenty-three or twenty-four of the principal Ordinance the provisions of section twenty of the said Ordinance shall *mutatis mutandis* apply and shall extend to all indebtedness incurred by

the purchaser to the Government or the Board as the case may be as well as to advances made to the purchaser.

- (2) The said section twenty shall be and is hereby amended by substituting the word "Governor" for the words "Colonial Secretary" therein.

10. Whenever the agreement of any purchaser is amended as provided in section two hereof or whenever any person shall hereafter enter into an agreement of purchase under the Lands Settlement Ordinances of this Colony it shall be his duty and he shall hereby be deemed to have agreed to keep and maintain in proper and efficient repair any buildings, fences, dams or other permanent improvements on the land occupied by him under such agreement as may be or have been existing on the land at the time of his entering into occupation thereof or which may be or have been erected free of charge thereupon by the Land Settlement Board, and on his failing to do so after three months notice in writing to that effect it shall be lawful for the Director of Land Settlement to enter on such land and effect such repairs as may be necessary at the expense of the purchaser which expense shall be thereupon recoverable from the said purchaser in any competent court of law, or on the termination of his agreement may be deemed for all purposes to be an advance made under the principal Ordinance.

Purchaser under Section 2 to keep in repair buildings, fences, etc., on land occupied by him.

11. From and after the promulgation of this Ordinance all land hereafter disposed of under the provisions of the principal Ordinance shall be subject to the following condition, namely, that all rights to coal mineral oil or oil shale found or discovered at any time on or under such land shall be reserved to the Crown in like manner and under the same conditions as are set forth in sub-section (c) of section thirty-four of the principal Ordinance in respect of gold, silver and precious stones.

Reservation to Crown of coal and oil.

12. No agreement entered into under the principal Ordinance shall be deemed to be invalid by reason only that the notice required by section three thereof was not published as therein provided.

Agreements not invalid by reason of non-publication of notice required by Section 3.

13. Section six of the principal Ordinance shall be and is hereby repealed.

Repeal.

14. This Ordinance may be cited as the "Lands Settlement Further Amendment Ordinance, 1907."

Title.

No. 27 of 1907.]

[August 9th, 1907.

ORDINANCE

To provide for the Destruction of Locusts.

Be it enacted by the Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

Interpretation of terms.

1. In the interpretation of this Ordinance unless the context otherwise clearly indicates—

“Locusts” shall mean the insects called respectively “*pachytylus migratorius*” or brown locust and “*acridium purpuriferum*” or red locust.

“Voetgangers” shall mean such locusts while in their earlier stages, before they are able to fly, otherwise known as “hoppers.”

“Locust Officer” shall mean any officer appointed under the provisions of this Ordinance or any regulations framed thereunder to carry out the purposes thereof.

“Farm” shall mean every farm, portion of a farm or block of contiguous farms under the control of the same occupier in the meaning of this Ordinance or if there be no such occupier any farm or block of farms having the same owner as hereinafter defined and shall include Crown Lands, native reserves, railway areas and all areas under the control of municipalities or village management boards, mynpachts, claims or block of claims and mining areas.

“Owner” shall mean the person or persons who whether as registered owner or joint owners thereof or as purchaser, lessee, usufructuary or in other like capacity as the case may be are in occupation or have the right to possession or occupation of any farm.

“Occupier” shall mean in the case of railway areas the Resident Engineer or other responsible officer in this Colony or in case of other farms the owner of any farm as hereinbefore defined if resident thereon whether white or coloured, or if the owner be not so resident shall include the resident caretaker, manager or agent of such owner as the case may be or

other person resident on such farm not being a coloured person having the control or management thereof or occupying, farming or working the same under any tenure: Provided that if the occupier as aforesaid be a woman or a person incapacitated by bodily or mental infirmity the term "occupier" shall mean the husband or the son or eldest of any sons or the responsible manager or agent of such woman or person as the case may be resident on such farm.

2. For the purposes of this Ordinance—

(1) the owner or occupier of any farm on which any public gold diggings or alluvial diamond diggings have been proclaimed shall be deemed to be the owner or occupier respectively of all such portions of the proclaimed areas upon such farm as are not actually pegged off as claims or mynpachts according to the laws relating to precious metals and precious stones.

Owners or occupiers of mining properties.

(2) In case of all claims or mynpachts duly pegged off as aforesaid, and in case of all mines whether of precious stones or precious or base metals the holders of such claims, mynpachts or mines shall be deemed the owners thereof, and the person actually working any such claim or the manager of the aforesaid owner working any such claims, mynpacht or mine shall be deemed the occupier.

3. From and after the promulgation of this Ordinance every occupier of a farm on which locusts shall deposit their eggs shall as soon as possible give notice in writing of the same to the member of the police force in charge of the nearest police post and in such notice shall state as near as may be the locality or localities on his farm on which such eggs have been deposited and such other particulars as may be required by any regulation framed hereunder.

Notification of deposit of eggs.

4. (1) Any such occupier neglecting or failing to give notice of the depositing of eggs as aforesaid shall be liable on conviction to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

Penalty for failing to notify.

(2) No occupier shall be deemed to be exempt from the penalty imposed by the preceding sub-section by reason only of mere temporary absence from the farm at the time when such eggs were deposited.

Director of Agriculture to take action.

5. Whenever any such notice shall have been given as aforesaid of the depositing of eggs on any farm the member of the police force in charge of the police post shall communicate the same to the Director of Agriculture who may thereupon or on his becoming aware from any other source of eggs of locusts having been deposited on any farm take whatever action may appear advisable under this Ordinance.

Notification of hatching out of voetgangers.

6. As soon as any voetgangers shall appear on any farm whether hatched out thereon or otherwise the occupier of the said farm shall forthwith—

- (a) give notice in writing of the same to the member of the police force in charge of the nearest police post with particulars as to the size and locality of the swarms (who shall communicate the same by telegraph to the Director of Agriculture) and
- (b) use his utmost endeavours to destroy the said voetgangers by using the material provided by the Director of Agriculture or by any other efficacious means.

Any occupier failing or neglecting to give such notice or to use such endeavours shall be liable to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

Penalty for driving voetgangers.

7. Any occupier who shall drive, or attempt to drive, or cause, or knowingly permit voetgangers to be driven from his farm on to any neighbour's farm, shall on conviction be liable to a fine not exceeding ten pounds, or in default of payment to imprisonment with or without hard labour for a period not exceeding one month, and any person not being an occupier who shall drive or attempt to drive voetgangers from one farm to another shall on conviction be liable to a like penalty: Provided that when the growing crops are threatened by a swarm of voetgangers on any farm and the owner shall have used his best endeavours to destroy the same and shall have found it impossible he shall not be liable to the penalty in this section prescribed for driving such voetgangers on to a neighbouring farm provided that he does not drive them on to growing crops.

Information to be transmitted to Director of Agriculture.

8. Whenever any occupier has given such notice as in section six mentioned or on its coming to the knowledge of the member of the police force in

charge of any police post or any other member of the police that voetgangers have appeared on any farm he shall forthwith communicate the said notice or give information as the case may be to the Director of Agriculture.

9. (1) Whenever it shall come to the knowledge of any locust officer that voetgangers have appeared on any farm he shall be and is hereby empowered to enter on such farm on foot or on horseback or with such vehicles and such servants as may be required and take all such steps as he may deem necessary to destroy such voetgangers either in conjunction with the occupier thereof or otherwise as the case may be.

Locust Officer empowered to act.

(2) Every locust officer while carrying out his duties under this section shall be entitled to take and use free of charge any water that may be required for the purpose of destroying the voetgangers from any source on the farm on which the same have appeared or from any neighbouring farm where such water may be readily available and shall be further entitled to free grazing and water on the first named farm for his transport animals or other animals employed by him for the purpose of carrying out the said duties.

10. In case any occupier shall have failed to give notice of the appearance of voetgangers as aforesaid or in case he shall have failed to use his utmost endeavours to destroy the same as hereinbefore provided, all expenses incurred by the Director of Agriculture in destroying or attempting to destroy such voetgangers on such farm, may be recovered by him from the said occupier in any competent Court of Law: Provided that no occupier who has duly complied with the provisions of section six hereof shall be liable to the payment of such expenses.

Expenses of destruction to be borne by occupier who fails to comply with section 6.

11. In the case of any farm—

(a) on which there is no white person resident as occupier within the meaning of this Ordinance, or

(b) of which the occupier is the manager, caretaker or other servant of the owner and has failed to comply with the provisions of section six hereof

Cases in which expenses of destruction to be borne by owner.

the aforesaid expenses in the last preceding section mentioned may be recovered from the owner of the said farm

notwithstanding that he is not the occupier thereof and in lieu of recovering the same from the occupier (if any) as in the last preceding section provided :

Provided that—

- (1) In the case of native reserves or locations the said expenses may be recovered from the male portion of all the inhabitants of such reserve or location between the ages of sixteen and sixty years or from the Board of Management (if any) of such reserve.
- (2) In the case of any farm owned and occupied by a coloured person such person shall be exempt from the payment of such expenses if he has duly complied with the provisions of section six hereof.

Appointment of
Locust Officers.

12. The Governor may from time to time appoint an officer to be termed the Chief Locust Officer and so many other locust officers as he may deem expedient.

Regulations.

13. The Governor may from time to time make, alter and repeal regulations for the better carrying out of the provisions of this Ordinance and in particular with reference to the duties of locust officers, the methods to be adopted for the destruction of locusts and the particulars to be included in any notice to be given in terms of this Ordinance.

Government not
liable for damage
in carrying out this
Ordinance.

14. No action shall lie against the Government of this Colony or against any locust officer or other Government officer for any loss or damage arising from or caused by anything done under the provisions of this Ordinance or any regulations framed thereunder or in the exercise of his duty thereunder by any such officer or person acting under his authority, except in cases of loss arising from gross negligence on the part of such officer or person, nor shall such officer or person be deemed to be a trespasser by reason of his entry on any land for the purposes of this Ordinance or the said regulations.

Penalty for
obstruction

15. Any person who shall prevent or hinder or attempt to prevent or hinder any locust officer or person authorised by him from entering upon any land or carrying out his duty thereupon as prescribed in this Ordinance or any regulations framed thereunder, shall be liable on conviction to a fine not exceeding twenty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

16. Whenever the Government shall have supplied any material free of charge for the purpose of destroying locusts, any person who shall wilfully appropriate or use the same for any other purpose shall be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

Penalty for improper use of materials.

17. The Courts of Resident Magistrates shall have jurisdiction to try all contraventions of the provisions of this Ordinance or any regulations framed thereunder and to inflict the penalties thereby prescribed and to hear and determine any action brought in terms thereof.

Courts of Resident Magistrates to have jurisdiction.

18. This Ordinance may be cited as the "Destruction of Locusts Ordinance, 1907."

Title.

No. 28 of 1907.]

[1907.

ORDINANCE

To consolidate and define the Law as to the registration and control of Coloured Persons on Mines and Diggings.

Whereas a doubt has arisen as to the application and effect of the provisions of Chapter LXX. of the Law Book in respect of the registration of coloured persons on mines and public diggings:

Preamble.

And whereas it is desirable to define more particularly the import of the said provisions and the powers granted under the several Laws and Ordinances relating to mining in respect of the control of coloured persons on mines and public diggings:

Be it enacted by the Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows:—

1. In the interpretation of this Ordinance "Mining Laws" shall include the Ordinances relating to the mining of precious stones and precious and base metals, namely, Ordinances Nos. 3, 4 and 8 of 1904, and any Statutes amending the same;

Definitions.

“Mine” shall mean any mine or proclaimed mining area other than alluvial diggings falling under the provisions of the mining laws whereon more than one hundred and fifty coloured persons are employed and shall also include any area whereon prospecting work for precious stones or precious or base metals is being carried on by any one person, partnership or company employing more than one hundred and fifty coloured persons within such area;

“Digging” shall mean the proclaimed area of any alluvial digging proclaimed under the mining laws;

“Manager” shall mean the responsible person having control of the mining or prospecting operations at any mine, or his deputy;

“Coloured Person” shall mean any male coloured person of African birth or descent, but shall not for the purpose of this Ordinance include any such persons employed within an area which is not proclaimed under the mining laws, where prospecting work is being carried on and who is not employed in such prospecting work;

“Registering Officer” shall mean the persons respectively defined in section three hereof as the persons by whom coloured persons shall be registered.

Coloured persons registered under this Ordinance exempted from Poll Tax.

2. (1) No coloured person duly registered under the terms of this Ordinance shall be liable to the payment of Poll Tax for the period for which he is so registered: Provided that any such coloured person who may be otherwise liable to the payment of Poll Tax and who shall be registered as aforesaid for a portion only of any calendar year, shall be liable for a proportionate amount of the annual poll tax in respect of such year for the period during which he has not been so registered.
- (2) Any discharge certificate or registration certificate issued under the terms of this Ordinance shall be taken as affording sufficient proof of the period named therein during which the coloured person to whom the same shall have been duly issued has been registered as aforesaid.

3. (1) Every coloured person on entering employment or coming to reside on any mine or digging or within the limits of the Municipalities of Jagersfontein or Koffyfontein or of the farm Jagersfontein No. 14 in the District of Fauresmith shall forthwith have himself registered :— Registration.
- (a) In the case of the Municipalities aforesaid except with respect to such coloured persons as may be employed on the mines by the Detached Assistant Resident Magistrate ;
- (b) In the case of mines by the manager ;
- (c) In the case of diggings by the Inspector of Mines.
- (2) Every coloured person employed or residing as aforesaid at the time of the taking effect of this Ordinance shall have himself registered as aforesaid on or before the fifteenth day of the calendar month next ensuing.
4. Such registers shall be kept in the form and manner to be prescribed by regulations made under this Ordinance. Form of registers to be prescribed by regulation.
5. Every such coloured person shall on registration pay a registration fee of one shilling and shall thereafter during the continuance of his residence or employment pay a fee of one shilling in advance in respect of every month to the Registering Officer for the renewal of such registration at such dates as may be determined by regulations framed under this Ordinance : Provided that any coloured person entering employment or coming to reside as aforesaid more than fifteen days after the date determined by regulations as aforesaid shall on his first registration pay the sum of sixpence only. The manner of such payments whether by means of stamps or cash shall be as prescribed in regulations framed under this Ordinance. Registration fees.
6. Every such coloured person on being registered as aforesaid shall receive from the Registering Officer a certificate in the form provided by regulations framed under this Ordinance. Such certificate shall be deemed to be evidence of registration as aforesaid until the last day only of the month for which it may be granted : Provided that on renewal of registration the original certificate may be endorsed to that effect or a new certificate issued as may by such regulations be prescribed. Certificate of registration.

Penalty for non-registration.

7. Should any such coloured person found without the limits of any enclosed mining area not be in possession of evidence of registration he shall be liable on proof that he has been employed or has been resident as aforesaid for more than six days to a fine of ten shillings or in default of payment to imprisonment with or without hard labour for a period not exceeding eight days.

Certificate of discharge.

8. (1) Every coloured person registered under this Ordinance on the termination of his contract of service shall be entitled to obtain from the Registering Officer a certificate of discharge in the form to be prescribed by regulations, which certificate shall show the date of his discharge, the length of time during which he has been registered at the mine or digging or within the Municipality, as the case may be, a description of such coloured person and the destination to which he desires to travel.

(2) Such certificate shall be issued to him on application by the Registering Officer, and shall serve in place of the pass mentioned in section one of Ordinance No. 30 of 1906, and the provisions of section three thereof shall *mutatis mutandis* apply in case of natives employed on any mine in which case the manager shall be deemed the employer.

Penalty for forging or illegally using certificate of discharge.

9. Any person who shall forge or alter any certificate issued under this Ordinance, and any person who shall utter or make use of such certificate other than the person to whom it has been issued shall on conviction be liable to a fine not exceeding twenty-five pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months or to such imprisonment without the option of a fine.

Hospital fees at Jagersfontein and Koffyfontein.

10. For the purposes of the maintenance of hospitals established for coloured persons at Jagersfontein and Koffyfontein, every such coloured person registered under this Ordinance shall in addition to and at the same times and in the same manner as the registration fees payable as aforesaid, pay in addition :—

- (a) In case of persons employed on the mine the sum of one shilling ;
- (b) In case of persons not so employed the sum of six-pence.

If any such person on paying his registration fees as aforesaid shall refuse to pay the said sum of one shilling or sixpence as the case may be, he shall on conviction be liable to a fine of one shilling in addition to the said sums, or in default of payment to imprisonment with or without hard labour for twenty-four hours.

11. Such amounts so paid shall be accounted for each month to the Resident Magistrate or Assistant Resident Magistrate as the case may be and shall be disposed of for the benefit of the said hospitals in manner to be prescribed by regulations framed in that behalf by the Governor.

How fines to be accounted for.

12. (1) Every person or company working any mine shall within six months after the promulgation of this Ordinance establish suitable accommodation to the satisfaction of the Inspector for the care and treatment of the sick and injured coloured persons in their employ and shall provide thereat suitable medical attendance at least once in every two weeks.

Mines to supply hospital accommodation.

(2) No coloured person shall be discharged from any such mine who is physically unfit to travel except in such cases and under such conditions as may be prescribed by regulations made under this Ordinance.

(3) Any such company or person contravening the provisions of this section shall be liable to a fine not exceeding one hundred pounds.

13. (1) It shall be lawful for any person or company working any mine to employ at the said mine any number of coloured persons whether heads of families or otherwise.

Employment of and locations for coloured persons.

(2) Such person or company may, with the consent of the Governor and shall when deemed necessary by him establish a location or locations for the residence of persons so employed and their families.

(3) The Governor may from time to time make regulations for the better government of the said locations and may by such regulations provide for :—

(a) The inspection, superintendence and control of such locations and the prohibition of the possession of weapons or other dangerous articles therein ;

(b) The sanitation, cleanliness, good order and abatement of nuisances thereat ;

(c) The exclusion from such locations of persons other than the coloured persons employed at the mine or their families ;

and may by such regulations prescribe penalties for the contravention of the same.

Diggers' Committees may make regulations.

14. Every Diggers' Committee established under the Mining of Precious Stones Ordinance, 1904, may and when required by the Governor shall establish a location or locations for the residence of the coloured persons employed on the digging for which they are appointed and frame regulations and thereby impose penalties for the contravention of the same not exceeding such as are mentioned in section one hundred and twelve of the said Ordinance for the control of such locations in respect of the matters in sub-section (3) of the last preceding section set forth, and such regulations when sanctioned by the Governor and published in the *Gazette* shall have force of Law as Regulations framed under the said Ordinance.

Contracts of service of coloured persons employed at any mine.

15. In case of contracts of service made elsewhere than in this Colony for the employment of coloured persons at any mine—

(1) The term "Resident Magistrate" in section eleven of the "Masters and Servants Ordinance, 1904," shall be deemed to include Detached Assistant Resident Magistrate, Inspector of Mines, or any person appointed by the Governor for the purpose of the inspection and recording of such contracts.

(2) In the case of a number of coloured persons engaged at the same time and under the same conditions whose names are included in one written contract it shall be sufficient if the document be stamped with stamps of the value of five shillings under the provisions of section fifteen of the said Ordinance.

16. Letters of Exemption issued under the "Coloured Persons Relief Ordinance, 1903," shall not be deemed to exempt the holder thereof from the provisions of this Ordinance. **Coloured persons Relief Ordinance does not apply.**

17. Coloured persons registered under this Ordinance shall, during the period for which they are registered, be exempt from the provisions of any law or regulation requiring the obtaining of a residential pass. **Exemption from residential pass.**

18. Sub-section (1) of section nineteen of the "Poll Tax Consolidation Ordinance, 1904," and so much of Chapter LXX. of the Law Book as remains unrepealed, shall be and are hereby repealed. **Repeal.**

19. The operation of this Ordinance shall be suspended until such time as the pleasure of His Majesty the King shall have been signified thereupon in this Colony. **Suspension of operation of this Ordinance.**

20. This Ordinance may be cited as the "Registration and Control of Coloured Persons on Mines and Diggings Consolidation Ordinance, 1907." **Title.**

No. 29 of 1907.]

[August 9th, 1907.]

ORDINANCE

To amend the Lands and Survey Ordinance, 1903.

Be it enacted by the Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

1. The provisions of sections 6, 7, 9, and 10 of the "Lands and Survey Ordinance, 1903," shall be deemed to apply *mutatis mutandis* to any erf or erven or any separately registered portion thereof in any town or village. **Provisions of certain sections of Principal Ordinance to apply to erven.**

2. This Ordinance may be cited as the "Lands and Survey Amendment Ordinance, 1907." **Title.**

No. 30 of 1907.] [August 23rd, 1907.

