

No. of
Act
36.—“
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COLONY OF NATAL.

ACTS

OF THE

PARLIAMENT OF THE COLONY OF NATAL,

PASSED IN THE

THIRD SESSION

OF THE

SECOND COLONIAL PARLIAMENT,

1899.

NATAL

WILLIAM WATSON, GOVERNMENT PRINTER, PIETERMARITZBURG.

MDCCCXCIX.

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(*Not yet Promulgated, 22nd November, 1899.)

No. 1, 1899.]

WALTER HELY-HUTCHINSON,
Governor.



“For the better prevention of the crime of Cattle Stealing and kindred crimes.”

BE IT ENACTED by the Queen’s Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. This Act may be cited as the “Cattle Stealing Act, 1898.” Short title.

2. This Act shall not come into operation unless and until the Governor shall by Proclamation notify that it is Her Majesty’s pleasure not to disallow the same, and thereafter it shall take effect on such day as the Governor shall appoint by the same or any other Proclamation. Commencement of Act.

PART I.

REPEAL AND INTERPRETATION.

3. The Laws and Acts contained in Schedule No. 1 of this Act are hereby repealed : Provided always that all offences committed, all penalties or forfeitures decreed, and all judgments pronounced prior to the coming into effect of this Act shall be dealt with and have the same effect as if this Act had not been passed, and as if such repealed Laws and Acts were still in force. Repeal of Laws.

4. It shall be lawful for the Governor in Council, from time to time by Proclamation, to declare that the Province of Zululand, or any named part thereof, shall be excluded from the operation of any specified provisions of this Act, and in the same manner to revoke any such Proclamation, either wholly or in part. Zululand: Power to exclude.

5. Unless the context otherwise requires the following words in this Act have the meanings assigned to them in this Section, Interpretation.

“Cattle” shall mean and include animals belonging to any of the following classes: Sheep, goat, horse, ass, mule, pig, ostrich, and all horned cattle.

“Cattle Killing” and kindred words shall include killing of cattle, and any stabbing, wounding, maiming, poisoning, or the infliction of any physical injury on cattle.

“Cattle Stealing” and kindred words shall include the stealing, theft, or robbery of cattle, or any portion thereof, whether flesh, skin, horns, head, hoofs, or carcass, or any other part, or ostrich feathers, as also receiving cattle, or any portion thereof as aforesaid, or ostrich feathers, knowing the same to have been stolen.

“Court” shall mean the Court or Judge having jurisdiction in the matter referred to, whether it be the Supreme Court, or the Native High Court, or any Circuit Court or any Judge of the Supreme Court or of the Native High Court, or the Court of the Magistrate.

“European” shall, for the purposes of this Act, mean any person other than an Asiatic or Native.

“Kraal” shall include the hut, house, residence, or place of abode of whatever description of any Native.

“Collection of Kraals” shall mean any number of kraals built or erected in the same neighbourhood.

“Native” shall mean and include all members of any of the aboriginal tribes of Africa, south of the Equator, including Griquas and Hottentots, and shall also include illegitimate children of mixed European and Native parentage, and their descendants.

A Native who is exempted from the operation of Native Law shall not be deemed to be a Native within the meaning of this Act: Provided that no person shall be entitled to the benefit of this provision unless he shall produce letters of exemption or other certificate of exemption issued by lawful authority, or shall otherwise satisfactorily prove that he is so exempted; and no person acting in the *bona fide* belief that a person is a Native not so exempted shall be liable in damages or otherwise for any act which would be lawful in the case of an unexempted Native.

“Spoor” shall, in addition to its ordinary meaning, include any mark, or impression on, or disturbance of, the surface of any ground, or any

mark or impression on or disturbance of any grass, herbage, or wood, on such ground, or any matter or substance left or found upon such ground, grass, herbage, or wood, indicating that any person or persons or any cattle have been at the place, or have passed along in any particular direction.

PART II.

PASSES. REMOVAL OF CATTLE. DETENTION OF NATIVES OR ASIATICS AND OF CATTLE.

6. No person shall remove cattle from any place to any other place without a pass for that purpose, which pass shall, save as is hereinafter excepted, be signed by the owner or tenant, being a European, of the place from which the cattle are to be removed, or by a Magistrate or Justice of the Peace (hereinafter referred to as "proper officers,") or by the owner, being a European, of the cattle to be removed. Pass for removal of Cattle.

7. Every such pass shall be upon a printed form approved by the Government and supplied by the Magistrate, free of charge, and shall contain the following particulars:— Form of Pass.

- The name and address of the person by whom it is granted ;
- The date of issue ;
- The name of the owner of the cattle ;
- The number, description, and brands, if any, of the cattle ;
- The place from which and the place to which the cattle are to be removed ;
- The name of the driver.

8. No such pass shall be valid for longer than twenty-one days from the date of its issue, unless an extension of its period shall be endorsed thereon by a proper officer or police constable. Duration of Pass.