ORDINANCE

To amend the Mining of Precious Stones
Ordinance, 1904.**Preamble.**

Whereas it is expedient to define more particularly the manner in which the share of the Crown in any mines falling under the provisions of Part VI. of the "Mining of Precious Stones Ordinance, 1904," shall be ascertained and paid to the Government of this Colony :

And whereas it is desirable to amend the said Ordinance in certain other respects :

Be it enacted by the Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

Definition.

1. In this Ordinance the term "Principal Ordinance" shall mean the "Mining of Precious Stones Ordinance, 1904."

Scheme of expenditure of working capital to be rendered to Head of Mines Department.

2. In case of any mine falling under the provisions of Part VI. of the principal Ordinance the mineholder shall as soon as possible after the promulgation of this Ordinance or in case of mines hereafter discovered as soon as possible after the commencement of mining operations furnish to the Head of the Mines Department a proposed scheme for the equipment and development of the mine showing in detail together with plans and specifications the works on which the expenditure of working capital will be required together with a detailed estimate of such proposed expenditure thereon and the period over which the same is to be expended.

Capital expenditure to be limited till such scheme is furnished.

3. Until such scheme as aforesaid shall have been furnished to the Head of the Mines Department no sum expended by the mineholder by way of working capital or the equipment and development of the mine in excess of one thousand pounds in any calendar month except in cases of emergency shall rank as working capital or be deemed to be working expenses for the purposes of section forty-two of the principal Ordinance, but in ascertaining the proportion of net profits due to the Crown the said excess shall be charged solely against the mineholder's share of the net profits.

In the case of any mine which shall at the time of promulgation of this Ordinance have already entered upon mining operations, any sums expended or liabilities incurred by the mineholder previous to the said promulgation shall not fall within the operation of this section.

4. In case the mineholder shall desire at any time to expend further working capital in addition to and beyond the amount included in the aforesaid estimates he shall furnish to the Head of the Mines Department a further scheme with reference to such expenditure of a like nature to that mentioned in section two and in respect thereof the provisions of the last two preceding sections shall *mutatis mutandis* apply.

Scheme for additional expenditure.

5. No sum expended by way of working capital on the equipment or development of the mine within the periods mentioned in the said scheme in excess of the estimates included therein except in cases of emergency and in cases where the estimates for any item of expenditure duly specified as aforesaid have been exceeded through unforeseen circumstances shall rank as working capital or be deemed to be working expenses for the purposes of section forty-two of the principal Ordinance, but in ascertaining the proportion of net profit due to the Crown the said excess shall be charged solely against the mineholder's share of net profits.

Sums spent in excess of estimates not to rank as working capital.

6. (1) The annual account required by section forty-two of the principal Ordinance shall be framed forthwith on the closing of the mine accounts at the end of the customary financial year of the said mine; provided that should no financial year be observed by the mineholder the said account shall be made up annually from the first day of January to the thirty-first day of December in each calendar year.

Time for framing annual account defined.

(2) Every mineholder falling under the provisions of this section shall forthwith on the promulgation of this Ordinance or as soon as the financial year of the mine has been decided on, as the case may be, notify the Head of the Mines Department of the date of the closing of the customary financial year of the mine and the said date shall thereafter be deemed to be the annual date of the closing of the financial year of the mine concerned.

(3) It shall be competent for any mineholder on giving three months' notice to the Colonial Treasurer to alter the date of the closing of the financial year of his mine, provided that the share of profits due to the Crown shall be accounted for within twelve months of the date when the last preceding annual account was rendered and shall be paid within twelve months of the date when the last preceding annual payment of profits was made to the Government and in such case the provisions of the next two succeeding sections shall apply *mutatis mutandis* precisely as if the said dates for the rendering of such account and making such payment occurred at the close of the periods therein prescribed for such rendering and payment respectively.

Time for rendering annual account.

7. (1) The said annual account shall be rendered to the Head of the Mines Department within four months of the date of the closing of the financial year or within four months from the first day of January, as the case may be.
- (2) Every mineholder failing to render such account within the said four months shall on conviction be liable to a penalty of not less than ten pounds and not more than fifteen pounds for each day's delay in excess of the said four months.
- (3) In case the Colonial Treasurer shall be of opinion that the sum shown by the said account to be due to the Crown is incorrect and insufficient he may within one month of the date when such account is rendered give notice to the mineholder showing the amount claimed by the Government as being due to the Crown.

Times for payment of share of profits due to the Crown.

8. (1) Any sum shown by the said account to be due to the Crown shall be paid to the Colonial Treasurer within five months of the date of the closing of the mine's financial year or within five months of the first day of January, as the case may be : Provided that in case the Colonial Treasurer shall have given notice to the mineholder as in the last preceding section provided the mineholder shall pay as aforesaid the sum shown to be due by the said account and the amount in dispute (unless paid by the mineholder) shall be referred to the Board provided in section fifty-two

of the principal Ordinance, the members whereof shall be appointed by the parties within two weeks of the date of such notice and in case either party shall fail to make such appointment within the said period of two weeks the members appointed by the other party shall act and determine the matter in dispute and the decision of such Board or such members as the case may be shall be final : and provided further that in paying such sum the mineholder may deduct the proportionate value of any precious stones mined up to the close of the financial year or the 31st December as the case may be but remaining unrealized at the date of payment which value shall be paid to the Colonial Treasurer from time to time upon the realization of the said precious stones.

- (2) Any mineholder failing to pay the sum shown to be due to the Crown within the period prescribed as aforesaid and in case of dispute as aforesaid failing to satisfy the award of the said Board within thirty days after the same shall have been delivered shall be liable to the penalties prescribed in section seven for each day's delay in excess of the said period.

9. In case any interim dividend out of the net profits shall be appropriated by the mineholder during any financial year an amount equivalent to one half of the share proportionate thereto which would be due to the Crown namely an amount equal to one-third of the sum so appropriated shall be paid at the same time to the Colonial Treasurer and the balance of the proportionate amount due to the Crown shall be retained by the mineholder until the annual rendering of accounts and payment of profits after the close of the financial year.

Share to be paid to the Crown on appropriation of interim dividend.

10. The mineholder shall render to the Head of the Mines Department—

Particulars to be rendered to Head of Mines Department.

- (1) Copies of all communications made by the Directors or officers of the Company to the shareholders in case such mineholder be a Company.
- (2) Monthly statements in the form to be prescribed by the Head of the Mines Department showing in detail—

- (a) The expenditure of "working capital" for the past month ;
- (b) all other working expenditure, namely, all sums expended on the working and business of the mine not being "working capital" for the past month ;
- (c) the disposal of all other moneys received and remaining unexpended up to the end of the past month in respect of the working of the mine and the business of the mineholder with reference to the mine and its products ;
- (d) the amount and estimated value of the precious stones won during the past month ;
- (e) the amount of ground mined, handled or treated during the past month ;
- (f) the weight and value of precious stones sold during the past month and the weight and approximate value of the balance of precious stones in hand at the end of the past month ;
- (g) a copy of the mine manager's monthly report to the mineholders or the directors, as the case may be, for the past month ;
- (h) the estimated amount of "working capital" to be spent during the current month ; and
- (i) any further information of a like nature as may be required by regulations framed under this Ordinance.

Date for rendering
of monthly state-
ment.

11. Such statements shall be rendered on the twenty-sixth day of each month and shall include—

- (a) All such particulars as aforesaid in respect of the last preceding calendar month as refer to transactions effected in South Africa, and
- (b) all such particulars in respect of the month last but one preceding as refer to transactions effected elsewhere than in South Africa which had not been received prior to the rendering of the last monthly statement.

Any mineholder failing to render such statement within the time prescribed or within such further time with respect to the whole or any portion thereof as may prior to the said twenty-sixth day of the month

in question be agreed to by the Head of the Mines Department shall on conviction be liable to a fine of five pounds for each day's delay after the said date.

12. Any mineholder who within a period of one month of the date of any notice in writing given to him by any officer mentioned in section forty-nine of the principal Ordinance shall fail or refuse to produce for examination any books, accounts, or documents as in the said section mentioned shall be liable to a penalty not exceeding ten pounds for every day's delay in excess of the said period of one month.

Penalty for failure to produce books, accounts, etc.

13. It shall be lawful for the Governor to remit any penalties incurred by the mineholder under sections six seven, eight, eleven, or twelve on it being made to appear to his satisfaction that the delay in rendering any statement or account or making any payments was caused by unavoidable circumstances and not by any negligence or intention on the part of the mineholder.

Remission of penalties.

14. (1) The sum mentioned in section forty-seven of the principal Ordinance as being necessary for the carrying on of mining operations shall only be deemed to be so necessary until there are sufficient "net profits" available for carrying on such operations.

Definition of sum necessary for carrying on mining operations in Section 47 of principal Ordinance.

(2) In the annual statement of accounts required by section forty-two of the principal Ordinance interest shall be charged only on such a sum each month as is left after deducting the net profit from the said necessary sum and from such time as the net profits in hand equal the said necessary sum the said sum shall no longer be considered as "working capital."

15. The mineholder shall not be entitled to charge interest in the manner provided in section forty-two of the principal Ordinance on revenue derived from the mine and expended in the mine as "Working Capital": Provided that it shall be lawful for the mineholder to set apart annually out of the net profits of the mine and before the proportion thereof payable to the Crown is calculated a certain sum to be agreed upon between the mineholder and the Head of the Mines Department as a fund for the future carrying on of mining operations during the ensuing financial year. The ownership of the said sum shall be deemed to be vested in the mineholder

Interest on working capital derived from profits not to be included in interest calculable under Section 42 of principal Ordinance.

and the Crown in proportion to their respective interests in the mine but no part thereof shall become payable to the Crown until the close of the said year whereupon out of any balance of the said sum remaining unexpended on the working of the mine during the said year an amount proportionate to the interest of the Crown in the mine shall become due and payable to the Crown together with the Crown's proportion of the net profits of the mine during the said year; and provided further that if after the close of the said year as aforesaid the mineholder shall expend on the mine as "Working Capital" his proportion of the unexpended balance of the said sum, or shall so expend any portion or the whole of his share of the net profits after the proportion of such net profits accruing to him is calculated, such expenditure shall carry interest as provided in section forty-two of the principal Ordinance.

16. In the interpretation of section forty-seven of the principal Ordinance—

- (1) The word "equipment" shall be deemed to mean the provision of all machinery and plant necessary for the working of the mine, but shall not be taken to mean repairs to existing plant.
- (2) The word "development" shall be deemed to mean such incline ways, shafts, drives, strippings and other works necessary for the opening up of a mine: Provided that when the material removed from such works shall be diamondiferous and of a payable nature the cost of winning an equal quantity of similar material, reckoned at the average cost of mining on the mine, shall be deducted from the ascertained cost of such development work in ascertaining the amount to be charged to development.

Share of Crown not to be withheld by reason of the contemplated expenditure of further working capital.

17. Nothing in Schedule B or elsewhere in the principal Ordinance contained shall be interpreted to mean that the share of the Crown in the profits of any mine shall not accrue from the date that the aggregate net profits of the mine shall equal the working capital expended up to the said date with interest thereupon as set forth in section forty-two of the said Ordinance by reason that a further expenditure of working capital is contemplated or may thereafter be required.

18. No amount paid by or recovered from the mineholder by way of penalty imposed for contravention of the provisions of this or the principal Ordinance shall be brought into account by him in any statements rendered by him to the Government for the purpose of showing the proportion of the net profits due to the Crown.

Amounts paid as penalties to come out of mineowner's share of net profits.

19. All schemes, information, statements, and notices required by this Ordinance to be furnished, rendered or supplied in writing by or to the mineholder shall be taken to have been so duly furnished, rendered, or supplied if such writing shall be posted in the Post Office under cover of a registered envelope addressed to the Head of the Mines Department, Bloemfontein or to the mineholder as the case may be.

Proof of delivery of notices.

20. Nothing in this Ordinance or any regulations made thereunder contained shall be construed to confer on the Government or any officer thereof any further or other powers to control regulate or delay the actual working of the mine than such as are provided by the principal Ordinance or any regulations made thereunder, or to justify access to the minutes of the meetings of the Directors of a Company which may be the mineholder.

No control over a mine granted by Ordinance.

21. The holder of a license to prospect Crown Land who discovers alluvium in payable quantities on the land he is entitled to prospect shall be entitled to such a proportion of the rights held by the Crown as owner of the said land as the Governor may think fit subject to the provisions of the principal Ordinance; provided however that such proportion of the rights shall not exceed one half of the said Crown's rights as owner of the land.

Discoverer's share of alluvial diggings on Crown land.

22. Sub-section (1) of section eighty of the principal Ordinance shall be and is hereby amended by the addition thereto of the following proviso :—

Amendment of sub-section (1) of Section 80 of principal Ordinance.

Provided that in case a claim be submerged by flood water the holder thereof may retain possession of the said submerged claim on payment of a reduced license fee of sixpence per month and in addition the said claimholder shall be entitled to take out an ordinary license under section seventy of the said Ordinance and peg out and work an additional claim as long as the submerged claim remains submerged.

Limit of number of persons mining on claims or portion of claims.

23. No claimholder on a proclaimed alluvial digging shall permit more than twenty persons including himself to mine on any one claim held by him whether in partnership with or employed by him or otherwise. Holders of half or quarter claims shall permit no more than ten or five persons respectively as aforesaid to mine thereon.

Any holder of a claim or part of a claim who shall permit more persons than he is entitled as aforesaid to mine on any such claim or part of a claim, as the case may be, shall on conviction be liable to a fine of ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

Free grazing for draught animals.

24. Every claimholder shall be entitled to depasture free of charge on the proclaimed area of an alluvial digging sufficient draught animals for the proper working of his claim or claims and no more on obtaining a permit for the same from the Inspector whose decision as to the number required shall be final.

Residence on alluvial diggings.

25. From and after the promulgation of this Ordinance no claimholder or person employed by him shall reside or inhabit any house, tent or other dwelling-place on the proclaimed area of an alluvial digging except on such land as may be marked out in that behalf in accordance with the provisions of section seventy-seven of the principal Ordinance and no person not being a claimholder shall occupy any stand or plot of land on any such digging save as in the next following section provided. Any person contravening the provisions of this section shall on conviction be liable to a fine not exceeding twenty-five pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

Trading stands.

26. (1) Section ninety-eight of the principal Ordinance shall be and is hereby repealed.
- (2) Every person intending to trade or deal in any goods, wares or merchandise or to carry on any commercial business on any proclaimed alluvial diggings shall obtain in advance a license for the occupation of a trading stand for such purpose from the Inspector.
- (3) Such licenses may be issued by the Inspector to persons approved by him on application made to him in writing bearing a stamp of five shillings

in respect of each trading stand which stands shall be allotted to the approved applicants and marked out by the Inspector in consultation with the owners : Provided that no such license shall be issued in respect of any land pegged off as claims or which in the opinion of the Inspector is alluvial ; and provided that the number of such licenses issued on any digging shall not exceed one in respect of each distinct class of trade or business for each hundred existing claims on the said diggings.

- (4) Every person obtaining such a stand license shall pay in advance a license fee of one pound per month.
- (5) Any person trading, dealing or carrying on business on any proclaimed alluvial digging
- (a) without having obtained a stand license as aforesaid ; or
- (b) without having paid his license fee monthly in advance ; or
- (c) elsewhere than on the stand allotted to him and any person carrying on business as a hawker on such digging shall on conviction be liable to a fine not exceeding twenty-five pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months : Provided that any person who shall at the date of the promulgation of this Ordinance be carrying on any business established more than three months prior to the said date on such digging shall not be liable to the said penalties if within six months after the said date he shall have duly complied with the provisions of this section.

27. In all cases of the contravention of the provisions of this Ordinance or any regulations made thereunder the provisions of section one hundred-and-twenty-four of the principal Ordinance shall apply, provided that any penalty imposed by this Ordinance other than those for which an alternative of imprisonment is prescribed may be recoverable by action in a Court of Resident Magistrate or any other competent Court.

Section 124 of principal Ordinance to apply in cases of contravention of this Ordinance.

28. This Ordinance may be cited as the "Mining of Precious Stones Amendment Ordinance, 1907." Title.

No. 31 of 1907.]

[September 13th, 1907.

ORDINANCE

To consolidate and amend the Law relating to
the Public Health.

Be it enacted by the Governor of the Orange River
Colony, with the advice and consent of the Legislative
Council thereof, as follows :—

PART I.—GENERAL.

Definitions.

1. In the construction of this Ordinance the following
words and expressions shall have the meanings hereinafter
assigned to them unless such meaning is inconsistent with
the context :—

“Central Authority” shall mean the Colonial Secre-
tary or the member of the Executive Council or Minister
having charge of the Department of Public Health ;

“Sanitary Inspector” means any person appointed as
such by the Central Authority or by a local authority ;

“District” means an Urban or Rural Sanitary Dis-
trict as hereinafter defined ;

“Urban District” includes any area under the
control of a Municipality or Village Management Board ;

“Rural District” includes that area of a magis-
terial district which is not coincident in area with nor
included within any urban district and for such rural
districts the Central Authority may whenever it deems
necessary have and exercise any and all the powers here-
inafter vested in local authorities save as hereinafter
excepted ;

“Local Authority” or “Urban Local Authority”
means the Town Council of any Municipality or the
Board of Management of any Village ;

“Street” includes any highway, public bridge, road,
lane, footway, square, court, alley or passage, whether a
thoroughfare or not, and whether or not there are houses
in such street ;

“Premises” include lands, buildings, vehicles, tents,
vans, structures of any kind, streams, spruits, lakes, pans,
dams, sluits, drains, ditches, or places open, covered or
inclosed, whether built on or not, and whether public or
private, and whether natural or artificial, and whether
maintained or not under statutory authority ;

“Land” shall include water and any right or servitude to or over land or water;

“House” means a dwelling-house or hut, shed, van, tent or cave, and includes schools and factories and any other building or structure in which persons dwell or are employed;

“Factory” includes workshop and workplace;

“Dairy” includes any farm, farmhouse, cowshed, milk store, milk shop or other place from which milk or the product of milk is supplied or in which milk is stored or kept for the purpose of sale;

“Dairyman” includes any cowkeeper, purveyor of milk, occupier of a dairy, dealer in milk or milk products, and any person keeping a cow or cows who sells milk or milk products;

“Cattle” means bulls, cows, oxen, heifers and calves and includes sheep, goats and swine;

“Sanitary Convenience” includes any earth pail or watercloset, privy, cesspit, urinal, midden, ashpit, dustbin, and any receptacle or place in or on which may be placed, deposited or received any excrementitious matter, offal, filth or household refuse;

“Ashpit” means and includes any receptacle fixed or movable for the deposit of ashes or other refuse;

“Nightsoil” means human excrement and urine, or excrement or urine, whether by itself or mixed with earth, ashes or any other matter, liquid or solid;

“Slaughter-house” or “Abattoir” means any building or place, public or private, where any animal is slaughtered for the food of man;

“Trade Refuse” means the refuse of any trade, manufacture or business or of any building operations;

“House Refuse” means ashes, cinders, breeze, rubbish, filth, nightsoil, vegetable refuse, or waste water, but not trade refuse;

“Street Refuse” means any dust, dirt, rubbish, mud, road scrapings and filth;

“Owner” means the person for the time being entitled to receive, or who would, if the same were let, be entitled to receive, the rents of the premises, and includes a trustee, guardian, agent, tutor, or curator, and in the case of public or municipal property applies to the persons to whom the management thereof is entrusted;

“ Occupier ” means the person in occupation of a building or part of a building or having the charge, management or control thereof, either on his own account or as trustee for or the agent of another person ;

“ Author of a nuisance ” means the person through whose act or default the nuisance is caused, exists, or is continued, whether he be the owner or occupier or both ;

“ Public Building ” includes any theatre, church, chapel, hospital, asylum, factory, school, hotel, lodging-house, restaurant, beerhouse, or place of public resort or for the purposes of public assembly ;

“ Source of water supply ” shall be any means or work, natural or artificial, for the supply of water, whether so used or not, if capable of being so used ;

“ Waterworks ” means and includes rivers, streams, watercourses, springs, wells, pumps, reservoirs, filters, cisterns, tanks, aqueducts, cuts, sluices, mains, pipes, culverts, catchments, engines, and all machinery, lands, buildings, and things supplying or used for supplying water or any gathering ground ;

“ Gathering Ground ” means such area in and about or around any well or wells, adit or intake of any waterworks as may be defined by the Central Authority ;

“ Cistern ” includes water butts, tanks, or other similar receptacles for the storage of water ;

“ Burial ” includes cremation ;

“ Resident Magistrate ” includes Assistant Resident Magistrate.