9. The person to whom application is made for a pass for the removal of cattle shall not grant such pass unless he is satisfied that the cattle are the property or in the lawful possession of the person desiring to remove the same, and unless and until there be delivered to him the written consent of the owner or tenant of the place to which it is intended to remove the cattle. He shall also be required to carefully preserve such consent for a period of six months. The provisions of this section regarding consent shall be understood as referring to cases where cattle are being removed from the place on which they have been living to some place where they are intended to remain, and not to cattle being brought from a place where they have been put for a special and temporary purpose, or being taken to some place for a similar purpose. Such consent shall also not be required in the case of cattle intended to be removed to a Native Location or to Crown Lands occupied by Natives, or to any lands not occupied by Europeans. Consent.
Conditions for grant of Pass.

Certificate entitles Native owners of cattle to dispense with Pass.

10. Any Native, being the owner of a horse or cattle used for riding or draught may, upon application to the Magistrate, or other officer appointed for the purpose, or to the owner, being a European, of the land upon which the Native lives, obtain a printed certificate in such form as may be approved by Government, setting forth that he is the owner of the horse or cattle described therein; and the possession of such a certificate shall dispense him from the obligation of taking out a pass when using such horse or other cattle for riding or for draught purposes.

Duration of certificate.

11. No such certificate shall endure for more than one year, but a fresh certificate may be obtained from time to time.

Power to call for pass and impound Cattle.

12. It shall be lawful for any proper officer or constable or any landowner or occupier through whose land cattle may be driven, or any keeper of a toll bar, or any person specially authorised by any Magistrate who may find any person removing cattle as aforesaid, to call upon him to produce such pass as aforesaid, and, if he shall fail to produce such pass, or if the number and the description of the cattle being removed, or the manner and direction in which they are being removed, or the name of the driver or owner shall not correspond in all material respects with the pass produced, then any such proper officer, constable, landowner, or occupier, toll-bar keeper, or any person specially authorised thereto by the Magistrate as aforesaid shall, if he be able to read such pass and know the same to be incorrect, be entitled to take possession of such cattle and cause the same to be conveyed to the nearest pound, there to remain until liberated by order of the Magistrate, or otherwise disposed of as hereinafter provided.

Notice and advertisement of impounding.

13. Any person so causing cattle to be impounded as aforesaid shall communicate in writing to the poundmaster the circumstances under which the same were seized, and the poundmaster shall forthwith inform the Magistrate of the Division, and shall also as soon as possible notify, by advertisement to be published and made known in the manner in which the pound notices for such district are published and made known, the number and description of the cattle, and such information regarding the same as the person causing such cattle to be impounded shall have communicated to him. The Magistrate shall at once inform the police of the impounding of such cattle.

Application to Magistrate for release of cattle.

14. The person from whom the cattle have been so taken, or any other person claiming cattle so impounded as his property, or lawfully in his possession, may apply to the Magistrate of the Division or to a Justice of the Peace for an order for the liberation thereof, and such officer shall enquire into the case, and if satisfied that such cattle are the property of the claimant, or were lawfully in his possession, then such officer shall give an order, in writing, directing the poundmaster of the pound in which such cattle shall be impounded to deliver the same to the claimant upon payment of the pound fees and charges;

and the poundmaster shall, at the time of the delivering of the cattle, grant a pass for the protection of such cattle until the arrival thereof at the place to which it is intended to remove the same.

15. Should the person claiming any cattle so seized or impounded as aforesaid fail to show to the satisfaction of the Magistrate or Justice of the Peace that the cattle claimed are his property, or were lawfully in his possession, or should the cattle be unclaimed for a period of one month after notice given by such poundmaster as aforesaid, then the same shall be dealt with in all respects as if such cattle were impounded under the provisions of the Laws for the time being in force relative to the impounding of cattle; and the proceeds of sale of any such cattle shall be paid into the Public Treasury.

Impounded
Cattle may be
sold.

16. It shall be lawful for any Magistrate, constable, or proper officer, or any other person specially authorised thereto in writing by the Magistrate, or any toll-bar keeper, or any landowner or occupier, through whose land any cattle may pass while on his lands, to stop and arrest any Native removing, driving, or leading such cattle, who is not provided with a pass in terms of the preceding provisions of this Act, and also to stop and arrest such cattle until he or they shall be satisfied, or have made enquiry as to the ownership of the cattle, and as to any circumstances which shall in his or their opinion give rise to suspicion, and thereupon, if satisfied, to release such Native and the cattle, or otherwise, at his option, to send such cattle to the nearest pound, informing the poundmaster of such impounding, and thereupon the provisions of the Sections 14 and 15, and all other applicable sections of this Act, shall apply to such cattle in the same way as if they had been impounded under Section 12 of this Act: Provided always that any Native so stopped or arrested shall not be detained in custody by any person not otherwise authorised to stop and arrest him except for the purpose of forthwith delivering him to some proper authority upon some definite charge of an offence against the provisions of this Act, made *bona fide* and upon reasonable grounds, against such Native.

Natives remov-
ing cattle with-
out passes liable
to arrest.

17. The inhabitants of a kraal shall have the right to stop any Native driving cattle past such kraal, and to demand from him information regarding the cattle, their owner, and the circumstances of their removal. If the person driving the cattle shall not satisfy them that he is lawfully driving such cattle, the inhabitants of the kraal may arrest him and detain the cattle. Such arrest and detention shall be at once reported to the Magistrate or the nearest police station to be communicated by the police to the Magistrate. The Magistrate shall, without loss of time, cause the circumstances to be enquired into, and may direct that the Native be discharged and the cattle released, or may detain the Native in custody, and have the cattle placed at the pound or otherwise taken charge of, with a view to the institution of criminal proceedings.

Natives may
arrest under
certain circum-
stances.

Native Chief to report to Magistrate.

18. If any Native Chief or Headman, acting under the powers given to him by Native Law, shall detain any cattle brought into his district under suspicious circumstances, he shall at once notify such detention to the Magistrate or to the nearest police station.

Liability for wrongful arrest.

19. If any person found driving cattle shall, upon being lawfully required thereto, produce to the persons requiring the same a pass complying in all material respects with this Act, and, notwithstanding the same, the cattle found with such person shall be conveyed to the pound upon the allegation that the pass produced is not proper and sufficient, or if anyone shall, without reasonable and probable cause, wrongfully impound any cattle, or arrest any Native, under colour of the provisions of this Act, then the owner of the cattle, or anyone entitled to sue in place of the owner, or such Native as the case may be, shall be entitled to recover compensation from such person for any damage which he may have sustained by reason of the impounding of such cattle (including all pound fees payable or already paid), and by reason of such arrest, if any.

Malicious impounding of cattle or arrest of Natives.

20. Any person who shall wilfully and maliciously and without probable cause wrongfully impound any cattle, or arrest any Native, under colour of the provisions of this Act, shall be deemed guilty of an offence, and in addition to any other punishment to which he may be subject shall also be liable to pay to the owner of such cattle, or anyone entitled to such in place of the owner, or to the Native arrested, such damages as the Court before whom the case is brought shall award, as shall not have been awarded under the preceding section of this Act.

Resisting arrest or impounding of cattle.

21. Any person who shall, by force or violence, or by threatening to use force or violence, prevent, or attempt to prevent, any proper officer, constable, or landowner or tenant, or keeper of the toll-bar, or any person specially authorized by the Magistrate, from arresting any Native or cattle as aforesaid, or from conveying to the pound any cattle in cases in which he shall be entitled so to do under this Act, or who shall rescue, or attempt to rescue, any such Native, or such cattle, against the will of the person in charge thereof, either on their way to the pound in terms of this Act, or after the same shall have been impounded with any poundmaster, or otherwise, shall be guilty of an offence.

Offence of granting false pass.

22. Any person who shall knowingly grant any pass required by this Act which shall contain any wilfully false statements or description in respect of any material matter, or who shall grant any such pass in contravention of the provisions of this Act, or who shall fraudulently alter any such pass, or who shall procure any such pass by wilfully false statements or representations, shall be guilty of an offence.

Saving of powers to arrest under other Laws.

23. Notwithstanding anything contained in this Act, any Magistrate, Justice of the Peace, Police Officer, or other such authorized person, shall possess the same powers of arrest of persons, and the same powers in respect of seizure and deten-

tion of any cattle which he may have reasonable ground for supposing to have been stolen, or which he may by any other Law or Act be specially authorised to detain, as he possessed before the passing of this Act.

24. Any Native when removing cattle shall, so far as circumstances permit, drive them by the nearest way to a public road, and shall keep upon the road so far as possible towards his destination.

Cattle to be driven along public road.

25. Any person, save as is excepted in the next section, who shall remove cattle in contravention of the foregoing sections of this Act shall be guilty of an offence.

Definition of offence.

26. This part of the Act shall not apply to cattle removed by Europeans from one place to some other place within the Colony distant less than ten miles therefrom, nor to cattle used by Europeans, under saddle or pack saddle, or for the purposes of conveyance or transport, nor to cattle in the possession of any member of the Natal Police Force in that capacity.

Saving as to European and Police Force.

27. Notwithstanding the provisions of this part of the Act, any person riding a horse or driving cattle shall in the following circumstances, the proof of which shall rest with him, be allowed to proceed without being molested for not carrying a pass, unless there are reasons for believing that the horse or cattle have been stolen :—

Exemptions from arrest or detention.

- (a) If he is driving the horse or cattle to the pound under the provisions of this Act, or of the Laws relating to pounds.
- (b) If he is engaged in a matter of emergency that will not admit of delay.
- (c) If he is a Native Chief, or accompanying a Native Chief as part of his escort, or acting as messenger of a Chief.
- (d) If he is lawfully driving cattle to or from a Court for *bona fide* purposes of evidence, or under a letter or direction of the Court.
- (e) If the cattle are drawing any vehicle used for transport.
- (f) If the cattle are being driven to or from their place of working or pasturage, such place being distant not more than three miles from the kraal of the owner of such cattle.

28. No cattle shall be deemed to be removed within the meaning of this part of the Act merely by reason that they are found moving from place to place within the limits of the land occupied by the owner of such cattle, or of which he has the lawful use, for the purpose of keeping, grazing, or watering such cattle.