2. Any act to be done or deed to be signed or instrument to be executed by or on behalf of the Central Authority may be done or signed or executed in the name of the Central Authority by the Medical Officer of Health for the Orange River Colony and the certificate of the Medical Officer of Health for the Orange River Colony shall be evidence as to any order of the Central Authority.

Authentication of documents.

Orders of Central Authority binding.

3. (1) All orders made by the Central Authority in pursuance of the powers conferred by this Ordinance shall be binding and conclusive in respect of the matters to which they refer and shall be published in such manner as the Central Authority may direct.

(2) The Local Authority shall be bound to make such returns and special reports to the Central Authority in such form and at such times as the Central Authority may require.

4. All expenses incurred by the Central Authority in the execution of its duties shall be paid out of the moneys voted for that purpose by the Legislative Council. Expenses of the Central Authority.

5. (1) It shall be lawful for the Central Authority as often as it may be deemed necessary, upon written application by ten householders, or upon the report of the Medical Officer of Health for the Orange River Colony, and in case it appears that sufficient cause of complaint is shown and that the local authority after its attention has been directed to the subject matter of the complaint has failed to amend the same satisfactorily to enquire into the sanitary condition of any district or part of a district, and for that purpose the Central Authority is hereby empowered to make enquiries and require answers and returns to be made to the Central Authority upon any question or matter connected with or relating to the purposes of this Ordinance and also by a summons to require the attendance of all such persons as it may think fit with reference to any such question or matter and to administer oaths and examine upon oath all such persons and to require and to enforce the production upon oath of all books, contracts, agreements, accounts and writings or copies thereof respectively in anywise relating to any such question or matter; and the Central Authority may authorise and empower any person it may deem fit with any or all of the powers aforesaid and all such other of the powers by this Ordinance given to the Central Authority as may be necessary for the purpose of any special inquiry in any part of this Colony. Power of Central Authority to enquire into sanitary conditions of district.

(2) The expenses of witnesses summoned under subsection (1) hereof shall be paid in accordance with the tariff in force in respect of witnesses summoned to give evidence in civil cases before the High Court of the Colony.

6. The Central Authority may from time to time cause to be made such enquiries as are directed by this Ordinance and such enquiries as it may see fit in relation to any matters concerning the public health in any place or any matters with respect to which its sanction, approval or consent is required by this Ordinance. Power of Central Authority to make enquiries.

Power of Central Authority to authorise special enquiries.

7. It shall be lawful for the Central Authority whenever it may seem fitting to it to appoint some person or persons to act as a commissioner or commissioners for the purpose of conducting any special inquiry and to report thereon; and the Central Authority shall delegate to every person so appointed such of its powers as it may deem necessary or expedient for summoning or examining on oath witnesses and otherwise conducting such enquiry: and it shall not be necessary to notify the appointment of any such commissioner otherwise than by intimating the same by notice in the *Gazette*: and every such commissioner may be reimbursed by the Central Authority for all expenses necessarily incurred by him in conducting such enquiry.

Proceedings on complaint to Central Authority of default of local authority.

8. Where it appears or complaint is made to the Central Authority that a local authority has made default in enforcing any provisions of this Ordinance which it is their duty to enforce the Central Authority if satisfied after due enquiry that the local authority has been guilty of the alleged default, shall direct the attention of the local authority to the subject matter of the complaint and shall thereafter if the local authority still remain in default make an order limiting the time for the performance of their duty in the matter of such complaint; if such duty is not performed by the time limited in the order, the Central Authority may appoint some person or persons to perform such duty, and shall by order direct that the expenses of performing the same, together with a reasonable remuneration to the person or persons appointed for superintending such performance, shall be paid by the authority in default and shall be a charge on the revenues of such authority and may be recovered in any competent court of law. Any person appointed under this section to perform the duty of a defaulting local authority shall, in the performance and for the purpose of such duty, be invested with all the powers of such authority necessary for such purpose.

Power of Central Authority to borrow to defray expenses of performing duty of defaulting local authority.

9. (1) The Central Authority may from time to time certify the amount of expenses that have been incurred, or an estimate of the expenses about to be incurred by any person appointed by the Central Authority under this Ordinance to perform the duty of a defaulting authority; also the amount of any loan required to be raised for the purpose of defraying any expenses that have been so incurred or are estimated as about to be incurred; and the certificate of the Central Authority shall be conclusive as to all matters to which

it relates. Whenever the Central Authority so certifies a loan to be required, the Colonial Treasurer may if so required by the Governor advance to the Central Authority, or to any person appointed as aforesaid, the amount of the loan so certified to be required on the security of the revenues of the local authority and thereupon the said loan shall be deemed to have been made by the Colonial Treasurer to the local authority under the provisions of the "Local Loans Ordinance, 1904," and the provisions of the said Ordinance or any amendment thereof as to the repayment of such loan and the security therefor shall apply.

- (2) "Expenses" for the purpose of the provisions of this Part of this Ordinance relating to defaulting local authorities shall include all sums payable under those provisions by or by the order of the Central Authority or the person appointed by the Central Authority.

10. (1) The Governor shall from time to time appoint a Medical Officer of Health for the Colony who shall be a medical practitioner entitled to registration as such and shall in addition hold a degree, diploma, or certificate in public health or State medicine of a university or medical school in the British Dominions legally entitled to grant such degree, diploma or certificate, and if deemed advisable may appoint one or more assistants who shall also possess the foregoing qualifications.

Medical Officer of Health for the Orange River Colony.

- (2) The Central Authority as circumstances may require shall authorise and empower the said Medical Officer of Health to superintend, administer, enforce or carry into effect any matter or thing under the provisions of this Ordinance.

11. For the purposes of this Ordinance this Colony shall consist of districts to be called respectively (1) urban sanitary districts, and (2) rural sanitary districts (in this Ordinance referred to as urban and rural districts).

Sanitary districts.

12. (1) In every district there shall be for the purposes of this Ordinance a medical officer of health, hereinafter called the medical officer, who shall for urban districts be the medical officer of health, if any, appointed by the local authority, and for

Medical Officers and Sanitary Inspectors.

other sanitary districts when no such officer is appointed as aforesaid shall be the District Surgeon or Assistant District Surgeon of the magisterial district or of any part thereof as the case may be.

- (2) Every Municipality may and if required by the Governor shall appoint a medical officer for their district whose appointment shall be subject to the approval of the Central Authority.
- (3) Every local authority may and if required by the Central Authority shall appoint a sanitary inspector or inspectors, who shall be subject to the supervision of the medical officer.
- (4) The medical officer may exercise any of the powers with which the sanitary inspector is invested by this Ordinance.

Removal of such officers.

13. (1) No medical officer or sanitary inspector appointed by a local authority shall be removable from office except by or with the sanction of the Central Authority.
- (2) Any medical officer or sanitary inspector appointed either before or after the taking effect of this Ordinance may be removed from office by the Central Authority after due enquiry if he shall have grossly or persistently neglected to carry out the duties imposed on him: Provided that it shall be competent for any local authority to suspend the appointment of any sanitary inspector in case of gross incapacity, neglect or misconduct pending the sanction of the Central Authority as to his dismissal and in the event of such sanction being granted the said sanitary inspector shall be deemed to have been removed from office from the date of such suspension.

PART II.—SANITARY PROVISIONS.

General nuisances.

14. For the purposes of this Ordinance—
 - (a) Any premises or part thereof of such construction or in such a state as to be a nuisance or injurious or dangerous to health;
 - (b) Any street, pool, ditch, gutter, watercourse, sink, cistern, watercloset, earthcloset, privy, urinal, cesspool, cesspit, drain, sewer, dungpit, slop-tank, or ashpit so foul or in such a state or so situated as to be a nuisance or injurious or dangerous to health;

- (c) Any well or water supply injurious or dangerous to health;
- (d) Any stable, kraal, cowshed, or other building or premises in which any animal or animals are kept in such a manner or in such numbers as to be a nuisance or injurious or dangerous to health;
- (e) Any accumulation or deposit including any deposit of mineral refuse which is a nuisance, or injurious or dangerous to health or any deposit of offensive matter, refuse or offal or manure (other than farm yard manure or manure from stables, kraals or cowsheds) within fifty yards of any public road, wherever situated;
- (f) Any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates or except in the case of schools in which there is not for each person simultaneously occupying the same at least three hundred cubic feet of air space and thirty-six square feet of floor space and proper and adequate ventilation and window space to the reasonable satisfaction of the medical officer of health, sanitary inspector or other duly authorised officer;
- (g) Any occupied house or part of a house for which a proper, sufficient and wholesome water supply is not available within a reasonable distance;
- (h) Any factory which is not kept in a cleanly state and free from effluvia arising from any drain, privy, watercloset, earthcloset, urinal, or other nuisance or is not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust or other impurities generated in the course of the work carried on therein that are a nuisance or injurious or dangerous to health, or is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein;
- (i) Any fireplace or furnace within any urban district except in the case of mines which does not so far as practicable consume the smoke arising from the combustible matter used therein, for working engines other than locomotives by steam, or in any manufacturing or trade process whatsoever;

- (j) Any chimney, not being the chimney of a private dwelling-house, sending forth smoke in such quantity or in such manner as to be a nuisance or injurious or dangerous to health;
- (k) Any cemetery, burial place or place of sepulture so situated or so crowded or otherwise so conducted as to be offensive or injurious or dangerous to health;

shall be deemed to be nuisances liable to be dealt with in the manner provided by this Ordinance: Provided that in considering whether any dwelling-house or part thereof which is also used as a factory or whether any factory used also as a dwelling-house is a nuisance by reason of overcrowding, the Court shall have regard to the circumstances of such other use.

Notice of removal
of nuisance.

15. Any urban local authority shall if satisfied of the existence of a nuisance, and in rural districts the Central Authority may if it deems necessary, serve a notice on the author of the nuisance, or if such author cannot be found on the occupier or owner of the premises on which the nuisance arises or continues, requiring him to remove the same within the time specified in the notice and to execute such works and do such things as may be necessary for that purpose and if the local or Central Authority think it desirable (but not otherwise) specifying any works to be executed to prevent a recurrence of the said nuisance:

Provided that:—

- (a) Where the nuisance arises from any want or defect of a structural character or where the premises are unoccupied the notice shall be served on the owner.
- (b) Where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act or default or sufferance of the occupier or owner of the premises, the local authority shall themselves remove the same and may do what is necessary to prevent the recurrence thereof.

Procedure in case
owner fails to
comply with notice.

16. If the person on whom a notice to remove a nuisance has been served as aforesaid makes default in complying with any of the requisitions thereof within the time specified, or if the nuisance although removed since the service of the notice is in the opinion of the local or Central Authority likely to recur on the same premises, the local or Central Authority shall cause a complaint relating to

such nuisance to be made before a Resident Magistrate or Special Justice of the Peace and such Resident Magistrate or Special Justice of the Peace shall thereupon issue a summons requiring the person on whom the notice was served to appear before his Court.

17. If the Court is satisfied that the alleged nuisance exists or that although removed it is likely to recur on the same premises, the Court shall make an order on the author thereof requiring him to comply with all or any of the requisitions of the notice or otherwise to remove the nuisance within a time specified in the order and to do any works necessary for that purpose; or an order prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent the recurrence; or an order both requiring the removal and prohibiting the recurrence of the nuisance.

Court may order removal of nuisance.

18. The Court may by such order impose a penalty not exceeding ten pounds on the person on whom the order is made and shall also give directions as to the payment of all costs incurred up to the time of the hearing or making of the order for the removal or prohibition of the nuisance, and in default of payment of such penalty or costs may sentence the defaulter to imprisonment for a period not exceeding one month.

Penalty.

19. Where the nuisance proved to exist is such as to render a house or premises in the judgment of the Court unfit for human habitation, the Court may prohibit the using thereof for the purpose until in its judgment the house or premises is rendered fit for that purpose; and on the Court being satisfied that it has been rendered fit for that purpose the Court may determine its previous order by another declaring the house or premises habitable and from the date thereof such house or premises may be let or inhabited.

Prohibition of use of premises unfit for human habitation.

20. (1) Any person not obeying an order to comply with the requisitions of the local authority or otherwise to remove the nuisance, shall if he fails to satisfy the Court that he has used all diligence to carry out such order, be liable to a penalty not exceeding ten shillings per day during his default; and any person knowingly or wilfully acting contrary to an order of prohibition as in the last preceding section provided shall be liable to a penalty not exceeding twenty shillings per day during such contrary action and in default

Penalties.

of payment of the aforesaid penalties such person shall be liable to imprisonment for any period not exceeding one month.

- (2) The local authority moreover may enter the premises to which any such order relates, and remove the nuisance and do whatever may be necessary in the execution of such order and recover in any competent Court the expenses incurred by them from the person on whom the order is made.

Court may order local authority to execute works in certain cases.

21. Whenever it appears to the satisfaction of the Resident Magistrate that the person by whose act or default the nuisance arises or the owner or occupier of the premises is not known or cannot be found, then the Court may at once order the local authority to execute the works thereby directed and the cost of executing the same shall be a charge on the property on which the said premises exist.

Examination of premises.

22. The local authority or any of their officers, or on the order of a Resident Magistrate or Special Justice of the Peace any member of the police, shall be admitted into any premises for the purpose of examining as to the existence of any nuisance thereon at all reasonable times; and the local authority or any of their officers may, if necessary, open up the ground of such premises and cause the drains to be tested or such other work to be done as may be necessary for an effectual examination of the said premises: Provided always that if no nuisance be found to exist the local authority shall restore the premises at their own expense.

Complaint of existence of nuisance.

23. Complaint may be made to a Resident Magistrate or Special Justice of the Peace of the existence of a nuisance under this Ordinance on any premises within the district of any local authority by any person aggrieved thereby or by any inhabitant of such district, or by any owner of premises within such district or in any such district or any rural district by the Medical Officer of Health for the Orange River Colony; and thereupon the like proceedings shall be had with the like incidents and consequences as to making of orders, penalties for disobedience of orders, appeal and otherwise as in the case of a complaint relating to a nuisance made to a Resident Magistrate or Special Justice of the Peace by the local authority: Provided that the Court may if it thinks fit adjourn the hearing or further hearing of the summons for an examination of the pre-

mises where the nuisance is alleged to exist and may authorise the entry into such premises of any constable or other person for the purposes of such examination: Provided also that the Court may authorise any constable or other person to do all necessary acts for executing an order made under this section and to recover the expenses from the person on whom the order is made in a summary manner. Any constable or other person authorised under this section shall have the like powers as if he were an officer of the local authority: Provided always that where such nuisance as aforesaid shall exist within the district of a local authority no such complaint as aforesaid shall be made unless the local authority shall first have been notified of the existence of such nuisance and shall have failed to cause the same to be removed within reasonable time thereafter.

24. Where it is proved to the satisfaction of the Central Authority that any urban local authority has made default in doing its duty in relation to nuisances under this Ordinance the Central Authority may authorise and call upon any officer or non-commissioned officer in command of the police within the district of the defaulting authority to institute any proceedings which the defaulting authority might institute with respect to nuisances and for such purpose such officer shall be vested with the authority and power of the said local authority under this Part of this Ordinance and such officer may recover in any competent court any expenses incurred by him and not paid by the person proceeded against from the defaulting authority: Provided that the provisions of this section shall not apply unless the Central Authority shall have first directed the attention of the local authority to the subject matter of the default and the local authority shall have failed or refused to do its duty with reference to the said subject matter.

Central Authority may authorise Police to institute proceedings in default of local authority.

PART III.—INFECTIOUS DISEASE.—NOTIFICATION.

25. For the purposes of this Part of this Ordinance the expression "infectious disease" shall comprise any of the following diseases, namely—plague, cholera, leprosy, tuberculosis, small-pox, amaas, varicella (or chicken-pox), diphtheria, erysipelas, puerperal septicaemia, scarlatina (or scarlet fever), dysentery, and the fevers known by and of the following names—typhoid (or enteric), puerperal, undulant (or Malta) fever, and such other diseases as the Governor by notice in the *Gazette* or the

Definition of infectious diseases.

local authority by resolution may from time to time declare to be infectious diseases within the meaning of this Part of this Ordinance within any district or part of the Colony. Any such resolution arrived at by any local authority shall forthwith be communicated to the Central Authority and published in the *Gazette* and twice in a newspaper, if any, locally circulating, and shall be notified by post to every registered medical practitioner in the district.

Notification of
infectious diseases.

26. (1) Where an inmate of any house or premises used for human habitation is suffering from an infectious disease to which this Part of this Ordinance applies, then unless such building is a hospital in which persons suffering from an infectious disease are received, the following provisions shall have effect :—

(a) The head of the family to which such inmate (in this Part of this Ordinance referred to as the patient) belongs, and in his default the nearest relatives of the patient present in the house or premises or present in attendance on the patient and in default of such relatives every person in charge of or in attendance on the patient, and in default of any such person the occupier of the building shall, as soon as he becomes aware that the patient is suffering from an infectious disease to which this Part of this Ordinance applies, send notice thereof to the local authority in the case of urban districts or to the Resident Magistrate or Special Justice of the Peace in the case of rural districts.

(b) Every medical practitioner attending or called in to visit the patient shall forthwith on becoming aware that the patient is suffering from an infectious disease to which this Part of this Ordinance applies send to the local authority in the case of urban districts or to the Resident Magistrate or Special Justice of the Peace (who shall transmit the same to the Resident Magistrate) in the case of rural districts a certificate stating the full name and age and sex of the patient, the situation of the house or premises, and the infectious disease from which in the opinion of such medical practitioner the patient is suffering, and where the certificate refers to the inmate of an hospital, it shall specify the place from which and the date at which the inmate

was brought to hospital and shall be sent to the said local authority, Resident Magistrate or Special Justice of the Peace as the case may be.

- (2) Whenever any child attending any school, orphanage or other like institution shall be known to be suffering from any infectious disease, whether an infectious disease within the meaning of this Part of this Ordinance or not, the principal or person in charge of such school shall forthwith send notice thereof to the local authority or Resident Magistrate or Special Justice of the Peace as aforesaid as the case may be, and shall furnish to the medical officer on his request a list of scholars attending thereat together with their addresses.
- (3) Every person required by this section to give a notice or certificate who fails to give the same shall be liable on conviction to a fine not exceeding twenty pounds or in default of payment thereof to imprisonment for a period not exceeding three months: Provided that if a person is not required to give notice in the first instance, but only in default of some other person, he shall not be liable for the penalty aforesaid if he satisfies the Court that he had reasonable cause to suppose that the notice had been duly given.
27. (1) The Medical Officer of Health for the Colony may from time to time prescribe forms for the purpose of certificates under this Part of this Ordinance and any forms so prescribed shall be used in all cases to which they apply.
- (2) The Resident Magistrate shall gratuitously supply forms of certificate to any medical practitioner residing or practising in his district who applies for the same and the local authority or Resident Magistrate as the case may be shall pay to every medical practitioner for each certificate duly sent by him in accordance with this Ordinance a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice as medical officer of any public body or institution. The funds for the payment of such fees shall in every municipality be supplied by the local authority.

Notification of infectious diseases occurring in schools.

Form of certificates.

Fees to practitioners notifying infectious diseases.

and in villages and rural districts by the Resident Magistrate out of public moneys entrusted to his care.

Notices and certificates to be sent to Medical Officer of Health.

28. All notices and certificates given under the provisions of this Part of this Ordinance to any local authority or Resident Magistrate shall be transmitted to the Medical Officer of Health for the Colony at least once a month or as often as the said Medical Officer of Health may deem necessary.

PART IV.—INFECTIOUS DISEASE.—PREVENTION.

Definition of infectious disease.

29. (1) For the purposes of this Part of this Ordinance the expression "Infectious Disease" shall mean the diseases mentioned in section twenty-five hereof with the exception of tuberculosis and shall include any other disease of an infectious nature.

(2) The Central Authority may from time to time by notice in the *Gazette* determine which of the provisions of this Part of this Ordinance shall apply to persons suffering from tuberculosis and the Governor may frame, amend, alter and repeal regulations for preventing the spread of such disease by any such person and for the notification to the local authority or medical officer by any such person or the parent or guardian of any patient suffering from such disease of his address and any change of such address and by such regulations may prescribe penalties for the contravention of the same.

Power of medical officer to inspect premises where infectious disease supposed to exist.