Restriction of meaning of removal.

29. The provisions of Sections 16, 19, 20, 21, and 24 of this Act shall apply to Asiatics in every respect in the same way as to Natives.

Certain Sections to apply to Asiatics.

PART III.

PURCHASE OF CATTLE FROM NATIVE OR ASIATIC.

Delivery of pass for cattle sold or disposed of by a Native or Asiatic.

30. Whenever a Native or Asiatic, while removing, leading, or driving cattle for which a pass is required under the provisions of the preceding part of this Act, shall offer to sell or dispose of any of such cattle, the person to whom such cattle shall be offered for sale and disposal, and the person acting or intending to act on behalf of any such Native or Asiatic in selling or disposing thereof, before making such purchase or sale, as the case may be, shall be required to demand and receive from such Native or Asiatic a pass in terms of the provisions of the preceding part of this Act in respect of each and all such cattle, and to satisfy himself of the genuineness thereof, and in every case to use all reasonable precautions to satisfy himself that such Native or Asiatic is the owner of such cattle or otherwise rightly entitled to sell the same.

Retention of pass by the receiver.

31. The person receiving such cattle as aforesaid shall retain the pass accompanying the same, and if the pass shall refer to and include any other cattle than those which he shall so receive, he shall be required to furnish to the Native or Asiatic an exact copy of the pass, stating at the foot or on the back of the copy the number and description of cattle which he has received, and certifying the same under his own name; or if he be unable to write, then he shall be required to obtain a copy certified by some trustworthy person, and to deliver the same to the Native or Asiatic.

Delivery of copy of pass.

Purchasing cattle without a pass an offence.

32. Any person purchasing from or selling on behalf of a Native or Asiatic any cattle without first complying with the foregoing provisions of this part of the Act, or any person failing, neglecting, or refusing to furnish any Native or Asiatic with a certified copy of the pass in compliance with the provisions in the thirty-first section contained, shall be guilty of an offence.

Liability of receiver or agent in case of fraudulent sale of cattle.

33. Whenever any cattle shall have been sold or disposed of in fraud of the rightful owner or the person rightly entitled to possess the same, any person who shall have received the same from a Native or Asiatic or acted on behalf of such Native or Asiatic in selling or disposing of the same may, on being sued in a competent Court, be adjudged to make good to the owner or person rightly entitled to possess such cattle, the value of such cattle, unless he shall satisfy the Court that he had complied with the provisions of this Act: Provided that nothing in this section shall be deemed to deprive any person, whose cattle have been so sold or disposed of, of any right or remedy which would otherwise be competent to him.

PART IV. BUTCHERS AND AUCTIONEERS.

REGISTERS OF CATTLE.

34. Every butcher shall keep at his place of business a register in the form of Schedule 2 of this Act, in which shall be recorded, according to the tenor of the headlines of the several columns, the particulars of all cattle purchased by him or received or used for the purposes of his business.

Butchers to keep a register of all cattle.

35. Every auctioneer and every merchant or trader or dealer who shall as such buy or sell the cattle in the way of trade shall keep a register in the form of Schedule 3 of this Act, in which shall be recorded, according to the tenor of the headlines of the several columns, the particulars of every such sale or purchase of cattle.

Auctioneers and cattle dealers to keep a register.

36. In the case of cattle purchased from Natives or Asiatics for which a pass is required in terms of this Act, the pass or a duly certified copy thereof, when taken from the Native or Asiatic, shall be numbered by such butcher, auctioneer, merchant, trader, or dealer with the same number as that inserted in the last column of the said registers, and shall be kept for not less than one year after such purchase or sale.

Butchers, Auctioneers, etc., dealing in cattle with Natives.

37. Every such register and the passes therein referred to may at all reasonable hours be inspected by any member of the Police Force or any person duly authorised thereto in writing by a Magistrate or other officer of police holding rank equal or superior to that of a sergeant.

Inspection of Registers!

38. Any such butcher, auctioneer, merchant, trader, or dealer, who fails to keep a register as aforesaid, or refuses or fails to allow the same, together with the passes, to be inspected as hereinbefore provided, or to give to a member of the Police Force or any other person duly authorised as aforesaid, any information which he may have in regard to cattle so purchased or sold, shall be deemed to have committed an offence against the provisions of this Act.

Failure to keep a register an offence.

39. The manager or other person in charge of the butcher's business, auctioneer's business, or merchant's, trader's, or dealer's business, or the branch thereof at which the register should be kept, shall be under the same obligations and liabilities, and be subject to the same punishments, as are hereinbefore provided in regard to such butchers, auctioneers, merchants, traders, or dealers.

Manager of business liable as well as Principal.

PART V. PROVISIONS AS TO SPOOR OF CATTLE.

40. Whenever the spoor of any cattle which have disappeared under circumstances indicating the probability of theft (which cattle are in this and the next part of this Act referred to as stolen cattle) or of any person driving stolen cattle, or of any animal used in driving

Responsibility in respect of animals the spoor of which is traced to a Native Kraal in the neighbourhood.

them, is traced to any Native kraal or close neighbourhood thereof, responsibility in respect of such stolen cattle shall be determined as is hereinafter provided : that is to say :

- (a) The head of any Native kraal (umnumuzana) shall be responsible for the value of any stolen cattle, the spoor of which is traced to such kraal, when corroborative evidence is forthcoming, to the satisfaction of the Court trying the case that the theft in question was committed.
- (b) The owner of any stolen cattle, the spoor of which has become lost or obliterated in the close neighbourhood of any Native hut, kraal, enclosure, or lands, has a right of search for any traces of any such cattle in any such hut, kraal, enclosure, or lands, and any person who shall unduly prevent any such search, or cause any wilful obstruction, or shall wilfully cause the loss or obliteration of any spoor, may be convicted of an offence under this Act.
- (c) When the owner of any stolen cattle is on the spoor of such cattle, it shall be lawful for such owner to demand from the Natives living in the neighbourhood all reasonable assistance in following up the spoor, and whoever neglects or refuses to give such assistance, may be convicted of an offence under this Act.
- (d) When such spoor cannot be traced to any specific Native kraal or kraals, but is lost, or becomes obliterated on any lands, then the responsibility for the value of any such stolen cattle shall devolve upon the heads (abanumuzana) of the kraals adjacent to, and surrounding the spot where such spoor has been lost or obliterated ; and it shall be lawful for the Magistrate so to fix such responsibility by a penalty not exceeding two head of cattle, or their money value, to be levied by such Magistrate. Any sum so levied shall be paid to the public revenue.
- (e) Whenever a spoor is traced to or within the confines of any locality occupied by any Native kraal or kraals, or to or within an area occupied by any community or section of a tribe, if the Natives occupying such kraal or kraals or locality, or constituting such community or such section of tribe, without lawful excuse, neglect, or refuse to receive, to take over and follow such spoor, they may be convicted of an offence under this

41. The preceding section shall apply to the following cases where there is corroborative evidence to the satisfaction of the Court that the offence was committed, in the same way as if the spoor therein mentioned had been that of stolen cattle traced to such kraal :—

Preceding Section to apply to certain cases where spoor only of Natives can be traced.

- (a) Where it shall appear that cattle have been stolen or removed without any spoor of the cattle being left, but where the spoor of the person so stealing or removing the same shall be traced from the place from which the cattle have been stolen to the kraal intended to be made responsible.
- (b) Where cattle have been killed and the spoor of some Native leads from the body of the animal killed, or the place of killing, to the kraal intended to be made responsible.

42. Whoever fraudulently or with intent to injure another shall create any spoor, or shall maliciously and without reasonable cause make the search referred to in Sub-section b of Section 40, shall, on conviction, be liable to either or both of the following punishments, namely :—

Fraudulent creation of spoor or making malicious search.

- (1) Imprisonment with or without hard labour for any period not exceeding one year ;
- (2) A fine not exceeding Fifty Pounds Sterling, and in default of payment, to imprisonment with or without hard labour for any period not exceeding one year.

PART VI.

RESPONSIBILITY OF SUSPECTED KRAALS.

43. Where the cattle of any person have been stolen or killed, and the delinquent cannot otherwise be discovered, but such person shall suspect the delinquent to be an inhabitant of one or more neighbouring kraals, he or some person on his behalf may thereupon give either to the Magistrate or to a member of the Natal Police Force (who shall transmit the same forthwith to the Magistrate) a written notice of the stealing or killing of his cattle, and of the kraal or kraals suspected, and thereupon the Magistrate, if satisfied by the affidavit referred to in the next section, or by further enquiry, that there is reasonable ground for suspecting such kraal or kraals, shall forthwith give, or cause to be given, a notice to the head or heads of such kraal or kraals that it is suspected that such stealing or killing has been done by an inhabitant of such kraals or one of such kraals, and that in the event of any more cattle belonging to such person being stolen or killed, and the offender not being discovered, such head or heads of kraals may be made liable to pay a penalty of the value of the cattle stolen or killed.

The owner of stolen cattle may give notice to Magistrate or Police that he suspects the neighbouring kraal.

Magistrate may make enquiry and warn Natives.

44. The person whose cattle have been stolen or killed shall in every case, in addition to such notice, also lodge as soon as may be with the Magistrate or member of the Natal

Affidavit in support of notice of theft.

Police Force an affidavit setting forth the number, character, and description, so far as possible, of the cattle stolen or killed, the date of the stealing or killing, the effort to discover the offender, and the name of the kraal or kraals suspected; and any person making any wilfully false statement in any such affidavit or notice shall be deemed guilty of the offence of perjury.

Notice of liability in case of further thefts.

45. If after such notice has been given by such Magistrate to the head or heads of kraals, other cattle of the same person shall, within one year from the date of such notice, have been stolen or killed, such person shall, as soon as possible, if desirous of having the benefits of this Act, deliver to the Magistrate or a member of the Natal Police Force a like notice of such further stealing or killing and a sworn statement in the manner provided in the preceding section, and thereupon such Magistrate, if satisfied that there is reasonable ground for suspicion, shall give or cause to be given notice to such head or heads of kraals that further cattle of the said person have been stolen or killed, and that failing the discovery of the offender within a reasonable period to be fixed by the Magistrate, not being less than one month, such kraal head or heads may be subjected to a penalty of the value of the cattle stolen or killed.