30. The medical officer of any district may at all reasonable times enter and inspect any house or premises in the district in which he has reason to believe any infectious disease exists, or has recently existed, or the inhabitants of which have been exposed to the infection of an infectious disease, and the medical officer may examine any person found on such premises with a view to ascertaining whether such person is suffering or has recently suffered from any infectious disease: Provided that such medical officer may if satisfied that any such person has been regularly attended by any duly registered medical practitioner, accept the certificate of such practitioner to the effect that such person is not suffering or has not recently suffered from any infectious disease.

31. Every urban local authority may, and when required by the Central Authority shall, and in rural districts the Central Authority where it deems necessary may, provide either within or without their district proper premises with all necessary apparatus and attendance for the destruction and for the disinfection, and carriages or vessels for the removal, of articles (whether bedding, clothing, or other) which have become infected by or been exposed to the infection of any infectious disease, and shall cause any such articles brought for destruction or disinfection to be destroyed or to be disinfected and returned, and may remove, and may destroy, or disinfect and return such articles, and the following provisions shall apply in respect of such infected articles :—

Provision for means of disinfecting bedding, etc.

- (1) Any urban local authority (and in rural districts the medical officer on behalf of the Central Authority) may serve a notice on the owner of any bedding, clothing or other articles which have been exposed to the infection of any infectious disease, requiring the delivery thereof to the officer appointed by such local authority or medical officer in that behalf, as the case may be, for removal for the purpose of destruction or disinfection, and if any person fails to comply with such notice he shall be liable for every such offence to a penalty not exceeding twenty pounds or in default of payment to imprisonment for a period not exceeding three months.
- (2) The bedding, clothing and articles if so disinfected shall be brought back and delivered to the owner free of charge.

32. (1) Where it appears to the local authority or in case of rural districts to the Central Authority upon a certificate of the medical officer or any other registered medical practitioner that the cleansing and disinfecting of any house or premises or part thereof and of any articles therein likely to retain infection or the destruction of such articles would tend to prevent or check any infectious disease, the local or the Central Authority may serve a notice on the occupier (or where the house or premises or part thereof is unoccupied on the owner of such house or premises or part thereof) that the same and any such articles therein will be cleansed and disinfected or as regards the articles destroyed by the local or Central Authority as the

Cleansing and disinfecting of premises, etc.

case may be unless the person so notified informs the local authority or in rural districts the medical officer within a time to be specified in the notice from the receipt of the said notice that he will cleanse and disinfect the house or premises or part thereof and any such articles or destroy such articles to the satisfaction of the medical officer as testified by certificate by him within a time fixed in the notice.

(2) If either—

(a) within the time specified as aforesaid from the receipt of the notice, the person on whom the notice is served does not inform the local authority as aforesaid; or

(b) having so informed the local authority, he fails to have the house or part thereof and any such articles disinfected or such articles destroyed as aforesaid, within the time fixed in the notice; or

(c) the occupier or owner, as the case may be, without such notice gives his consent;

the house or premises, or part thereof, and articles, shall be cleansed and disinfected, or such articles destroyed, by the officers and at the cost of the local or Central Authority as the case may be.

(3) For the purpose of carrying into effect this section the local authority or medical officer may enter at all reasonable hours on any premises.

Removal of infected persons from infected premises by local authority.

33. When in the opinion of the medical officer no satisfactory provision can otherwise be made for the isolation of such persons the local authority may for such time as they deem necessary remove from any house or premises, or part thereof, or from any tenement of houses, all or any of the residents not being themselves sick, on account of the existence or recent existence therein or the exposure of any of its inmates to the infection of infectious disease, or for the purpose of disinfecting such house or premises, or part thereof, or such tenement or part thereof. The local authority shall, and they are hereby empowered, to provide temporary shelter or house accommodation, and if necessary, maintenance with any necessary attendance, free of charge, for such persons while prevented from returning to such house or premises or part thereof, or such tenement or part thereof. If any person

directly or indirectly hinder, obstruct or resist the carrying out of any of the provisions of this section he shall be liable for every such offence to a penalty not exceeding twenty pounds or in default of payment to imprisonment for a period not exceeding three months.

34. When the local or the Central Authority as the case may be have disinfected any house, part of a house, premises or part thereof or any article under the provisions of this Part of this Ordinance they shall compensate the occupier or owner of such house or part of a house, premises or part thereof, or the owner of such article, for any unnecessary damage thereby caused thereto. And when the local or Central Authority destroy any article under this Part of this Ordinance they shall reasonably compensate the owner thereof.

Compensation for unnecessary damage from disinfection.

35. Whenever it shall be certified to the local authority by a medical officer that it is desirable with a view to prevent the spread of infectious disease, that they should be furnished with a list of the customers of any person or company earning a livelihood or deriving gain by the washing or mangling of clothes, the local authority may require such person or company to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person or company washes or mangles, or has washed or mangled, during the past six weeks, and such person or company shall furnish such list accordingly; and every person who shall willfully or knowingly offend against this section shall for each offence be liable to a penalty not exceeding ten pounds and in default of payment to imprisonment for a period not exceeding one month.

Persons engaged in laundry work to furnish list of owners of clothes in certain cases.

36. If a person knowingly casts or permits or causes to be cast into any ashpit, ashtub, or other receptacle, or otherwise exposes any infectious matter or article, he shall be liable to a penalty not exceeding ten pounds for every such offence and in default of payment to imprisonment for a period not exceeding one month.

Infectious matter not to be thrown into ashpits, etc., or exposed without previous disinfection.

37. (1) Any person who knowingly (the onus of proof to the contrary of which shall lie upon such person) lets for hire any house, or part of a house, in which any person has been suffering from any infectious disease, without having such house or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of the sanitary inspector, the medical officer or other registered medical practitioner as

Penalty on letting houses in which infected persons have been lodging.

testified by a certificate signed by him, or, as regards the articles, destroyed, shall be liable to a penalty not exceeding twenty pounds or in default of payment to imprisonment for a period not exceeding three months.

- (2) For the purposes of this section, the keeper of an inn or hotel shall be deemed to let for hire part of a house to any person admitted as a guest into such inn or hotel.

Penalty on persons letting houses making false statements as to infectious disease.

38. Any person letting for hire, or showing for the purpose of letting for hire any house or part thereof, who, on being questioned by any person negotiating for the hire as to the fact of there being, or within three months previously having been, therein any person suffering from any infectious disease, knowingly makes a false answer to such question, shall be liable on conviction to a penalty not exceeding twenty pounds or in default of payment to imprisonment for a period not exceeding three months.

Penalty on ceasing to occupy house without disinfection or notice to owner or on making false answer.

39. Where a person ceases to occupy any house or part of a house in which any person has within three months previously been suffering from any infectious disease, and either :—

- (a) fails to have such house or part of a house, and all articles therein liable to retain infection disinfected to the satisfaction of the medical officer as testified by a certificate signed by him, or such articles destroyed ; or
- (b) fails to give the owner or occupier of such house, or part of a house, notice of the previous existence of such disease,

he shall be liable to a penalty not exceeding twenty pounds or in default of payment to imprisonment for a period not exceeding three months.

Removal to hospital of infected persons.

40. Any person suffering from any infectious disease may, on a certificate signed by the medical officer or other registered medical practitioner, and with the consent of the superintending body of the hospital to which he is to be removed, be removed at the cost of the local authority of the district where such person is found to any hospital in or within a convenient distance of such district, and such person may be detained in such hospital as long as he continues in an infected condition ; or the medical officer or other registered medical practitioner as aforesaid may direct the removal from the room or house occupied by such person of all others not in attendance on him,

the local authority providing suitable accommodation for such person or persons: Provided that the cost of the removal of such patient and of his maintenance at the hospital may be recovered by the local authority from the said patient or his estate in case it can be shown to the satisfaction of the Court that the said patient or estate is in a position to defray such cost.

41. If any person not being himself sick has or is suspected of having been exposed to the infection of small-pox or any other infectious disease to which this section may by notice in the *Gazette* be declared applicable by the Central Authority and is so lodged that in the opinion of the medical officer or other registered medical practitioner he is either not effectively isolated or cannot conveniently be kept under observation, the local or Central Authority as the case may be may direct the removal of such person to and his detention at the expense of such local or Central Authority in a proper place of observation for a period not exceeding the known maximum incubation period of such disease. If any person directly or indirectly hinder, obstruct or resist the carrying out of any of the provisions of this or the last preceding section he shall be liable for every such offence to a penalty not exceeding twenty pounds or in default of payment to imprisonment for a period not exceeding three months.

Removal of persons
for observation.

42. (1) If any person—

(a) while suffering from any infectious disease wilfully exposes himself without proper precaution against spreading the disease in any street, public place, shop, inn, hotel, church, or any place used in common by persons other than the members of the family or household to which such infected person belongs; or

(b) being in charge of any person so suffering, so exposes such sufferer; or

(c) knowingly gives, lends, sells, pawns, transmits, removes, or exposes, or permits to be washed or exposed in any wash-house or washing place which is used in common by persons other than the family or household to which the infected person belongs, without previous disinfection, to the satisfaction of the medical officer or some registered medical practitioner as certified by him in writing, any bedding, clothing, or other articles which have been exposed to infection from any such disease; or

Penalty on exposure
of infected persons
and things.

(d) while suffering from an infectious disease or while living or employed in an infected house milks any animal or picks any fruit intended for the consumption of persons outside such house or engages in or carries on any trade or occupation for supplying food intended for consumption outside such premises in such a manner as to spread such disease,

he shall be liable to a penalty not exceeding twenty pounds or in default of payment to imprisonment for a period not exceeding three months.

- (2) Provided that proceedings under this section shall not be taken against persons transmitting with proper precautions any bedding, clothing, or other articles for the purpose of having the same disinfected.

Notice by medical officer to close school.

43. The medical officer may with a view to the prevention of any infectious disease or any danger to health likely to arise from the condition of any school, orphanage or other like institution, serve a notice on the principal or person in charge of such school or institution requiring him for a specified time to close the school or institution or to exclude any children attending thereat from attendance and on being served with such notice such principal or person in charge shall comply with the same forthwith and failing such compliance shall be liable on conviction to a fine not exceeding twenty pounds or in default of payment to imprisonment for a period not exceeding three months. Such principal or other person as aforesaid shall immediately inform the School Committee or other authority if any in charge of such school or institution of the notice served by such medical officer, and it shall be competent for the School Committee or other authority in charge of such school or institution to appeal to the Medical Officer of Health for the Orange River Colony against the terms of any such notice and the decision of the Medical Officer of Health for the Orange River Colony shall be final.

Penalty on sending child to school so as to spread infection.

44. Every parent or person having care or charge of a child who is or has been suffering from infectious disease or who resides in a house where such disease exists or has existed within a period of three months, who shall knowingly or negligently permit such child to attend school without procuring and producing to the teacher or other

person in charge of such school a certificate from the medical officer, which he shall grant free of charge, or from some registered medical practitioner, that such child has become free from disease and infection and that the house and everything therein exposed to infection has been disinfected to the satisfaction of such medical officer or medical practitioner, shall be liable to a fine not exceeding five pounds or in default of payment to imprisonment for a period not exceeding one month.

Any teacher or person in charge of any school who shall knowingly permit any child to attend such school in contravention of the provisions of this section shall be liable to a fine not exceeding five pounds or in default of payment to imprisonment for a period not exceeding one month.

45. It shall not be lawful for any person suffering from an infectious disease to enter any public conveyance or for any person knowingly to place in any public conveyance any person suffering from any such disease or any article, matter or thing that has been exposed to the infection of any such disease without notifying the owner or person in charge of such conveyance, and if any person so suffering or any such article, matter or thing as aforesaid is conveyed in any public conveyance the owner or person in charge thereof shall immediately provide for the disinfection of such conveyance to the satisfaction of the Medical Officer of Health. The local authority may, and when required by the Central Authority shall, when so requested by such owner or person in charge, provide for the disinfection of any such conveyance. Any person contravening any of the provisions of this section shall be liable for every such offence to a fine not exceeding twenty pounds or in default of payment to imprisonment for a period not exceeding three months.

Prohibition on conveyance, etc., of infected person in public conveyance.

46. (1) If the medical officer of any district has evidence that any person in the district is suffering from an infectious disease attributable to milk supplied within the district from any dairy situate within the district, or that the milk from any such dairy is likely to cause any such disease to any person residing in the district, such medical officer shall visit such dairy, and shall examine the dairy and every person engaged in the service thereof or resident upon the premises or who may be resident in any premises where any person employed in such dairy may reside, and (with or without the assistance of a veterinary surgeon)

Infection of dairies and power to prohibit milk supply.

may examine the animals therein, and the medical officer shall forthwith report the results of his examination (accompanied by the report of the veterinary surgeon, if any) to the local authority or in case of rural districts to the Medical Officer of Health for the Colony.

- (2) If the medical officer of any urban district has evidence that any person in the district is suffering from any infectious disease attributable to milk from any dairy in any other urban district or that the milk from any such dairy is likely to cause any such disease to any person residing in the district such medical officer shall forthwith intimate the same to the local authority of the district in which such dairy is situate and such local authority shall be bound by its medical officer or other registered medical practitioner to examine the dairy and the persons aforesaid and to examine the animals therein either with or without the assistance of a veterinary surgeon, and such medical officer or practitioner shall forthwith report the results of such examination to the local authority.
- (3) The local authority of the district in which the dairy is situated shall forthwith consider the report together with any other evidence that may be submitted by the parties concerned and shall either make an order requiring the dairyman not to supply any milk from the dairy until the order has been withdrawn by the local authority or may resolve that no such order is necessary : Provided that no dairyman shall be liable to an action for breach of contract if such breach be due to such order.
- (4) Any such order shall be forthwith withdrawn on the local authority or their medical officer on their behalf being satisfied that the milk from the dairy is no longer likely to cause infectious disease.
- (5) In case any such dairy as is mentioned in sub-section (2) hereof be situated in any rural district the local authority of the urban district shall report to the Central Authority who may thereupon examine the said dairy through the medical officer of the district where it is situate and otherwise act as the local authority of such district under sub-section (3).

- (6) If any person refuse to permit the medical officer or veterinary surgeon as aforesaid to make examination as hereinbefore provided or after any order has been made under this section supplies milk in contravention of the order he shall be liable to a fine not exceeding ten pounds or in default of payment to imprisonment for a period not exceeding one month and in the case of any second or subsequent offence to a fine not exceeding twenty pounds or three months.

47. Whenever it shall be certified to the local authority by the medical officer or other registered medical practitioner that the outbreak or spread of infectious disease within the district is in the opinion of such medical officer or medical practitioner attributable to milk supplied by any dairyman, whether wholesale or retail, or to milk supplied by one or other of several such dairymen, whether wholesale or retail—

Dairymen to supply information and to produce list of customers and invoices.

- (1) The local authority may require such dairyman whether within or without the district to furnish to them within a time to be fixed by them being not less than twenty-four hours a full and complete list of the names and addresses of all his customers within the district so far as known by him, and such dairyman shall furnish such list accordingly; and every person who shall wilfully or knowingly offend against this sub-section shall for each such offence be liable to a penalty not exceeding ten pounds, or in default of payment to imprisonment for any period not exceeding one month.
- (2) The local authority may require such dairyman to furnish to them, within a time to be fixed by them, a full and complete list of the names and addresses of the farmers, dairymen, or other parties from whom, during a period to be specified, the milk, or any part of the milk which he sells or distributes, was obtained, and, if required, to produce and exhibit to the medical officer, or to any person deputed by him, all invoices; passbooks, accounts, or contracts, connected with the consignment or purchase of milk during such period, and such dairymen or others shall furnish such lists and produce and exhibit such invoices, passbooks, accounts, or contracts accordingly; and every person who shall fail to comply with any such requisition shall on conviction be liable to a

may examine the animals therein, and the medical officer shall forthwith report the results of his examination (accompanied by the report of the veterinary surgeon, if any) to the local authority or in case of rural districts to the Medical Officer of Health for the Colony.

- (2) If the medical officer of any urban district has evidence that any person in the district is suffering from any infectious disease attributable to milk from any dairy in any other urban district or that the milk from any such dairy is likely to cause any such disease to any person residing in the district such medical officer shall forthwith intimate the same to the local authority of the district in which such dairy is situate and such local authority shall be bound by its medical officer or other registered medical practitioner to examine the dairy and the persons aforesaid and to examine the animals therein either with or without the assistance of a veterinary surgeon, and such medical officer or practitioner shall forthwith report the results of such examination to the local authority.
- (3) The local authority of the district in which the dairy is situated shall forthwith consider the report together with any other evidence that may be submitted by the parties concerned and shall either make an order requiring the dairyman not to supply any milk from the dairy until the order has been withdrawn by the local authority or may resolve that no such order is necessary : Provided that no dairyman shall be liable to an action for breach of contract if such breach be due to such order.
- (4) Any such order shall be forthwith withdrawn on the local authority or their medical officer on their behalf being satisfied that the milk from the dairy is no longer likely to cause infectious disease.
- (5) In case any such dairy as is mentioned in sub-section (2) hereof be situated in any rural district the local authority of the urban district shall report to the Central Authority who may thereupon examine the said dairy through the medical officer of the district where it is situate and otherwise act as the local authority of such district under sub-section (3).

- (6) If any person refuse to permit the medical officer or veterinary surgeon as aforesaid to make examination as hereinbefore provided or after any order has been made under this section supplies milk in contravention of the order he shall be liable to a fine not exceeding ten pounds or in default of payment to imprisonment for a period not exceeding one month and in the case of any second or subsequent offence to a fine not exceeding twenty pounds or three months.

47. Whenever it shall be certified to the local authority by the medical officer or other registered medical practitioner that the outbreak or spread of infectious disease within the district is in the opinion of such medical officer or medical practitioner attributable to milk supplied by any dairyman, whether wholesale or retail, or to milk supplied by one or other of several such dairymen, whether wholesale or retail—

Dairymen to supply information and to produce list of customers and invoices.

- (1) The local authority may require such dairyman whether within or without the district to furnish to them within a time to be fixed by them being not less than twenty-four hours a full and complete list of the names and addresses of all his customers within the district so far as known by him, and such dairyman shall furnish such list accordingly; and every person who shall wilfully or knowingly offend against this sub-section shall for each such offence be liable to a penalty not exceeding ten pounds, or in default of payment to imprisonment for any period not exceeding one month.
- (2) The local authority may require such dairyman to furnish to them, within a time to be fixed by them, a full and complete list of the names and addresses of the farmers, dairymen, or other parties from whom, during a period to be specified, the milk, or any part of the milk which he sells or distributes, was obtained, and, if required, to produce and exhibit to the medical officer, or to any person deputed by him, all invoices; passbooks, accounts, or contracts, connected with the consignment or purchase of milk during such period, and such dairymen or others shall furnish such lists and produce and exhibit such invoices, passbooks, accounts, or contracts accordingly; and every person who shall fail to comply with any such requisition shall on conviction be liable to a

fine not exceeding ten pounds, or in default of payment to imprisonment for any period not exceeding two months: Provided always that such medical officer or person deputed by him shall treat the contents of all such invoices, pass-books, accounts or contracts as strictly private and confidential.

Prohibition of retention of dead body in certain cases.

48. No person shall without the sanction in writing of the medical officer or a registered medical practitioner retain unburied for more than twenty-four hours elsewhere than in a room not used at the time as a dwelling-place, sleeping-place or workroom the body of any person who has died of any infectious disease.

Any person acting in contravention of this section shall be liable on conviction to a fine not exceeding ten pounds or in default of payment to imprisonment for any period not exceeding two months.

Body of person dying of infectious disease in hospital, etc., to be removed only for burial.

49. (1) If a person dies in a hospital or place of temporary accommodation for the sick from any infectious disease, it shall not be lawful for any person to remove the body except for the purpose of immediate burial; and the body when taken out of such hospital or place shall be forthwith taken direct to the place of burial and there buried.

(2) If any person wilfully contravenes the provisions of this section he shall be liable to a penalty not exceeding ten pounds or in default of payment thereof to imprisonment for any period not exceeding two months.

(3) Nothing in this section shall prevent the removal of a dead body from a hospital to a mortuary, and such mortuary shall, for the purposes of this section, be deemed part of such hospital.

Disinfection of public conveyance if used for carrying corpses.

50. If—

(a) a person hires or uses a public conveyance that is let for hire other than a hearse, for conveying the body of a person who has died from any infectious disease without previously notifying to the owner or person in charge of the conveyance that such person died from such disease; or

- (b) the owner or person in charge, immediately on its coming to his knowledge that such conveyance is being, or has been used, for conveying such body does not take all reasonable precautions to prevent the spread of infection by disinfection to the satisfaction of the local authority ;

such person or owner or person in charge shall be liable to a penalty not exceeding twenty pounds or in default of payment thereof to imprisonment for any period not exceeding three months.

51. Any local authority may, and if required by the Central Authority shall make regulations for securing the cleanliness and sanitary condition of public conveyances plying within its district.

Regulations as to public conveyances.

52. (1) Any local authority may, and if required by the Central Authority shall provide, furnish and maintain for the use of the inhabitants of their district suffering from infectious disease hospitals temporary or permanent and houses of reception for convalescents from infectious disease or for persons who have been exposed to infection ; and for that purpose may
- Power of local authority to provide hospitals.

(a) themselves build such hospitals or houses ; or

(b) contract for the use of any such hospital or house or any part thereof ; or

(c) enter into any agreement with the governing body of any such hospital or house or part thereof on payment of such annual or other sum as may be agreed upon ;

- (2) Any local authority, may in addition to or in place of providing such hospitals or houses as aforesaid, employ nurses to attend the persons suffering from infectious disease in their own houses, and also supply medicines and medical attendance for such sick.

- (3) No contract for the use of any such hospital or house, or part thereof, shall be entered into without the consent of the Central Authority, and no such hospital or house of reception shall be provided, (except in cases of emergency), unless and until the site and plans for the construction thereof have been approved by the Medical Officer of Health for the Orange River Colony : Provided always that such site shall be in or within convenient distance of the district of the local authority.

- (4) Any local authority may and if required by the Central Authority shall provide and maintain a carriage or carriages suitable for the conveyance of persons suffering from any infectious disease and pay the expense of conveying therein any person so suffering to a hospital or other place of destination.

Power of local authorities to provide mortuaries.

53. Every local authority may, and if required by the Governor shall, provide or fit up a proper place or places for the reception of dead bodies before interment, in this Ordinance called a mortuary, and may make regulations with respect to the management and charges for the use of the same.

Power of local authority to provide places for post-mortem examinations.

54. Any local authority may provide and maintain a proper building for the reception of dead bodies during the time required to conduct any post-mortem examination ordered by a lawful authority and may make regulations with respect to the management of such building. Any such building may be provided in connection with a mortuary.

Removal of bodies and burial.

55. (1) Where either—

(a) the body of a person who has died of any infectious disease is retained in a room in which persons may live or sleep; or

(b) the body of a person who has died of any infectious disease is retained without the sanction in writing of the medical officer or any registered medical practitioner for more than twenty-four hours, elsewhere than in a room not used at the time as a dwelling-place, sleeping-place, or work-room; or

(c) any dead body is retained in any house or room under circumstances which, if continued, may endanger the health of the inmates thereof, or of any adjoining or neighbouring house or building; or

(d) any dead body found within the district is unclaimed or no competent person undertakes to bury it;

a Resident Magistrate or Justice of the Peace may, on a certificate signed by a medical officer, or other registered medical practitioner, direct that the body be removed, at the cost of the local authority, to any available mortuary,

and be buried within the time limited by the Resident Magistrate or Justice of the Peace; and may if it is the body of a person who has died of an infectious disease, or if he considers immediate burial necessary, direct that the body be buried immediately, without removal to the mortuary.

- (2) Unless the friends or relatives of the deceased undertake to bury and do bury the body within the time so limited, it shall be the duty of the local authority to bury such body, and any expenses so incurred may be recovered by them in any competent Court of Law from any person legally liable to pay the expenses of such burial.
- (3) If any person obstructs the execution of any direction given by a Resident Magistrate or Justice of the Peace under this section he shall be liable to a penalty not exceeding ten pounds or in default of payment to imprisonment for any period not exceeding one month.

56. Every local authority may, and if required by the Central Authority shall, make and enforce for the whole or any part of the district such regulations as are requisite for the following matters:—

Regulations as to houses let in lodgings.

- (a) for fixing the number of persons who subject to the provisions of this Ordinance may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family;
- (b) for the registration of houses so let or occupied;
- (c) for the separation of males and females above ten years of age occupying the same sleeping apartment in such houses except in the case of husband and wife;
- (d) for the inspection of such houses;
- (e) for enforcing sufficient privy or watercloset accommodation and other appliances and means of cleanliness in proportion to the number of lodgers or occupiers, drainage for such houses, and for promoting cleanliness and ventilation in such houses, and for the cleansing and ventilation of the common passages and staircases and where necessary the paving of yards and open spaces in connection with such premises;

- (f) for the cleansing or limewashing at stated times of the premises;
- (g) for the giving of notices and the taking of precautions in case of any infectious disease;

and by such regulations the local authority may impose for the contravention thereof penalties not exceeding in any case a fine of twenty pounds and in default of payment imprisonment for a period not exceeding three months unless such fine be sooner paid.

Vaccination by local authority of persons infected by smallpox.

57. (1) The local authority may, and whenever it shall be deemed necessary by the Central Authority shall, and in respect of rural districts the Central Authority may order to be forthwith vaccinated at the discretion of the medical officer or other duly authorised registered medical practitioner all persons within their district who have been or are suspected of having been in contact with or infected by any person suffering from small-pox, or any disease suspected of being small-pox, or by any clothing or other article capable of conveying the infection of small-pox; the cost of such vaccination shall be defrayed by such local authority or by the Central Authority as the case may be.
- (2) The local authority may defray the cost of vaccinating or re-vaccinating such persons as to them may seem expedient.
- (3) Any person who refuses to be vaccinated in accordance with the provisions of this section, or of section seventeen of the "Vaccination Ordinance, 1903," shall be liable for every such offence to a fine not exceeding five pounds or in default of payment to imprisonment for a period not exceeding one month.
- (4) If any local authority shall fail or neglect to perform any duty imposed on them under this section it shall be competent for the Medical Officer of Health for the Orange River Colony to carry out the provisions and purposes of this section at the expense of such local authority.

General power of Central Authority to make regulations for prevention of epidemic disease.

58. Whenever the Colony or any part thereof appears to be threatened with or is affected by any epidemic, endemic or infectious disease, the Central Authority may make, and from time to time alter and revoke regulations in respect of the whole Colony or such part or parts as it

may determine and define for all or any of the following purposes, namely :—

- (a) for limiting public traffic ;
- (b) for the provision of measures for the disinfection of persons and goods entering or leaving the Colony or any part thereof ;
- (c) for the prohibition or limitation of communication between persons from beyond the limits of and those residing within the Colony or any part thereof ;
- (d) for the precautionary measures to be taken in connection with the general sanitation and the inspection in connection therewith of the dwellings and premises within the Colony or any part thereof ;
- (e) for the provision of stations for disinfecting purposes, hospitals and buildings suitable for the segregation and isolation of those persons infected or suspected of being infected with any such disease ;
- (f) for the isolation of persons suffering or suspected of suffering from such disease, or who may be likely to be infected with or to spread such disease ;
- (g) for the speedy interment of the dead ;
- (h) for the closure or demolition of any premises the occupation of which constitutes a danger to the public health by reason of defective construction tending to retain or engender infection and the compensation payable by the local authority in respect of any premises so demolished ;
- (i) for such other provisions as may be deemed necessary or advisable for preventing or mitigating such disease ;
- (j) for the penalties to be imposed for any contravention of the provisions of such regulations ;

and may declare all or any of the regulations so made to be enforced within the whole Colony or any part or parts thereof for such period as may be deemed fit and such regulations when published in the *Gazette* shall have the force of law.

The local authority to see to the execution of regulations.

59. The local authority of any district within which or part of which regulations so made by the Central Authority are declared to be in force shall superintend and see to the execution thereof and shall appoint and pay such medical or other officer or persons, and do and provide all such acts, matters, and things as may be necessary for mitigating any such disease, or for superintending or aiding in the execution of such regulations or for executing the same as the case may require : Provided that the Central Authority may require such local authority to enforce such regulations under the supervision and direction of the Medical Officer of Health for the Orange River Colony.

The Government may make reasonable contribution to the expenses of the execution of such regulations by any local authority.

Disinfection of houses and contents.

60. (1) Where it appears to a local authority that any house or part thereof, or any article of clothing or bedding therein, is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby, or that the white-washing, cleansing or purifying of any house or part thereof or any article of bedding or clothing therein would tend to prevent or check infectious disease, the local authority shall give notice in writing to the owner or occupier of such house or part thereof to whitewash, cleanse or purify the same or any such article as the case may require.

(2) If the person to whom notice is so given fails to comply therewith, within the time therein specified, he shall be liable to a penalty not exceeding twenty shillings for every day during which he continues to make default; and the local authority may if they think fit cause such house or part thereof and articles to be white-washed, cleansed or purified, and may recover in a competent Court the expenses incurred by them in so doing from the person in default : Provided that if the owner or occupier of any such house or part thereof is from poverty or otherwise unable in the opinion of the local authority to effectually carry out the requirements of this section, such authority may cleanse and disinfect such house or part thereof and articles and defray the expenses thereof.

61. For the purpose of this Part of this Ordinance the Central Authority in rural districts may exercise by itself or through the district surgeon or any officer appointed in that behalf all or any of the powers conferred on local authorities.

Central Authority may act as local authority in rural districts.

PART V.—DAIRY AND COWSHED PROVISIONS.

62. (1) It shall not be lawful for any person to carry on in the district of an urban authority the trade of cowkeeper, dairymen, or purveyor of milk, or to sell milk unless he is registered as such therein in accordance with the provisions of this section and has obtained from such authority a license in respect of the premises in or from which such business is to be carried on.
- (2) Such registration and license shall be taken out and renewed annually on payment to the local authority of such licence fees if any as the local authority may by regulation determine, or failing such regulation may be determined by the Central Authority.
63. (1) Every urban authority shall keep a register of persons from time to time carrying on in their district the trade of cowkeepers, dairymen, or purveyors of milk, and shall from time to time revise and correct the register; in rural areas to which this Part of this Ordinance may be made applicable such register shall be kept by the Resident Magistrate of the district.
- (2) The regulations in Schedule A hereto shall be in force in every such urban district as the Central Authority may by notice in the *Gazette* determine and shall therein be deemed to be and have force of law as if they had been regulations made and sanctioned under section one hundred and eight hereof and until the same may be amended under the said section or by the Governor who is hereby empowered from time to time to alter or amend the same as he may deem fit.
64. (1) It shall be lawful for the Central Authority by notice in the *Gazette*, to apply any or all of the provisions of this Part of this Ordinance or of the said Schedule A to any rural district or portion thereof as it may determine.

Licensing of dairies.

Register of dairymen.

Application of this Part to rural areas.

- (2) Any person contravening any of the provisions of this Part of this Ordinance or any regulation thereunder for which no penalty is provided shall be liable for every such offence to a penalty not exceeding ten pounds or in default of payment thereof to imprisonment for a period not exceeding one month.

PART VI.—UNSOOUND FOOD.

Penalty for sale of meat or other food stuffs unfit for human food.

65. Any person wilfully or knowingly (proof of which to the contrary shall rest on the accused) selling or exposing for sale or depositing in any place or transmitting or causing to be transmitted for the purpose of sale or of preparation for sale—

- (a) any animal, alive or dead, or portion thereof ;
 (b) any article, whether liquid or solid intended for the food of man ;

which is diseased or unsound or unfit for the food of man shall on conviction be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment for a period not exceeding three months, and upon a second conviction within a period of twelve months it shall be lawful for the Court in addition to inflicting the penalty above mentioned to order that there be affixed to the premises of the accused for a period not exceeding twenty-one days a notice of the conviction, and any person obstructing the affixing of such notice or removing or defacing the same shall on conviction be liable to a fine not exceeding five pounds or in default of payment to imprisonment for a period not exceeding one month.

Search and seizure.

66. For the better carrying out of this Part of this Ordinance it shall be lawful for the medical officer of the district, sanitary inspector, or any approved officer of the local authority or in rural districts of the Central Authority, or on the order of a Resident Magistrate or Special Justice of the Peace for any member of the police, at all reasonable times to enter any premises or search any vehicle, barrow, basket, sack or parcel in order to inspect or examine any animal or article as above set forth, and for that purpose to cut into any article of food, or intended for food, and if the same is found to be diseased, or unsound or unfit for food to seize the same : Provided that if before the trial of any person under the last preceding section the article seized shall become offensive it shall be lawful for the

medical officer, or with the approval of and after inspection by the Resident Magistrate, Special Justice of the Peace or in case there is no such officer within the district then of a Justice of the Peace or a registered medical practitioner, sanitary inspector or other approved officer as aforesaid to destroy or cause the same to be destroyed.

67. Upon the conviction of any person in terms of this Part of this Ordinance the Resident Magistrate or Special Justice of the Peace shall give such orders for the destruction or disposal of the diseased or unsound animal or portion thereof or article as shall prevent the same from being exposed for sale or used as food for man.

Destruction of diseased animal or meat or other article.

68. Any local authority may, and if required by the Central Authority shall, appoint a place or places within its district and fix a time or times for the inspection and examination of all meat slaughtered without its district and imported thereinto for the purpose of being sold for the food of man, and if any such meat shall be condemned the carcase or part thereof so condemned shall be retained and forthwith destroyed by the local authority or so disposed of as to prevent it from being exposed for sale or used for the food of man, and the owner shall be entitled to the nett price if any realised from the residual product of the carcase or part so condemned: Provided that no carcase or portion of a carcase shall be submitted for examination unless including the lungs, heart, liver and spleen in such manner that the examiner shall be readily able to satisfy himself that the organs are those of the carcase under inspection and that the provisions of this section shall not apply to any carcase preserved by cold storage.

Inspection of meat.

69. Where it is shown that any animal or article liable to be seized under this Part of this Ordinance and found in the possession of any person was purchased by him or consigned to him from another person for the food of man, and when so purchased or consigned was in such a condition as to be liable to be seized and condemned under this section, the person who so sold or consigned the same shall be liable to be brought to trial in the district in which such animal or article was seized, and on conviction shall be liable to the penalty and imprisonment above mentioned, unless he proves that, at the time he sold or consigned the said animal or article, he and the person acting on his behalf, if any, did not know, and could not with reasonable care have known that it was in such condition.

Liability of seller of diseased animals or articles.

Cancellation of license.

70. If the occupier of a private slaughter house is convicted of an offence under this Part of this Ordinance the Resident Magistrate or Special Justice of the Peace convicting him may if he deems necessary order that such slaughter house be closed; and thereafter any person slaughtering animals thereat shall on conviction be liable to the penalties prescribed in section seventy-three hereof.

Power of Resident Magistrate or S.J.P. to act.

71. A Resident Magistrate or Special Justice of the Peace may act in adjudicating on an offender under this Part of this Ordinance whether he has or has not acted in ordering the animal or article to be destroyed or disposed of.

Prosecution in certain cases.

72. Any person who has purchased any food for the purpose of human consumption which may appear to be diseased, or unsound, or unfit for the food of man, may call in the medical officer or sanitary inspector or other officer approved as aforesaid to inspect and examine the same and if it shall appear after such inspection and examination that any such food must necessarily have been diseased or unsound or unfit for the food of man at the time when it was purchased it shall be the duty of the local authority to lay the said information before the public prosecutor with a view to a prosecution under section sixty-five hereof of any person who offered or exposed the same for sale or on whose premises the same was offered or exposed for sale.

Penalty for conveying food in unclean vehicle.

73. Any person who shall convey or cause to be conveyed into any urban district any meat intended for human consumption in an exposed state or any food whatsoever in any vehicle which is not in a cleanly and wholesome condition shall be liable on conviction to a fine not exceeding ten pounds or in default of payment to imprisonment for a period not exceeding three months.

Storage of food.

74. (1) All food intended for the food of man exposed or intended for sale or deposited in any place or in the course of transmission for the purpose of sale or of preparation for sale shall if stored in any building be kept in a room or rooms set apart for that purpose and such room or rooms shall be well ventilated to the open air and shall at all times be kept in a cleanly and wholesome condition and shall not communicate directly with any sleeping apartment; and no food intended for sale shall be stored in any living room or bedroom or under such conditions as may appear to the medical officer sanitary inspector or other officer approved as aforesaid to be insanitary.

- (2) Any person who shall store or permit to be stored any food as aforesaid in contravention of the provisions of sub-section (1) hereof shall be liable on conviction to a fine not exceeding ten pounds or in default of payment to imprisonment for a period not exceeding one month, and such food so stored shall be liable to be seized by the medical officer, sanitary inspector or other officer as aforesaid and destroyed or otherwise disposed of as may be thought fit without compensation to the owner thereof.

PART VII.—ICE-CREAM, AERATED WATER AND OTHER SIMILAR COMMODITIES.

75. No person shall use any house, part of a house, or other premises as an ice cream or aerated water shop or shop for the sale of such other similar commodities as the local authority subject to the approval of the Central Authority may notify as subject to the provisions of this Part of this Ordinance and no person shall carry on the business of a manufacturer of ice cream, aerated water or other similar commodities unless provision be made to the satisfaction of the medical officer, or local authority for the ventilation, cleansing, water supply and drainage of any such house or part of a house or other premises. Any person contravening the provisions of this section shall be liable to a fine not exceeding ten pounds and in default of payment to imprisonment for a period not exceeding one month.

Cleanliness and drainage of premises that are used for the sale of ice cream or aerated water.

76. (1) Every manufacturer of aerated waters shall take out a license in advance from the Resident Magistrate or Civil Commissioner as the case may be for which the sum of five pounds per annum shall be paid.

License for manufacture of aerated water.

- (2) No such license shall be issued or received until the applicant shall have produced to the Resident Magistrate or Civil Commissioner a certificate from the medical officer or local authority, that he has complied with the provisions of the last preceding section.
- (3) Such licenses shall be issued subject to the provisions of the laws in force in reference to licenses.
- (4) The proceeds of such licenses shall in urban districts be paid by the officer receiving the same to the revenues of the local authority.

Requirements of premises for manufacture, storage, or sale of ice cream or aerated water.

77. In any premises used for the manufacture, storage or sale of any such commodity as aforesaid provision to the satisfaction of the medical officer, sanitary inspector or local authority shall be made for:—

- (a) a proper, sufficient and wholesome supply of pure water and if such water is derived from any source which in the opinion of the medical officer, sanitary inspector or local authority is liable to pollution, proper arrangements for the purification of the same before use;
- (b) proper conveniences and instruments for the effectual cleansing of any receptacle or utensils used for such manufacture, and further in respect of the manufacture of aerated water or other similar commodities notified as aforesaid of any bottles, utensils or vessels for keeping or distributing such aerated water or other commodity after any part of the process of manufacture thereof.

Notice of infectious disease.

78. It shall be the duty of every person carrying on the business of a manufacturer of or merchant or dealer in ice cream, aerated water, or other similar commodities on the occurrence of any infectious disease among the persons employed in such business to forthwith give notice thereof to the medical officer, sanitary inspector or local authority.

Inspection.

79. The medical officer, sanitary inspector, or any officer authorised thereto by the local authority, may inspect any house, part of a house, or other premises used or suspected of being used as an ice cream shop or aerated water shop or shop for the sale of similar commodities notified as aforesaid and the medical officer may examine any person employed therein and the occupier, keeper or other person having charge thereof shall give admission thereto at any reasonable time to the medical officer or other officer authorised as aforesaid.

Definition of ice cream.

80. In the foregoing sections the expression "ice cream" shall include any preparation sold under the name of ice cream or any similar title, whether containing milk or cream, or not.

Regulations under this Part of Ordinance.

81. The local authority may, and when required by the Central Authority shall frame, amend, and repeal regulations with regard to the construction, cleanliness, water supply, drainage, general sanitary state and the hours of opening and closing of premises licensed under this Part of this Ordinance.

82. Any person contravening any of the provisions of this Part of this Ordinance or any regulation made thereunder shall be liable on conviction for every such offence to a penalty not exceeding ten pounds or in default of payment to imprisonment for any period not exceeding one month. Penalty.

PART VIII.—OFFENSIVE TRADES.

83. If any person after the promulgation of this Ordinance establishes in any urban district without the sanction of the local authority any business which the Central Authority may by notice published in the *Gazette* declare to be an offensive business, he shall be liable on conviction to a fine not exceeding fifty pounds or in default of payment to imprisonment for a period not exceeding three months. Penalty for establishment of offensive business in urban district.

The Governor may, from time to time frame, alter and repeal regulations for the licensing and conduct of offensive businesses and the structure of any premises in which any such business is being carried on in order to prevent or diminish the noxious or injurious effects thereof and generally for safeguarding the health and safety of those engaged therein.

84. (1) No person shall slaughter any cattle or horses within any urban district except at such place or places as shall be pointed out by the local authority. Any person contravening this subsection shall be liable to a fine not exceeding ten pounds or in default of payment to imprisonment for a period not exceeding three months. Power of local authority regarding slaughter places.