Police to forward copy of notice to Magistrate.

46. Any member of the Natal Police Force to whom any notice is given under this Act shall take a copy of such notice and forward the original forthwith as soon as possible to the Magistrate within whose jurisdiction the kraal or kraals suspected may be.

Suspected kraals situated in different Divisions.

47. Where the suspected kraals lie within more Magisterial Divisions than one, any Magistrate within whose jurisdiction any kraals may be shall have power to deal with the matter in the same way as if all the suspected kraals were within his jurisdiction.

Enquiry by Magistrate.

48. If within the period appointed by the further notice the offender has not been discovered or compensation has not been made, the Magistrate may, without any formality of procedure, but in the presence of the kraal heads, enquire into the case.

Imposition of penalty by Governor in Council.

49. Upon receiving a report from the Magistrate that he is satisfied that any of the inmates of the suspected kraals committed the theft or killing, or had a share in it, or knew of it and took no steps to bring the offenders to justice, it shall be lawful for the Governor in Council to impose upon the heads of each of the kraals so implicated a penalty, apportioned among them as may be considered proper up to the value of the cattle, and the cost of the search and inquiry. Any such penalty shall be paid to the general revenue.

Apportionment of Penalties.

50. Such penalty may be awarded against any one or more of such kraal heads, and where the penalty is awarded against the heads of more than one kraal, such kraal heads shall be severally as well as jointly liable, unless the Governor in Council shall otherwise apportion their mutual liability.

51. Where the stealing or killing of further cattle shall have taken place more than one year, but less than three years, from the date on which the first notice shall have been given, then a further notice may be given as provided in Section 45, and the provisions of Sections 47, 48, and 49 shall apply, except that a penalty shall only be awarded against the head or heads of the suspected kraals in case the Magistrate shall report that he be fully satisfied that the inhabitants generally of the kraals were directly implicated in the stealing or killing of such cattle.

Stealing or killing of cattle more than one year after first notice.

52. This part of the Act so far as concerns stolen cattle shall not be applied in favour of any person who shall not have kept sufficient lists of the class or classes of cattle from which thefts have occurred during the period relating to the question at issue, and no such lists shall be deemed sufficient for the purposes of this part of the Act unless they contain a true record of the actual counting of such cattle made at intervals throughout such period of not less than one month.

Duty of owner to keep lists of cattle.

PART VII.

HARBOURING CATTLE STEALERS AND CATTLE KILLERS.

53. If any inhabitant of any Native kraal or collection of kraals shall knowingly, or having reasonable ground of suspicion, harbour or receive any person who shall have either stolen or killed cattle, or shall prevent the apprehension of such person, or shall assist him to escape, such inhabitant shall be deemed to have committed an offence against this Act; and where it shall be proved that some inhabitant has so harboured or received, or prevented the apprehension, or assisted the escape of any such person, but it shall not appear which particular inhabitant was guilty of such offence, then the head of the kraal shall be deemed guilty of an offence against this Act.

Offence of harbouring or receiving suspected persons.

PART VIII.

PROVISIONS AS TO EVIDENCE, TRIAL, AND COMPENSATION IN CATTLE STEALING AND CATTLE KILLING CASES.

54. Whenever there is reasonable evidence that cattle have been stolen and, upon any search, any portion (whether carcass, head, skin, fleece, flesh, horns, hoof, or any other part) of such cattle or any other cattle shall be found in the possession or on the premises or in the house or place or kraal, or in the immediate vicinity of the house, place, or kraal, of any person, and it shall not be made to appear to the Court that such person came lawfully by the same, or that the same was on his premises or in his house, place, or kraal, or in the immediate vicinity thereof, without his know-

Conviction for theft may in certain cases be founded upon the finding of carcass, skin, &c.

ledge or assent, then such person may, upon any indictment or charge of having stolen the cattle first referred to or other cattle belonging to some person, whether known or unknown, be adjudged to be guilty according to such indictment or charge.

55. If any person shall be found in the possession of any cattle, or any portion thereof (whether carcass, head, skin, fleece, flesh, horns, hoof, or any other part) shown to be or to belong to an animal that is missing, or bearing a brand or mark shown to be that of someone else than the person in whose possession the same was found, such person may, unless it shall be made to appear to the Court that he came by the same lawfully, or that it was in his possession without his knowledge or assent, be adjudged guilty of having stolen the said cattle.

56. On the apprehension or committal of any Native charged with cattle stealing or cattle killing the Magistrate having jurisdiction shall cause the property of such Native (except property required to support those dependent on him) to be attached until such time as such Native can be tried, and if such Native shall be acquitted, or if upon conviction the Court shall make no order imposing or granting compensation, then such attachment shall, upon the acquittal or conviction of such Native, be at an end.