(2) The local authority may and when required by the Central Authority shall frame regulations for the cleanliness, order and general sanitary conditions to be observed at such slaughter places and the fees to be paid by persons using the same.

85. Any urban local authority may, and when required by the Central Authority shall provide, establish and maintain subject to the approval and sanction of the Central Authority within or without their district, one or more fit abattoirs or slaughter houses for the purpose of slaughtering cattle and for that purpose may borrow such sums of money as they shall find necessary on the security of the public rates and of the fees and dues to be taken and levied for the use of such abattoirs or slaughter houses and the ground on which the same are erected. Establishment of abattoirs.

Compulsory use of abattoirs.

86. (1) If the local authority have provided or resolve to provide and establish and do provide and establish an abattoir or slaughter house as here-inbefore provided no person shall thereafter within the district of such authority or without the district except upon land *bona-fide* owned or occupied by him for farming purposes slaughter any cattle or scald or dress the carcases or part or parts of the carcases of any slaughtered cattle, or cause the same to be done (if such slaughtered cattle or carcases or parts thereof are intended for sale or to be used as food of man within the district of such local authority) elsewhere than within the said abattoir or slaughter house. Any person contravening the provisions of this section shall be liable on conviction to a fine not exceeding ten pounds or in default of payment to imprisonment for a period not exceeding two months:

Provided always that this section shall not apply—

(a) to any owner or occupier within the district of the local authority who may keep any cattle and who may kill the same for his own or family consumption ;

(b) to carcases or parts of carcases preserved by cold storage.

- (2) It shall be lawful for the local authority to charge for the use of the said abattoir or slaughter house such reasonable fees and dues as the local authority may from time to time prescribe.

87. The local authority may, and when required by the Central Authority shall frame, alter and repeal regulations in respect of the construction and maintenance of and rules to be observed in abattoirs or slaughter houses.

88. The medical officer or sanitary inspector or other duly authorised officer of the local authority shall have the right of access at all reasonable times to all premises used for the keeping or storage of carcases intended for sale or consumption as the food of man for the purpose of inspecting the same and the examination of such carcases.

89. Where it appears to the local authority upon a certificate by their medical officer or any two medical practitioners, or on a representation in writing under the hands of any ten inhabitants within the district, that any

Regulations as to abattoirs.

Inspection of places used for storage of meat.

Abatement of nuisances arising from offensive businesses.

trade, business, process, or manufacture carried on in any manufactory, building, or premises, and causing effluvia, is a nuisance or injurious or dangerous to the health of any of the inhabitants of the district, such authority may, if they think proper, and, if required by the Central Authority shall apply by petition to the Resident Magistrate or detached Assistant Resident Magistrate of the district in which such trade, business, process, or manufacture is carried on and if it appears to such Magistrate that any trade, business, process, or manufacture carried on in such manufactory, building or premises is causing a nuisance, or any effluvia which are a nuisance or injurious or dangerous to health of any of the inhabitants within the district he shall grant an order for the abatement of such nuisance within fourteen days, and if after the expiry of that period the nuisance shall continue then, unless it is shown that the best practicable means have been used for removing the nuisance, or preventing or counteracting the effluvia, the author of the nuisance, and failing him the occupier, and failing him the owner of the premises, shall be liable to a penalty not exceeding fifty pounds, or in default of payment to imprisonment for a period not exceeding three months.

90. The removal of house refuse, trade refuse, or street refuse by a local authority when collected or deposited by that authority, or by any contractor or other person authorised by such authority, shall be deemed to be a business carried on by that authority, or by such contractor or other person, within the meaning of this Part of this Ordinance and proceedings in relation to any such business may be taken by the Central Authority, the Medical Officer of Health for the Orange River Colony, or any person authorised by the Central Authority as if the Central Authority, the Medical Officer of Health for the Orange River Colony, or such person were a local authority.

Removal of refuse
an offensive
business.

PART IX.—CLEANSING.

91. (1) An urban local authority may, and when required by the Central Authority shall, undertake or contract for the removal under such conditions and at such convenient hours and times as may be approved by the Central Authority of house refuse, trade refuse, street refuse, night soil, and the cleansing of sanitary conveniences.

Removal of refuse.

(2) Any person who after such removal has been undertaken or contracted for by the local authority

removes, or obstructs a local authority or contractor in removing any such matters shall be liable to a penalty not exceeding ten pounds or in default of payment to imprisonment for any period not exceeding one month : Provided that the occupier of a house within the district shall not be liable to such penalty in respect of any matters which are produced on his own premises and are intended to be removed for sale or for his own use and are in the meantime kept so as not to be a nuisance or injurious or dangerous to health.

- (3) Any premises used by such local authority or by any contractor or any other person authorised by such local authority for the treatment or disposal of any house refuse, trade refuse, street refuse, or night soil, as distinct from the removal thereof, which are a nuisance or injurious or dangerous to health, shall be a nuisance to be dealt with under this Ordinance and for the purposes of this Ordinance or any proceedings thereunder the Medical Officer of Health for the Orange River Colony or any person authorised by the Central Authority shall be authorised to institute such proceedings.

Penalty on failure of local authority to remove refuse.

92. If the local authority, which has itself undertaken or contracted for the removal of house refuse, trade refuse, or night soil, fails to remove or cause to be removed, as the case may be, such house refuse, trade refuse, or night soil on such days as shall be notified to the occupier by the local authority, it shall be lawful for the occupier to give written notice to the local authority to remove the same within twenty-four hours, and if the same be not removed before the expiration of such twenty-four hours the local authority shall be liable to pay to such occupier a daily penalty not exceeding five shillings for every day or part of a day during which the said house refuse, trade refuse or night soil remains unremoved after the expiration of such notice, such penalty to be recoverable by the said occupier in any competent Court of Law.

Duty of local authority to clean streets.

93. It shall be the duty of every local authority to keep in a clean and sanitary state and free from accumulations of street refuse all public streets and roads and open spaces and all public recreation grounds, and to take steps to prevent storm water from accumulating in such streets, roads or places, and generally for the proper drainage of such streets or places.

94. (1) Every local authority may use any land of which it is possessed and situate either in or beyond the district of such local authority as a place for depositing or disposing of any refuse, night soil or other matters removed by or on behalf of such local authority. Depositing sites.
- (2) The use of any land as a place for depositing or disposing of refuse and other matters as aforesaid shall be subject to such conditions as the Central Authority may from time to time prescribe and define: Provided that it shall be lawful for the Central Authority by order to call upon any local authority to close any such depositing site which appears to be so situated or so conducted as to be a nuisance or injurious or dangerous to the health of the inhabitants of such local authority or of any other district and to require the local authority to establish a depositing site or sites in such other place or places as aforesaid as the Central Authority may deem fit.
- (3) Any local authority may and when required by the Central Authority shall order to be forthwith closed and filled up any cesspit or cesspool within its district; any person failing to comply with any such order within a time to be specified in such order shall on conviction be liable to a penalty not exceeding ten pounds or in default of payment to imprisonment for a period not exceeding one month; and the local authority may enter the premises to which any such order relates and do whatever may be necessary in the execution of such order and recover in any competent Court the expenses incurred by them from the person on whom the order is made.

PART X.—WATER SUPPLY.

95. (1) It shall be the duty of every urban local authority either to provide and maintain or to cause to be provided and maintained so far as may be reasonably possible a sufficient supply of wholesome water for the use of the inhabitants of its district whenever the Central Authority shall notify that no such sufficient and wholesome supply exists, and for such purpose it may purchase or otherwise acquire any land, waterworks, springs, fountains, water rights and premises, or rights incidental thereto within or outside its district, and may construct, equip and
- Duty of local authority to furnish a wholesome water supply.

maintain any works necessary for collecting, pumping, storing and distributing water.

- (2) Whenever such water supply has been provided to the satisfaction of the Central Authority whether before or after the promulgation of this Ordinance the local authority may by regulations compel the owner of every occupied erf to the boundaries of which the local authority has brought such water to lay on such water to such erf and may fix a minimum charge for such water whether used by the occupier of such erf or not. Such charge shall in cases where such water is so laid on be payable by the occupier and in cases where it is not so laid on by the owner of the premises.
- (3) In the event of the water supply of any district being undertaken by any person other than the local authority under any lawful contract or legal agreement whatsoever, the provisions of this Part of this Ordinance shall *mutatis mutandis* apply to such person and to such water supply as if such person were the local authority.

Scheme not to be commenced until approved by Central Authority.

96. No property shall be purchased or acquired and no works commenced by a local authority under the provisions of this Part of this Ordinance or any other law until the estimates, plans and any other information required by the Central Authority in respect of such property or works have been submitted to and approved by the Central Authority, and until such enquiry shall have been made as provided by the next succeeding section.

Notice in the Gazette.

97. (1) Notice shall be given of any proposed scheme for the purchase or construction of works for the supply of water by a local authority by publication of advertisement in the *Gazette* and in one or more newspapers circulating in the district four times at intervals of one week, and such notice shall describe such proposed scheme and state the hour and place where the plans, estimates, and other particulars relating to the same may be inspected.
- (2) If any owner or occupier within the district of the local authority or any person supplying water to the inhabitants of such district or any person who would be injuriously affected by the proposed scheme objects to the same and transmits his objection in writing to the Central Authority

within one month after the date of the last publication of the notice aforesaid the Central Authority shall unless the proposed scheme be withdrawn appoint some person or persons to make enquiry into the expediency of sanctioning the proposed scheme and to hear any such objections thereto and to report to them thereon, and on receiving the report of such person or persons the Central Authority may make an order disallowing the proposed scheme or allowing it with such modifications (if any) as they may think fit.

98. Subject to the provisions of the foregoing sections every municipality shall be vested with all the rights and powers granted to the Municipality of Bloemfontein under the provisions of Law 19 of 1896, and the said provisions shall *mutatis mutandis* apply as if the words "every municipality" were substituted for the words "Municipality of Bloemfontein" in Article 1 of the said Law, and the words "of Bloemfontein" were deleted wherever they occur thereafter in the said Article and in Article 18 thereof.

Provisions of Law 19 of 1896 to apply to urban districts.

99. Any local authority supplying water within its district may, with the consent of the Central Authority, supply water in bulk to another local authority or railway upon such terms and conditions as may be agreed upon between the parties.

Local authority may supply water to other local authority or to railway.

100. All waterworks which may be vested in any local authority at the date of the taking effect of this Ordinance, or which may hereafter become vested in the local authority, shall be maintained by the local authority in a condition for effectively continuing a supply of pure and wholesome water unless and until the use of such works is discontinued and other such works are substituted therefor.

Local authority to maintain water supply in good order.

101. (1) The local authority may supply water gratuitously from any standpipes or pumps erected in a street, road or public place to the inhabitants of the district for their personal use, and any person selling or otherwise disposing of water so supplied shall on conviction be liable to a penalty not exceeding five pounds or in default of payment to imprisonment for a period not exceeding fourteen days.

Local authority may supply water gratuitously.

(2) The local authority may supply water gratuitously to any public baths or washhouses established or carried on for any purpose other than personal gain.

Power to inspect source of water supply and to compel analysis.

102. The Medical Officer of Health for the Orange River Colony or any person duly authorised by him, or the medical officer to any local authority, may at all reasonable times enter any gathering ground and inspect and examine any source of water supply or any waterworks and take such samples of water as he may deem fit; and if admission to any premises for the purposes of this section be refused, or any person obstruct such medical officer or other person as aforesaid in the discharge of any duty under this section it shall be deemed an offence under this Ordinance, and the person having custody of such premises or the person so obstructing shall on conviction for every such offence be liable to a penalty not exceeding ten pounds or in default of payment to imprisonment for any period not exceeding one month.

The local authority when required by the Central Authority shall submit for analysis by the Government Analyst such samples of the public water supply of their district as may be deemed expedient.

When Central Authority may order purification of water supply.

103. The Central Authority may define in respect of any public water supply the amount of impurity which in the opinion of the Central Authority shall necessitate the local authority in which such water supply is vested taking such further steps for the better purification of such public water supply as the Central Authority may approve.

Local Authority to furnish plans and details of water supply.

104. The local authority shall furnish such information, plans and sketches in respect of the source of the water supply, the construction and method of working of the water works and the distribution of the water supply of its district as may be required by the Central Authority.

Penalty for polluting gathering ground or water supply.

105. Every person who knowingly causes or permits to fall or flow or to be carried or to drain into any spruit, stream, river or water-course, spring, well, dam, pond, lake, or any gathering ground, source of water supply or water works any solid or liquid sewage, trade refuse, house refuse, street refuse, or any other matter, solid or liquid, polluting or likely to pollute the water of such spruit, stream, river or water course, spring, well, dam, pond, lake, or any other gathering ground, source of water supply or water works so as to render the same injurious or dangerous to health and unfitted for drinking purposes shall be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment for a period not exceeding six months.

If the pollution or likelihood of pollution is due to the action of any local authority such local authority may be restrained by order of a judge of the High Court and if necessary ordered to remove the source or remedy the cause of such pollution.

106. Any local authority, or should they refuse when called upon by the Central Authority so to do, the Medical Officer of Health for the Orange River Colony may take such proceedings as they or the Central Authority may deem advisable for the purpose of protecting from pollution any watercourse, gathering ground or source of water supply within or without their district; and the costs of and incidental to any such proceedings shall be deemed to be expenses properly incurred by such authority in the execution of this Ordinance. The Medical Officer of Health for the Orange River Colony may institute such proceedings as he may deem advisable to restrain the pollution of any water supply other than that of a local authority.

Proceedings for preventing pollution of water supply.

PART XI.—MISCELLANEOUS.

107. (1) All fines imposed by any competent Court for contravention of any of the provisions of this Ordinance or any regulation thereunder in any urban district and all license fees payable for licenses granted thereunder in any such district shall be paid to the local authority in whose district such contravention shall have occurred.

Fines and fees payable to local authorities.

(2) Whenever under the terms of this Ordinance special duties are imposed upon an urban local authority involving the expenditure of money from the funds of the said authority, which duties the said authority had not undertaken or with which it had not been charged under any previous enactment and for which expenditure no adequate provision exists, it shall be competent for the Government at the request of such authority to make such contribution if any from Government funds in aid of such expenditure as they may deem fit.

108. (1) It shall be lawful for the Governor from time to time as he may deem fit to frame, alter or repeal regulations for any of the following purposes:—

Governor to frame regulations.

(a) Prescribing forms of notice and procedure for the purposes of this Ordinance;

(b) For securing the proper housing, feeding and water supply for and medical attendance on native and coloured labourers on any mine or at any labour centre ; for the care of such labourers when sick or injured ; for the disposal of sewage or house refuse and the sanitary precautions in respect of the premises on which such labourers reside or are employed ; and the Central Authority may by notice in the *Gazette* apply such regulations to any mine or labour centre.

(c) Regulating factories and for safeguarding the public health and the health and safety of those engaged therein.

(d) For the closure and use of closed or disused cemeteries ; for regulating and controlling the burial disposal and exhumation anywhere in the Colony of any dead body or human remains and for the conditions to be observed by any person bringing or causing to be brought into the Colony any human dead body for the purpose of burial.

(e) For the regulation, supervision and control of the importation, storage and distribution of articles of food or drink tinned or otherwise preserved intended for human consumption.

And such regulations when published in the *Gazette* shall have the force of law and by such regulations there may be imposed penalties not exceeding those in this Ordinance mentioned.

- (2) The local authority may and when required by the Central Authority shall from time to time make, alter and repeal subject to the approval of the Central Authority regulations for any of the following purposes :—

(a) Regulating the supply and distribution of any water under the control of the local authority ; prescribing the charges and conditions for water supply or in the event of the water supply being undertaken by any person fixing the maximum charges and minimum quantity and pressure for any water supplied by such person ; for preventing the waste of any such water ; for the protection of such water and any waterworks in connection therewith ; and for the manner and conditions of collection of any such charges.

(b) For protecting and regulating the drainage and sewerage of any house, factory or other premises within its district; for the situation, construction, inspection and control of sewers and drains; for enforcing the drainage of undrained houses and compelling the connection at the owner's expense of any private drain with any public sewer or drain and prescribing any conditions in connection therewith; providing for the right of the local authority to carry any drain or sewer into, through or under any lands whatsoever within their district; for the imposing of rates, fees and charges in respect of drainage and sewerage; and for the drainage of storm water.

(c) Regulating the establishment, situation and construction of sanitary conveniences upon any premises and facilities for the emptying and cleansing of the same and prohibiting the use of such of them as the local authority may deem necessary.

(d) Prescribing the number of water-closets, privies or urinals for the separate use of each sex in any school, factory or other premises.

(e) Regulating the sufficiency of air space about buildings and the proper lighting, ventilation and prevention of damp of buildings;

(f) Requiring the closing either temporarily or permanently of any house or part of a house which is so situated or constructed as to be unhealthy or injurious or dangerous to life; preventing the use of any such house or part thereof until such alterations and repairs as may be specified by the local authority by notice shall have been effected to its satisfaction;

(g) Providing that cattle, horses, dogs, livestock or poultry shall not be kept in such places or in such a manner as to be a nuisance or injurious or dangerous to the health of the inhabitants; for prescribing the situation of places in which swine may be kept or prohibiting if deemed advisable the keeping of swine;

(h) Regulating the slaughter of cattle, the disposal of waste products, the keeping, storage and sale of meat and fish by butchers and fishmongers and the order and cleanliness to be observed in

butchers' and fishmongers' shops and premises in connection therewith.

(i) Regulating and controlling the importation and examination of carcasses (whether frozen or otherwise preserved or not) intended for sale or consumption within their district and the fees payable in respect of such examination ;

(j) For the removal of house refuse, trade refuse, street refuse, manure and offal and the fees if any to be paid therefor ;

(k) For the innocuous disposal of dead animals and the fees chargeable for the removal and disposal thereof ;

(l) Prescribing the materials and construction, lighting, ventilation and water supply of bake-houses ; the cleanliness of such premises and of any persons employed or utensils used therein ; and prohibiting the use of underground bake-houses ;

(m) For the lighting, ventilation, water supply and accommodation in respect of sanitary conveniences of hotels, restaurants, cafés, tea-rooms, café-rooms, eating-houses and boarding-houses ; for the proper storage of food and drink therein and the cleanliness of the premises generally ;

(n) Registering, regulating and controlling the keeping of Kaffir eating-houses to which the provisions of the last preceding sub-section shall apply ; prohibiting the presence of white women on any such premises or any premises forming part thereof and fixing the hours of opening and closing such premises ;

(o) Prescribing the conditions under which any cellar or room any part of which is below the general level of the surrounding ground or adjoining street may be used as a dwelling place ;

(p) Regulating the registration and control of laundries, the registration, licensing and control of persons employed or carrying on business as laundry-men or laundry-women, and the fees payable in respect thereof ;

(q) Regulating and controlling the conditions as to cleanliness to be observed in barbers' and hairdressers' shops and the prevention of contagious disease therein ;

(r) For the establishment, regulation and control of public-baths, wash-houses and sanitary conveniences;

(s) For the paving where necessary of yards and open spaces in connection with any premises;

(t) For the regulation and construction of wells and measures against their pollution;

(u) For the establishment, laying out, enclosing, maintenance, conduct of and rules to be observed in cemeteries and the fees payable for burial therein;

(v) For the inspection of cattle in dairies; for prescribing and regulating the lighting, ventilation, cleansing, drainage and water supply of dairies in the occupation of dairymen; for securing the cleanliness of milk-stores, milk-shops or the premises of any dairyman or purveyor of milk or milk products and of milk vessels, utensils and bottles; and may prescribe the form and material of such utensils and bottles; for regulating the precautions to be taken by purveyors of milk and persons storing or selling milk or milk products against contamination or infection; and for the provision and control of municipal establishments for the supply of (modified or pure) milk;

(w) Regulating subject to the provisions of this Ordinance the duties of medical officer and sanitary inspector.

109. (1) Whenever any urban local authority shall frame, alter, amend or repeal any regulation under this Ordinance the procedure in connection therewith shall in all respects be conducted precisely as if such regulation were framed, altered, amended or repealed under the Statutes in force in respect of Municipalities or Village Boards of Management and the said regulation shall be of the same force and effect and unless otherwise provided contraventions thereof shall be subject to the same penalties as it had been framed under the said Statutes.

Regulations to be framed by local authority or in default by the Central Authority.

- (2) Whenever under the provisions of the aforesaid Statutes any regulations shall have been duly made and sanctioned which are repugnant to or

concurrent with the provisions of this Ordinance the said regulations shall be and are hereby repealed in so far only as they may be concurrent or repugnant as aforesaid.

- (3) Whenever under the provisions of this Ordinance the Central Authority may have required any local authority to frame regulations and such authority shall have failed to frame such regulations to the satisfaction of the Central Authority it shall be lawful for the Central Authority to frame regulations for such authority and such regulations when sanctioned by the Governor and published in the *Gazette* shall have force of Law within the district of such local authority and shall be duly enforced by such local authority as if they had been framed by the said local authority and sanctioned as aforesaid.

Officers authorised
to enter and
inspect.

110. (1) The Medical Officer of Health for the Orange River Colony, or any person authorised thereto by him or by the Central Authority, or on the order of any Resident Magistrate or Special Justice of the Peace any member of the police, may within any district of the Colony, and any medical officer, sanitary inspector, or person duly authorised by the local authority of the district, subject to the provisions of this Ordinance, may within such district, enter into or upon any house or premises at all reasonable times and forcibly if need be for the purpose of making any inspection, performing any work or doing anything required by or which may be lawfully done under this Ordinance or any regulation or order made thereunder, or for the purpose of ascertaining the existence of any contravention or of any nuisance or other cause of offence under any of the provisions of this Ordinance or any such regulation or order.
- (2) Any person wilfully refusing entrance to any of the aforesaid officers or persons in the performance of their duty to any house or premises or obstructing or interfering with or using any foul, violent or abusive language to any such officer or person in the execution of his duty under any of the provisions of this Ordinance or any regulation or order thereunder, or at any time obstructing a local authority or any person employed by a local authority in the performance of anything which such

local authority is empowered or required to do by or under the said Ordinance, regulations or order, shall upon conviction be liable to a fine not exceeding twenty pounds or in default of payment to imprisonment for a period not exceeding three months.

111. It shall be lawful for the Medical Officer of Health for the Orange River Colony or any Assistant to the said Medical Officer of Health duly appointed under this Ordinance when authorised so to do by the Central Authority to exercise in any district any of the powers vested in any medical officer or sanitary inspector under this Ordinance.

Authority of Medical Officer of Health for the Colony.

112. (1) Wherever in any urban district a water-borne sewage system is established or is about to be established the local authority shall from time to time furnish to the Central Authority such maps drawn to scale, plans and other information when and in such form as the Central Authority may require; and no such sewage system shall hereafter be established without the approval and consent of the Central Authority thereto.

Power of Central Authority and Medical Officer of Health in respect to sewage systems.

(2) The Medical Officer of Health for the Orange River Colony or any person duly authorised by him shall *mutatis mutandis* have all the powers of inspection in respect of such sewage system and works as are provided in section one hundred and two hereof in respect of waterworks and the provisions of the said section as to obstruction and the penalties prescribed therefor shall apply.

113. It shall be lawful for any Court passing any sentence of imprisonment for a contravention of any provision of this Ordinance or any regulation thereunder to order that the same shall be with or without hard labour.

Hard labour may be ordered with any term of imprisonment.

114. Whenever in this Ordinance power is given to any local authority to borrow money save with respect to section nine hereof the provisions of the "Municipal Corporations Ordinance, 1904" or any law amending the same or any other law regulating the borrowing powers of such local authorities shall be deemed to apply.

Borrowing powers.

115. Every Resident Magistrate and Special Justice of the Peace shall have jurisdiction to try any contravention of the provisions of this Ordinance or of any regulation

Jurisdiction of Resident Magistrate and S.J.P.

made thereunder, and to inflict the penalties therein prescribed : Provided that no penalty imposed by a Special Justice of the Peace shall exceed the penalties set forth in the proviso to section two of the "Special Justices Extension of Powers Ordinance, 1905."

Repeal.

116. The laws specified in Schedule B to the extent mentioned in the third column of that Schedule and so much of any other law as may be repugnant to or inconsistent with any of the provisions of this Ordinance shall be and are hereby repealed but such repeal shall not affect any act, matter or thing heretofore made, done, executed, commenced or instituted under or by virtue of the said laws or be deemed to extend to any regulations made under the said laws so far as they may be in force at the time of the promulgation of this Ordinance except as provided in sub-section (2) of section one hundred and nine hereof.

Date of taking effect and application of Ordinance.

117. This Ordinance shall save as hereinafter provided take effect on the 1st day of July, 1908 : Provided that the provisions of Part X. shall take effect and have force of Law forthwith upon the promulgation of this Ordinance together with so much of Part I. as may be necessary for the purposes of and to give full effect to the said provisions : Provided further that it shall be lawful for the Governor on the request of any local authority made in accordance with a resolution of which special notice shall have been given to every member of such authority and which shall have been published in the *Gazette* and in one or more newspapers if any locally circulating at least one month before such request shall be made to apply by proclamation all or any of the provisions of this Ordinance to the district of such local authority in which event the provisions of the Ordinance so applied shall have force of law within such district from and after the promulgation, of such proclamation.

Title.

118. This Ordinance may be cited as the "Public Health Ordinance, 1907."

SCHEDULE A.

DAIRY REGULATIONS.

(1) Every person holding a license for a dairy cowshed or milk-shop shall make provision with respect to such premises to the reasonable satisfaction of the medical officer or sanitary inspector for :—

(a) the efficient lighting and ventilation, including air space, of the same ;

- (b) a proper and sufficient supply of wholesome water, either constant or stored in suitable tanks which shall at all times be kept thoroughly clean;
- (c) proper and effectual drainage for the purpose of which the floor shall be impermeable and so constructed as to have a sufficient fall to a channel which shall effectually carry away all urine or other liquid filth, and there shall be no inlet or opening to any drain within such dairy or cowshed.

(2) It shall not be lawful for any person following the trade of cowkeeper or dairyman to occupy as a dairy or cowshed any building, whether so occupied at the commencement of this Ordinance or not, if, and so long as, the lighting, and the ventilation, including air space, and the cleansing, drainage, and water supply thereof, are not such as are necessary or proper:—

- (a) for the health and good condition of the cattle therein; and
- (b) for the cleanliness of milk vessels used therein for containing milk for sale; and
- (c) for the protection of the milk therein against infection or contamination.

(3) Every person holding a license for a dairy, cowshed or milk shop shall to the satisfaction of the medical officer or sanitary inspector:—

- (a) maintain his premises in a proper state of repair and keep them in a thoroughly clean and wholesome condition;
- (b) cause all vessels used in any such dairy, cowshed or milk shop to be well washed and thereafter scalded with boiling water or steam immediately after use and thereafter thoroughly dripped;
- (c) take all proper precautions for preventing the infection or contamination by effluvia or otherwise of any milk kept in such dairy, cowshed or milk shop.

(4) No person holding a license as aforesaid shall:—

- (a) keep any swine on the premises in respect of which he is licensed or in such proximity as shall appear to the local authority to be insanitary;
- (b) sell any milk showing any sign of variation in colour, taste, smell, or general quality from the ordinary appearance of good milk;

- (c) sell any milk from any cow within six days after the time of calving ;
- (d) allow any person (whether himself or another) suffering from or having to his knowledge been recently in contact with any person suffering from any infectious disease including tuberculosis to take part or assist in the conduct of the trade or business as far as regards the production, distribution or storage of milk until in each case all danger therefrom of the communication of infection to the milk or of its contamination has ceased.

(5) It shall be the duty of every person holding a license as aforesaid to inform the medical officer, sanitary inspector or local authority without delay of the occurrence of any infectious or contagious disease or tuberculosis among any persons residing or employed on his licensed premises or among any cattle kept therein or handling the milk, and to comply with all the requirements of the said officers for disinfecting the premises and preventing the spread of such disease. Any person contravening the provisions of this regulation shall be liable on conviction for every such offence to a fine not exceeding twenty pounds or in default of payment to imprisonment for a period not exceeding three months.

(6) If at any time disease exists among the cattle in a dairy or cowshed or other building or place, the milk of a diseased cow therein :—

- (a) shall not be mixed with other milk ; and
- (b) shall not be sold or used for human food ; and
- (c) shall not be sold or used for food of swine or other animals unless and until it has been boiled ;

and any person acting in contravention of this regulation shall be guilty of an offence under this Schedule.

(7) No person shall sell within the district of any urban authority any milk (other than condensed milk) whether produced within the district or imported from outside the district unless the dairy or cowshed from which the same was produced has been inspected and approved or is open for inspection by the medical officer or other person duly authorised thereto by such urban authority, and if any such dairy or cowshed outside the district does not fulfil the requirements of this Ordinance or any regulations thereunder such authority may forbid the sale of any milk produced on such premises in the manner aforesaid until such requirements are complied with.

SCHEDULE B.

LAW.	SUBJECT.	EXTENT OF REPEAL.
Law No. 7 of 1899 ...	To provide against Asiatic Pest or Bubonic Plague and other Infectious Diseases.	The whole.
Law No. 31 of 1899 ...	Contagious Diseases.	Part I. Smallpox.
Proclamation No. 2 of 1901 (D.A.)	Board of Health.	The whole.
Ordinance No. 35 of 1903	The Bloemfontein Municipal Ordinance, 1903.	Section 126 (5), (6), (7), (10), (13), (14), (15), (16) and (21), (b), (c), (d), (e) and (f). Section 126 (8), the words "preventing the exercise of injurious and objectionable trades and for." Section 126 (11), the words "wash-houses, abattoirs, urinals, latrines, public-baths." Section 126 (25), the words "sanitary control and."
Ordinance No. 14 of 1905	Municipal Corporations (Supplementary) Ordinance, 1905.	Section 17, (1), (2), (3), (4).
Ordinance No. 19 of 1905	Bloemfontein Municipality (Supplementary) Ordinance, 1905.	Section 9, (1), (2), (3), (4) and (9).
Ordinance No. 36 of 1905	Bloemfontein Municipality Amendment Ordinance, 1905.	Section 6.

No. 1 of 1907 (*Private*.)]

[March 1st, 1907.

PRIVATE ORDINANCE

To grant certain rights to use and convey Water for the purposes of the Voorspoed Diamond Mine.

Preamble.

Whereas it is expedient and necessary that certain rights and powers should be granted to facilitate the working and exploitation of the Diamond Mine situate upon the farms Voorspoed No. 401, Belmont No. 794, and De Morgenster No. 772, in the District of Kroonstad :

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

Definitions.

1. In this Ordinance unless inconsistent with the context :—

“The Voorspoed Diamond Mine” shall mean the Diamond Mine situate on the farms Voorspoed No. 401, Belmont No. 794, and De Morgenster No. 772, in the District of Kroonstad in this Colony, together with any extensions thereof already discovered or which may after the date of this Ordinance be discovered ;

“The Company” shall mean the Voorspoed Diamond Mining Company, Limited, its successors or assigns, or any persons or companies which shall from time to time have the right to work and exploit the Voorspoed Diamond Mine, or the holder of the said Mine in terms of the “Mining of Precious Stones Ordinance, 1904.”

Company may take storm water from Rhenoster River and Honingspruit.

2. (1) Anything to the contrary contained in the common law or in any other law notwithstanding, it shall be lawful for the Company to impound, divert, take and use in and from the Rhenoster River and Honingspruit or either of them on the farms Vroolykheid No. 331, Junction No. 1203, and Verelands No. 1380, in the Districts of Vrededorp and Kroonstad, the properties of the Voorspoed Diamond Mining Company, Limited, and such adjacent farms as may be acquired by the aforesaid Company, and to convey thence in accordance with the provisions of the “Right of Passage of Water Ordinance, 1906,” to the Voorspoed Diamond Mine such a supply of storm and flood water and of water accumulated or stored

in the pools or reaches in the said River and Spruit or either as it may require for the purpose of working and exploiting the Voorspoed Diamond Mine, and to do and perform all other acts, matters and things which may be from time to time necessary for carrying out the works contemplated by this Ordinance.

Pending the construction of the necessary works for impounding such storm and flood water and for a period not exceeding three years from the taking effect of this Ordinance, it shall be lawful for the Company to divert, use and convey so much of the normal flow of water in the said River and Spruit or either as is sufficient for its aforesaid purposes: Provided always that the Lieutenant-Governor shall on his being satisfied that the diversion of the normal flow of water is causing damage to any person lawfully entitled to the use thereof order the Company to allow a sufficient quantity of the flow of water normal at such time to flow down to satisfy the lawful requirements of such person as aforesaid, and the Company shall pay compensation to such person for any damage he may have sustained by reason of such diversion as aforesaid; and the amount of such compensation in the absence of any agreement between the parties concerned shall be determined by arbitration to be conducted in accordance with the "Expropriation of Lands and Arbitration Clauses Ordinance, 1905."

- (2) The Company shall erect and maintain both in the Rhenoster River and Honingspruit the necessary arrangements for measuring the flow of water in the said River and Spruit into the Pool or Zeekoegat at the junction of the said River and Spruit and the Company shall further erect and maintain the necessary appliances to allow the normal flow of the water, when ordered to do so, as aforesaid, to run down the Channel of the Rhenoster River.

Company to erect arrangements for measuring flow of water.

3. Anything to the contrary contained in the common law or any other law notwithstanding, it shall not be lawful at any time for any riparian proprietor or any person whatsoever to interfere with the Company or to

Riparian owners shall not interfere with the Company.

restrain it by interdict or otherwise from using the water in the said Pool or Zeekoegat or the water to be impounded as aforesaid as contemplated by this Ordinance but all disputes and claims for compensation in the absence of any agreement between the parties concerned shall be determined by arbitration as provided in sub-section (1) of section two of this Ordinance.

Company may instal telegraphic communication.

4. Anything to the contrary contained in the "Telegraph and Telephone Ordinance, 1906" or any other enactment now in force or hereafter to be passed notwithstanding, it shall be lawful for the Company and it is hereby authorised to erect, lay down and maintain for its sole and exclusive use in connection with the Voorspoed Diamond Mine wires for telegraphic and telephonic communication and for transmission of electric power together with generating and intermediate stations and machinery for such power on and over any land which it may become entitled to lead water from and over, and the Company shall at all times have the right of access thereto; and in respect of such rights when exercised over any land as aforesaid, not being the property of the Company, the provisions as to compensation and arbitration contained in the said "Right of Passage of Water" and "Expropriation of Lands and Arbitration Clauses Ordinances" shall apply.

Rights of the Crown.

5. Nothing in this Ordinance contained shall be deemed to affect any rights of His Majesty the King, His heirs and successors or of any body politic or corporate or of any other persons except such as are mentioned herein and those claiming from, by and under them.

Title.

6. This Ordinance may be cited as the "Voorspoed Diamond Mining Company Water Private Ordinance, 1907."

No. 2 of 1907 (*Private*).] [April 8th, 1907.]

PRIVATE ORDINANCE

To confer on Certain Persons the Privileges possessed in this Colony by Admitted Agents of the late Orange Free State.

Preamble

Whereas William John Cormack Brebner, Admitted Agent of Bloemfontein, Johannes Hendricus Brand Wesels, Admitted Agent of Bethlehem, Georg Vergottini Bornman, Admitted Agent of Harrismith, and Abraham

Johannes Coetzee, Admitted Agent of Reddersburg, each and all of them have passed the Matriculation Examination of the University of the Cape of Good Hope or an examination equivalent thereto:

And whereas prior to the year 1899 they each and all of them passed the Examination of Jurisprudence (third degree) of the late Orange Free State thereby entitling them to be admitted to practise before the Lower Courts of that State :

And whereas subsequent to the year 1902 they were each and all of them admitted to practise and did practise as admitted agents in the Magistrates' Courts of this Colony :

And whereas under the existing law the said W. J. C. Brebner, J. H. B. Wessels, G. V. Bornman and A. J. Coetzee are not entitled to be admitted to practise and enrolled as attorneys of the High Court of this Colony unless they can produce satisfactory proof that they have actually served with a practising attorney in this Colony under a contract in writing registered at the office of the Registrar of the said High Court for a period of three years subsequent to the date of the registration of such contract for which period they have not so served :

And whereas in consideration of the foregoing it is equitable that the said W. J. C. Brebner, J. H. B. Wessels, G. V. Bornman and A. J. Coetzee (being otherwise duly qualified) should be enabled to be so admitted and enrolled without producing proof as aforesaid :

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

1. Notwithstanding anything in sub-section (c) of section thirteen of the "Administration of Justice Ordinance, 1902" or sections seven and eight of the "Administration of Justice Amending Ordinance, 1904" or any other law contained it shall be competent for the High Court to approve, admit to practise and enrol as an Attorney of the said Court William John Cormack Brebner of Bloemfontein, Johannes Hendricus Brand Wessels of Bethlehem, Georg Vergottini Bornman of Harrismith and Abraham Johannes Coetzee of Reddersburg or any of them who shall produce satisfactory proof that he has within the period prescribed by section seven of the

High Court may admit certain persons as Attorneys subject to certain conditions.

“Administration of Justice Amending Ordinance, 1904” passed the Examination in Law and Jurisprudence of the University of the Cape of Good Hope and that he has passed such practical examination in the ordinary practice and procedure as provided by section eight of the said “Administration of Justice Amending Ordinance, 1904.”

Title.

2. This Ordinance shall take effect immediately after publication and may be cited as the “Special Admission of Attorneys Private Ordinance, 1907.”

No. 3 of 1907 (*Private*).]

[April 8th, 1907.

PRIVATE ORDINANCE

To confer certain rights on Charles Thomas Alexander.

Preamble.

Whereas Charles Thomas Alexander, residing at Poortjes Dam, in the District of Fauresmith, is a coloured person within the meaning of Chapter XXXIV. of the Law Book and of all and several the Laws and Ordinances applying to coloured persons as such in this Colony :

And whereas under the said enactments the said Charles Thomas Alexander is subject to certain disabilities thereby imposed on coloured persons as such :

And whereas heretofore under the Government of the late Orange Free State the said Charles Thomas Alexander enjoyed dispensation or exemption from certain of the said disabilities and was permitted to and did exercise rights and privileges reserved by law to persons of European descent :

And whereas it is desirable that certain of the said rights and privileges should be legally conferred on the said Charles Thomas Alexander :

Be it enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

1. The said Charles Thomas Alexander shall be and hereby is exempted from all and several the disabilities imposed on coloured persons as such by the several enactments in the Schedule to this Ordinance mentioned, and notwithstanding anything in the said enactments or any

Exemption from disabilities imposed on coloured persons by certain laws.

regulations having force of law thereunder shall be taken and deemed to be in all respects entitled to and to enjoy (save as hereinafter excepted) the rights and privileges of persons of European birth so far as coloured persons are by the said enactments and regulations debarred therefrom.

2. (1) Notwithstanding anything in the said enactments or regulations contained whenever by any of the said enactments or regulations penalties are imposed on coloured persons for any act or omission in contravention of the provisions thereof which act or omission is not declared or made unlawful in the case of persons other than coloured persons the said Charles Thomas Alexander shall not be deemed to have contravened any of the said provisions or be liable to any of the penalties by reason only of any such act or omission.

Exemption from penalties.

(2) No person shall be deemed to have contravened any of the provisions of the said enactments or regulations or to be liable to the penalties prescribed for such contravention by reason only of any act or omission concerning or in respect of the said Charles Thomas Alexander which act or omission would be lawful concerning or in respect of persons other than coloured persons.

3. Nothing herein contained shall be deemed to confer on the said Charles Thomas Alexander the right to be enrolled on any voters' roll or to vote at any election or at any meeting of ratepayers or to be a candidate at any election whether parliamentary, municipal or in respect of Village Management Boards or School Committees or to extend the privileges herein granted to any of his descendants.

Rights to vote at elections withheld. Exemptions not extended to descendants.

4. This Ordinance may be cited as the "Alexander Exemption from Disabilities Private Ordinance, 1907." Title.

SCHEDULE.

Chapter XXXIV. of the Law Book.

Chapter LXX. of the Law Book.

Chapter CIX. of the Law Book.

Chapter CXXXIII. of the Law Book, Law No. 4 of 1895, and any other Law now or hereafter in force in regard to passes for Coloured Persons.

Sections 41, 42, 44 and 58 of the "Liquor Licensing Ordinance, 1903."

The "Municipal Corporations Ordinance, 1904," and any other law now or hereafter in force in respect of Municipalities.

The "Villages Management Ordinance, 1904," and any other law now or hereafter in force in respect of Village Boards of Management.

The "Poll Tax Consolidation Ordinance, 1904," and any other law now or hereafter in force imposing special taxation on Coloured Persons as such.

No. 4 of 1907 (*Private*.)]

[August 23rd, 1907.

PRIVATE ORDINANCE

To provide for the establishment of Committees of Management for certain Agricultural Settlements.

Preamble.