57. Every Native who shall be convicted of cattle stealing or cattle killing shall be liable :—

- (a) On the first conviction to a whipping of not more than twenty-five lashes, or to imprisonment with hard labour for any term not exceeding two years, or to both such whipping and imprisonment ;
- (b) On the second conviction to imprisonment with hard labour for any term not less than three years and not exceeding six years ;
- (c) On any third or further conviction to imprisonment with hard labour for any term not less than six years and not exceeding twelve years ; and
- (d) On each second or subsequent conviction to a whipping of not more than thirty lashes, in addition to any sentence of imprisonment.

Provided always :

1. That the punishment of whipping shall be in no case adjudged to be inflicted upon women.
2. That if at any time arrangements shall have been made by the Natal Government for the carrying out in any other colony or country of sentences of transportation, then upon a second or subsequent conviction the convicted person may, in lieu of any sentence of

Persons found in possession of portions of stolen cattle may be found guilty of theft of cattle.

Property of Native charged with stealing or killing cattle to be attached.

Punishments for cattle stealing and cattle killing.

whipping or imprisonment, be sentenced to be transported to such colony or country for any term not less than three years and not exceeding twelve years.

3. That in the case of offenders who appear to be under the age of sixteen years any whipping shall be inflicted with a rod and not with a lash.

58. The Court may adjudge any person who may be convicted of cattle stealing or cattle killing to pay compensation to the person whose cattle have been stolen or killed for any damage which he may have sustained by reason of such stealing or killing, including any expenses incurred in the search for such cattle, and any such judgment may be recorded and carried into effect in the same manner and with the same privileges as if it were a judgment by such Court in a civil action.

Compensation to owner of cattle stolen or killed.

59. Any person who may be adjudged to pay compensation under the provisions of the foregoing section shall have the right to appeal to the Supreme Court or to the Native High Court, as the case may be, against the order adjudging such compensation. This section shall not be deemed to refer in any way to the verdict, judgment, or sentence in respect of the criminal charge.

Person adjudged to pay compensation may appeal.

60. The compensation so awarded shall not be paid over to the judgment creditor until the lapse of one month from the date of judgment, unless he shall give security to the satisfaction of the Registrar or the Clerk of the Court pronouncing the judgment for the repayment of such compensation if it shall have been diminished or annulled upon appeal :

Security in case of appeal.

Provided always :

- (a) That if the judgment debtor give security to the satisfaction of the Registrar or Clerk aforesaid for the speedy prosecution of appeal against the said judgment, and for the due satisfaction thereof, so far as not reversed upon appeal, execution under any such judgment shall be stayed until the appeal shall have been disposed of or abandoned, unless the Court shall otherwise specially order ;
- (b) That upon proceedings of appeal being instituted by any judgment debtor against any such judgment the same shall be stayed unless the Court appealed from shall otherwise specially order, or unless the judgment creditor shall give security as aforesaid for the repayment of anything received under such judgment so far as the same may be reversed upon appeal.

61. The Court before which any of the cases referred to in the two preceding sections are tried may at its discretion after verdict or judgment refer to the depositions in the case, and may also then and there, or at some other appointed time, take further evidence upon the question of the compensation to be awarded.

Evidence in appeal.

Apportionment of liability for compensation.

62. Whenever judgment for any compensation is given in terms of this Act against more than one person, such persons shall be jointly and severally liable thereunder unless the Court shall otherwise specially order.

Liability of Parents or Guardians.

63. It shall be lawful for the Court to impose upon the father or guardian of any Native or Asiatic who may be convicted of cattle stealing or cattle killing, and who, in the opinion of the Court, may be under the age of fourteen years, a fine not exceeding the value of the cattle so stolen or killed, as well as to adjudge such father or guardian to make compensation to the injured party in the same way as if such father or guardian had himself been convicted of stealing or killing the said cattle: Provided that such father or guardian shall not be liable to such fine or to make such compensation unless it appear that the offender was at the time of the commission of the offence under his authority and control.

Certain acts to be presumptive evidence of intent to steal.

64. Any person who shall be found within a farm or part of a farm enclosed on all sides with a fence, or within any cattle kraal, upon or near which cattle stealing is prevalent, and who, when so found, was not proceeding along some road or thoroughfare traversing such farm or part of a farm, and who also was on such farm or part of a farm or in such kraal without the authority or consent of the owner or occupier or of someone who was entitled, or was by the person so found *bona fide* believed to be entitled to give such authority or consent, may be found guilty by the Court before which he is tried of an offence unless he shall satisfy the Court that he was not there with any criminal intent.

Penalty on receipt of stolen cattle without reasonable belief in the title of the person delivering them.

65. Any person who shall in any way acquire or receive into his possession any stolen cattle, without guilty knowledge of any theft, but without having reasonable cause (proof of which shall be upon him) for believing that the person from whom he acquired or received such cattle was lawfully entitled to dispose of the same, shall be deemed guilty of an offence: Provided always that this section shall not apply to cattle purchased on a public market, or at any auction sale or sale held under order of Court.

Jurisdiction of Native High Court.