Whereas agricultural settlements have been established in the District of Vredefort on the farms Roodepoort the property of Christian Rudolf de Wet and the farms Weltevreden and Doornkop the property of Dirk Cornelis Lourens whereon the owners of the said farms have allotted and set apart plots of irrigable land for cultivation and occupation under agreements of purchase with the occupiers thereof :

And whereas it is desirable that the inhabitants of the said settlements should be empowered to elect Committees of Management for the better government of the said settlements :

Be it enacted by the Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof, as follows :—

Definitions.

1. In the interpretation of this Ordinance "Settlement" shall include respectively the areas—

- (a) on the farm Roodepoort No. 166 whereof the registered owner is Christian Rudolf de Wet ; and
- (b) on the farms Weltevreden No. 165 and Doornkop No. 52 whereof the registered owner is Dirk Cornelis Lourens

all situated in the District of Vredefort set apart and beacons off by the said owners (as shown in the charts of survey made by A. W. Barlow, Government Land Surveyor, in the month of June, 1906,) for occupation and cultivation by the inhabitants of the said areas under agreements of purchase entered into or to be entered into in terms of certain circulars or offers of sale dated respectively the fifth day of January and the twenty-eighth day of April, 1906 and issued by the said owners together with all land on such farms over which the said inhabitants may obtain rights of cultivation or grazing by virtue of the said agreements and all roads, ways, dams and water furrows and open spaces within the said areas and shall further include any extension of the said areas which may hereafter be acquired for like purposes by the inhabitants of the said settlements or by the Committees of Management thereof under the terms of this Ordinance and in the event of such settlements being amalgamated the joint area of the same.

“Committee” shall mean the Committees of Management elected respectively for each such settlement under the provisions of this Ordinance.

“Owners” shall mean the aforesaid registered owners of the said farms or their successors.

~~“Plot-holder” shall mean any inhabitant of such settlement of full age resident therein who has entered into an agreement with the owner for the occupation and purchase of one or more allotments of agricultural land thereon of an inclusive area of not less than two morgen and has paid his first instalment of the purchase price thereon.~~

2. As soon as possible after the promulgation of this Ordinance the Resident Magistrate of the District shall frame a list of plottolders for the said settlements respectively and shall amend the same from time to time as circumstances may require. List of Plottolders.

3. As soon as the list mentioned in the last preceding section has been framed the Resident Magistrate shall issue a notice by posting the same in a conspicuous place or places within the settlements respectively calling a meeting of plottolders for the purpose of electing a Committee of Management for each settlement and by such notice shall appoint the time, place and day for the holding of such meeting. Notice of election of First Committees.

4. In each succeeding year after the year in which such notice has been given as aforesaid the Resident Magistrate shall give a similar notice calling a meeting of the Election of subsequent Committees.

plottolders to be held on the second Wednesday in June, for the purpose of electing a new Committee for the twelve months beginning on the first day of July next ensuing on which last mentioned date the new Committee shall come into office and the old Committee shall retire : Provided always that the retiring members shall be eligible for re-election. The retiring Committee shall prepare and hand over to the incoming Committee a report concerning the financial and general position of the settlement.

Magistrate to
preside.

5. (1) At every such meeting the Resident Magistrate if present shall preside or should he not be present any plottholder duly chosen thereto by a majority of the plottholders present may preside and such person so chosen may exercise all the powers which the Resident Magistrate would have or exercise if present.

(2) It shall be lawful for any plottholder to nominate at such meeting any duly qualified plottholder resident in the settlement and every such nomination shall before it is submitted to the meeting be seconded by some other plottholder.

6. From among the persons so nominated and seconded such meeting shall elect five who shall form and be called the Committee of such settlement; and at such election the following provisions shall apply :—

(1) In case five persons only shall be nominated and seconded, such five persons shall be declared to be duly elected as such Committee.

(2) In case more than five persons shall be nominated and seconded, the Chairman shall then and there proceed to take a poll of the plottholders present and enrolled as aforesaid by ballot and such five persons duly nominated and seconded as shall gain the greatest number of votes at such poll shall then be declared to be duly elected and shall form the Committee of the settlement.

(3) In the event of the number of votes being found to be equal for any two or more candidates all of whom cannot be declared to be elected the Chairman shall forthwith publicly determine by lot which of such candidates shall be elected.

(4) Every plottholder present at such meeting shall be entitled to give one vote for each of any number of candidates not exceeding the number to be elected.

Nominations.

Act 15 of 1912
insertion of certain words.

Election of
Committee.

7. In case at any such meeting the plottolders present fail to elect a Committee as aforesaid or a sufficient number of members of such Committee it shall be lawful for the Governor by notice in the *Gazette* to appoint such Committee or so many members thereof as may be required to fill the vacancies thereon from among the plottolders, and the said Committee or persons so appointed shall have the same powers and duties and shall remain in office for the same period as if they had been duly elected at such meeting.

If bodies fail to elect a Committee Governor shall appoint.

8. Such persons so elected or appointed as in the last preceding section is provided shall form the Committee of the settlement until a new Committee similarly elected on the second Wednesday in June next following shall come into office or failing such election be appointed as in the last preceding section provided.

Tenure of office.

9. In case any member of the Committee shall leave the limits of the settlement for the space of three calendar months or shall fail to attend three consecutive ordinary meetings of the Committee or shall become insolvent or assign his estate for the benefit of his creditors or shall die or be incapacitated from acting by means of mental or bodily disease such member's seat shall be *ipso facto* vacated; and it shall be the duty of the remaining members of the Committee to report such vacancy to the Magistrate who shall forthwith call a meeting of the plottolders for the purpose of electing another member of the Committee, and the proceedings at such meeting shall *mutatis mutandis* be the same as those provided in sections five and six hereof.

Procedure when vacancy occurs.

10. Such Committees shall meet as soon as practicable after coming into office and shall continue to meet from time to time not being less than once a month at such time and place as they shall determine.

Meetings of Committees.

11. (1) At the first meeting of the Committee the members shall choose a Chairman, a Vice-Chairman and a Secretary who shall also act as Treasurer, and shall find security for his administration to the satisfaction of the Committee.

Procedure at Meetings.

(2) The Chairman or in his absence the Vice-Chairman shall preside at all meetings of the Committee of which three members shall form a quorum and in the absence of the Chairman and Vice-Chairman the Secretary shall preside.

- (3) All questions coming before the Committee shall be decided by a majority of votes and in case of equality of votes the presiding member shall have a second or casting vote in addition to his regular or deliberative vote.
- (4) Minutes of the proceedings of every meeting shall be regularly entered in a book to be kept for that purpose and shall be read and confirmed at the next succeeding meeting and signed by the person presiding thereat.

Committees to be bodies corporate, with power to acquire the property of the Settlements.

12. The Committees so formed shall be bodies corporate with perpetual succession and a common seal and as such shall be empowered to acquire from the respective owners on such terms as may be agreed upon with them and approved by the Governor all the fixed property comprised within the areas of their respective settlements or any extension thereof which has not previously been transferred to the plotholders or other persons together with the rights and obligations of the said owners subsisting under any agreements of purchase between the owners and the plotholders or other persons within the settlement and to obtain transfer of the said fixed property and any other fixed property thereafter acquired for the purposes of the said settlement without the payment of transfer duty.

Loans for purchase of property of the Settlement.

13. For the purpose of raising the funds required for the purchase of the said property it shall be lawful for each Committee if empowered to do so by the vote of a majority of not less than two-thirds of the plotholders of its settlement present and voting at a public meeting summoned for that purpose by the Chairman of the Committee and with the sanction of the Governor to borrow such sum or sums of money as may be necessary on the security of the property to be so acquired.

Power of amalgamation.

14. In the event of the Committees acquiring the ownership of their respective settlements as aforesaid it shall be lawful for the said Committees to enter into an agreement between themselves for the amalgamation of the two settlements in which event and on completion of the said agreement the said settlements shall become and be deemed to be one settlement within the meaning of this Ordinance comprising the areas so amalgamated.

Committee of amalgamated Settlement.

15. (1) As soon as possible after the completion of the said agreement an election shall be held in

the manner hereinbefore provided for a Committee of Management for the new settlement so established which Committee shall consist of seven members.

- (2) On the conclusion of the said election the old Committees shall cease to exist and the settlement property shall there and then be vested in the newly elected Committee as successors to the Committees so abolished.
- (3) The new Committee shall in respect of the settlements so formed have and exercise all the rights, powers and duties which are granted to Committees under this Ordinance, and the provisions of this Ordinance as to elections and otherwise shall *mutatis mutandis* apply thereto.

16. In case the Committee of any Settlement shall have acquired the ownership of the Settlement as aforesaid it shall be empowered to sell, part with lease or alienate the fixed property comprised therein under the following conditions—

Powers of alienation of fixed property.

- (1) That the resolution to so alienate shall have been carried by a majority consisting of not less than four or (in case of the amalgamation of the settlements) of not less than five members of the Committee and shall have been sanctioned by the Governor.
- (2) That the said resolution shall have been forwarded to the Colonial Secretary together with a copy of the minutes of the meeting at which it was carried and a statement by the Chairman that at least four or five members as the case may be have voted for the resolution.

17. From and after the promulgation of this Ordinance—

Provisions with reference to sub-division of plots and trading licenses.

- (1) No surveyed plot whether residential or agricultural as shown on the charts of survey referred to in section one hereof or as may be hereafter surveyed on any further land acquired for the purposes of the settlements shall be capable of being subdivided or of being in any manner transferred, sold, leased or alienated except as a whole unless the sanction of the Governor shall have been first obtained.

- (2) No trading license shall be issued for any shop, store or other premises within the area of the settlements save such as may have been licensed prior to the said promulgation except with the sanction of the Governor.

Powers and duties of the Committee.

18. The Committee in each settlement shall be entrusted with the general supervision and control of all aqueducts, water-courses, drains, dams, roads, bridges, gates, grazing grounds and non-irrigated arable lands within its settlement and in respect thereof it shall be lawful for the Committee—

- (1) To cause all roads to be kept in good and sufficient order and repair ;
- (2) To make and repair all drains, culverts, bridges, aqueducts, water-furrows and all other works necessary to maintain a proper supply of water to the inhabitants for irrigation and domestic and other purposes ;
- (3) To carry out the duties and powers granted to it by regulations framed under the provisions of this Ordinance.

Committee may call upon inhabitants to render their labour and services.

19. For the purposes in the last preceding section mentioned it shall be lawful for the Committee by regulations framed under this Ordinance to appoint certain days not exceeding twelve in any year on which all male inhabitants of the settlement between the ages of sixteen and sixty years may be called upon to render their services and labour to the Committee for carrying out the works required. Any such person who shall fail or refuse to render his services or labour on the appointed days as aforesaid unless exempted by reason of illness or as in such regulations otherwise provided shall on conviction be liable to a fine not exceeding five pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

Regulations.

20. The Committee shall have the power to frame, alter and amend regulations from time to time in respect of the following matters and may by such regulations prescribe any fine for the contravention thereof not exceeding five pounds or in default of payment imprisonment with or without hard labour for a period not exceeding one month :—

- (1) The regulation of the common grazing ground of the settlement, the grazing and watering of stock

and the number of stock which any plotholder may be entitled to graze thereon and the fees payable in respect thereof.

- (2) The establishment of a pound, the impounding of stock and the fees payable in respect thereof.
- (3) The supply, use and distribution of water and the control, maintenance and repair of water courses, conduits, furrows and aqueducts and the appointment of water-bailiffs or other officers for the said purposes.
- (4) The imposition of a rate not exceeding eighteen shillings per annum on each irrigable plot for the purposes of the last preceding subsection.
- (5) The control of dams and reservoirs within the settlement and the regulation of boating and fishing thereon.
- (6) The repair and maintenance of roads, culverts and bridges.
- (7) The prohibition of the keeping of dangerous animals.
- (8) The planting, maintenance and protection of trees and bushes.
- (9) The abatement of nuisances, and the provision of sanitation for the settlements and the imposition of any necessary fees therefor.
- (10) The erection and maintenance of fences and gates and the fencing of wells, quarries and other excavations.
- (11) The regulation of public meetings summoned under the provisions of this Ordinance.

21. Such regulations when made, altered or repealed as aforesaid shall be open for inspection at some convenient place within the settlement for a period of not less than ten days and the Chairman of the Committee shall cause a notice thereof to be posted at not less than two conspicuous places within the settlement.

Regulations to be open for inspection.

22. By such notice the Chairman shall convene a certain date, time and place to be named therein a meeting of plotholders for the purpose of considering such regulations.

Regulations to be considered by plot holders.

Procedure.

23. At such meeting the Chairman shall preside and shall read the said regulations in their entirety to the plotholders assembled and shall thereafter cause each clause to be considered separately and to be approved or disapproved or amended by a majority of votes.

Regulations to be forwarded to Colonial Secretary.

24. Such regulations approved or amended as aforesaid shall be transmitted by the Chairman to the Colonial Secretary for submission to the Governor in Council and it shall be competent for the Governor to sanction, amend or reject any such regulations.

Regulations to be published in *Gazette*.

25. Such regulations so sanctioned or amended shall on publication in the *Gazette* have the force of law until they be altered, amended or repealed in like manner as hereinbefore provided in that behalf.

Offences where triable.

26. All prosecutions for contravention of such regulations may be instituted in the Courts of Resident Magistrates or Special Justices of the Peace provided that no penalty imposed by any Special Justice of the Peace shall exceed a fine of five pounds or in default of payment imprisonment with or without hard labour for a period of six weeks.

Application of fines.

27. All fines recovered by means of any such prosecution together with all moneys that shall become payable under and by virtue of such regulations shall be paid to the Committee and be applied by them in carrying out the purposes of this Ordinance.

Committees to enforce regulations.

28. It shall be the duty of the Committees to enforce all regulations made under the authority of this Ordinance and to institute prosecutions for all breaches and contraventions of the same and to use all diligence in carrying out the several provisions and objects of this Ordinance generally.

Public Meetings.

29. (1) The Chairman of the Committee may as often as he may deem fit and shall at the request in writing signed by twenty plotholders convene a public meeting of the plotholders of the settlement to discuss any matter of public importance to be specified in the notice of such meeting and obtain the opinion of the plotholders thereupon for the guidance of the Committee.

- (2) All public meetings held under this Ordinance shall save as otherwise provided be convened by a notice of not less than seven days published by the Chairman of the Committee by posting the same at two or more conspicuous places within the settlement and stating the date, time and place of such meeting and the subject to be discussed thereat.

30. It shall be lawful for the Committee to enter into contracts and to employ labour for the purpose of carrying out any work required to be done or for doing anything which such Committee is by the provisions of this Ordinance authorised to undertake or do.

Committee may enter into necessary contracts.

31. In any action or suit civil or criminal which may be brought against any such Committee as aforesaid it shall be sufficient to describe such Committee as "The Committee for the Settlement of _____" without mentioning the names of any of the members comprising such Committee.

How Committee should sue or be sued.

32. All necessary costs, charges, and expenses incurred in the carrying out of this Ordinance and the regulations made thereunder may be lawfully paid out of any funds which shall come into the possession of the Committee.

Expenses payable out of Committee's funds.

33. It shall be lawful for the Governor from time to time by notice in the *Gazette* to apply all or any of the provisions of the "Public Health Ordinance, 1907" or any law amending the same to the settlements and in such case the areas of the said settlements shall be deemed urban districts and the Committees the local authorities for the same who shall for such purposes be entrusted with the powers and duties of urban local authorities.

Application of provisions of Public Health Ordinance.

34. Nothing in this Ordinance contained shall be deemed to affect any rights of His Majesty the King, His Heirs and Successors or of any body politic or corporate or of any other persons except such as are mentioned herein and those claiming from by and under them.

Rights of the Crown.

35. This Ordinance may be cited as the "Agricultural Settlements Private Ordinance, 1907."

Title.

No. 5 of 1907 (*Private.*)] [August 23rd, 1907.]

PRIVATE ORDINANCE

To grant certain rights to use and convey Water for the purposes of the Roberts Victor Diamond Mine.

Preamble.

Whereas it is expedient and necessary that certain rights and powers should be granted to facilitate the working and exploitation of the Diamond Mine situate upon the farm " Damplaats " No. 319, in the district of Boshof :

Be it enacted by the Governor of the Orange River Colony with the advice and consent of the Legislative Council thereof as follows :—

Definitions.

1. In this Ordinance unless inconsistent with the context,

" The Roberts Victor Diamond Mine shall mean the diamond mine situated on the farm " Damplaats " No. 319 in the district of Boshof in this Colony together with any extensions thereof already discovered or which may after the date of this Ordinance be discovered.

" The Company " shall mean the Roberts Victor Diamonds Limited its successors or assigns or any persons or companies which shall from time to time have the right to work and exploit the said mine or the holder of the said mine in terms of the " Mining of Precious Stones Ordinance, 1904."

Company may take storm water from Modder River.

2. (1) Anything to the contrary contained in the common law or in any other law notwithstanding it shall be lawful for the company to impound, divert, take (by means of pumping or otherwise), and use in and from the Modder River on the farm Waaihoek, No. 102 in the district of Bloemfontein the property of the " Roberts Victor Diamonds Limited " and such adjacent farms as may be acquired by the said company or over which the said company may acquire rights in that behalf and to convey thence in accordance with the provisions of the " Right of Passage of Water

Ordinance 1906 '' to the Roberts Victor Diamond Mine such a supply of storm or flood water and of water accumulated or stored in the bed of the said river owing to the existence of a weir the property of the company attached as a servitude to the said farm Waaihoek and registered as such against the farm Waterval No. 325 in the district of Boshof and in the pools or reaches in the said river as it may require for the purpose of working and exploiting the Roberts Victor Diamond Mine and to do and perform all other acts, matters and things which may from time to time be necessary for carrying out the works contemplated by this Ordinance. Pending the construction of the necessary additional works for impounding a further supply of such storm and flood water and for a period not exceeding three years from the taking effect of this Ordinance it shall be lawful for the Company to divert use and convey so much of the normal flow of water in the said river as is sufficient for its aforesaid purposes : Provided always that the Governor shall on his being satisfied that the diversion of the normal flow of water is causing damage to any person lawfully entitled to the use thereof order the Company to allow a sufficient quantity of the flow of water normal at such time to flow down to satisfy the lawful requirements of such person as aforesaid and the Company shall pay compensation to such person for any damage he may have sustained by reason of such diversion as aforesaid ; and the amount of such compensation in the absence of any agreement between the parties concerned shall be determined by arbitration to be conducted in accordance with the '' Expropriation of Lands and Arbitration Clauses Ordinance, 1905.''

- (2) The Company shall erect and maintain in the Modder River the necessary arrangements for measuring the flow of water in the said river and the Company shall further erect and

Company to erect arrangements for measuring flow of water.

maintain the necessary appliances to allow the normal flow of the water when ordered to do so as aforesaid to run down the channel of the Modder River.

Riparian owners shall not interfere with Company.

3. Anything to the contrary contained in the common law or any other law notwithstanding it shall not be lawful at any time for any riparian proprietor or any person whomsoever to interfere with the Company or to restrain it by interdict or otherwise from using the water in the said river or the water to be impounded as aforesaid as contemplated by this Ordinance but all disputes and claims for compensation in the absence of any agreement between the parties concerned shall be determined by arbitration as provided in sub-section (1) of section two of this Ordinance.

Right of Company to lay pipes for conveying water to mine.

4. The Company shall have and it is hereby given the power immediately on this Ordinance becoming law to proceed with the laying of the pipes necessary to the carrying of the required quantities of water from the Modder River to the Roberts Victor Diamond Mine without the obligation of having to await the result of any arbitration proceedings having for their object the determination of the amount of compensation payable to the owners of the land over which such pipes may have to be brought.

Company may instal telegraphic and telephonic communication.

5. Anything to the contrary contained in the "Telegraph and Telephone Ordinance 1906" or any other enactment now in force or hereafter to be passed notwithstanding it shall be lawful for the Company and it is hereby authorised to erect, lay down and maintain for its sole and exclusive use in connection with the Roberts Victor Diamond Mine wires for telegraphic and telephonic communication and for transmission of electric power together with generating and intermediate stations and machinery for such power on and over any land which it may become entitled to lead water from and over and the Company shall at all times have the right of access thereto; and in respect of such rights when exercised over any land as aforesaid not being the property of the Company the provisions as to compensation and arbitration contained in the said "Right of Passage of Water" and "Expropriation of Lands and Arbitration Clauses" Ordinances shall apply.

6. Nothing in this Ordinance shall be deemed to affect any rights of His Majesty the King his heirs and successors or of any body politic or corporate or of any other persons except such as are mentioned herein and those claiming from, by and under them.

Rights of the
Crown.

7. This Ordinance may be cited as the “Roberts Victor Diamonds Water Private Ordinance, 1907.”

Title.