66. The crimes of cattle stealing and cattle killing and the crime of creating spoor as mentioned in section 42 of this Act when committed by Natives shall be cognizable by the Native High Court, but any such charge may, in the discretion of the Attorney-General, be remitted for trial by a Magistrate.

Jurisdiction of Magistrate in remitted cases.

67. The Magistrate to whom a case may be remitted for trial in terms of the preceding section may pass a sentence of imprisonment for any term not exceeding twelve months, with or without hard labour, and with or without lashes, in no case exceeding fifteen.

Summary jurisdiction of Magistrate.

68. The following cases shall be within the summary jurisdiction of Magistrates, notwithstanding anything contained in this Act, that is to say:—

- (a) Such crimes and offences as are mentioned in Section 66, when committed by children who, in the Magistrate's opinion, are under the age of fourteen years.

- (b) The theft of or unlawfully receiving or possessing only the skin or carcass or any portion of an animal.

69. Save as is otherwise specially provided, all contraventions of this Act shall be cognizable in the Courts of Magistrates, and punishable according to the ordinary jurisdiction of Magistrates' Courts.

Contraventions cognizable in Courts of Magistrates.

70. No prosecution or conviction for contravention of this Act shall prevent a prosecution for any offence which, but for this Act, any person might be deemed to have committed : Provided that no person be twice punished for the same act ; and provided also that a prosecution or conviction for the illegal removal of cattle or for purchasing cattle contrary to the provisions of this Act shall not prevent a prosecution of the same person for cattle stealing if the cattle prove to have been stolen, or for the crime of receiving such stolen cattle knowing the same to have been stolen.

Saving of rights to prosecute for other offences.

PART IX. MISCELLANEOUS.

71. Nothing in this Act shall be deemed to take away any right of action or remedy which would have been competent if this Act had not been passed.

Rights of action not prejudiced.

72. If there be reasonable cause for believing that any person has stolen any cattle, or is or has been in unlawful possession thereof, it shall be lawful for any police constable to apprehend or cause to be apprehended such person without a warrant, and to convey him or cause him to be conveyed before a Magistrate.

Arrest without warrant.

73. Any Magistrate, Justice of the Peace, or Commissioned, or Non-Commissioned Officer of Police, upon being satisfied that there is reason to suspect that any stolen cattle, or carcasses, or any portion of the carcasses of stolen cattle, are concealed in any building, hut, kraal, or enclosure, may search, or grant written authority to any person applying therefor to search such building, hut, kraal, or enclosure at any time during the day or night.

Powers of search.

74. Any European owner or tenant of land shall, in respect of buildings, huts, kraals, or enclosures, upon his own land, be entitled to exercise all powers conferred by the foregoing section upon the officers therein mentioned.

Powers of European owners to search.

75. A Magistrate who is under this Act authorized to try any crime or offence may, in all cases in which the Court is entitled to award any compensation to the injured party, give judgment for such compensation notwithstanding that the claim or the amount awarded may exceed his ordinary jurisdiction.

Magistrate may grant compensation in excess of his ordinary jurisdiction.

76. The reference in Section 2, Sub-section (b) of Act 16, 1895, to a pass under Laws Nos. 46, 1884, and 17, 1891, shall be deemed to be a reference to a pass under this Act.

Reference to Fraudulent Pass Act, 1895.

77. Any reference in this Act to the crimes of cattle killing or stealing shall be deemed to include attempts to commit the said crimes,

Attempts.

Sisa Cattle.

78. It shall be the duty of every Native receiving cattle for *sisa* purposes to report such cattle to the Magistrate of the Division in which he resides, and also to the Chief of his tribe. Such report shall state the name and residence of the owner of the cattle and their number and description. The Magistrate shall keep a register of all cattle placed out for *sisa* purposes. Any failure to report the *sisa* of cattle within fourteen days shall be deemed a contravention of this Act, and if any reason appears for suspecting that the cattle have been stolen, the Magistrate may order the head of the kraal not to remove them or allow them to be removed until the permission of such Magistrate be given.

SCHEDULE NO. 1.

SCHEDULE OF REPEALED LAWS AND ACTS.

No. of Law or Act.	Extent of Repeal.
Law No. 10, 1876	The whole.
Law No. 30, 1884	The whole.
Law No. 46, 1884	The whole.
Law No. 17, 1891	The whole.
Act No. 13, 1895	The whole.
Act No. 21, 1896	The whole.
Act No. 23, 1896	The whole.
Act No. 24, 1896	The whole.

SCHEDULE No. 2.

BUTCHER'S REGISTER OF PURCHASES.

	Register No.
	Date of Purchase.
	From Whom Purchased.
	Residence of Owner.
	Number and Description of Cattle. Cows. Oxen. Bulls. Calves. Horses. Sheep. Goats. Other Animals.
	Brands.
	Ear Marks, or other Special Marks.
	Date of Slaughter.
	How Skins disposed of.
	Number placed on Pass taken from Indian or Native.

SCHEDULE No. 3.

REGISTER OF SALES BY AUCTIONEERS, MERCHANTS, TRADERS, OR DEALERS (OR PURCHASES, AS THE CASE MAY BE)

Registered No.	Date of Purchase, or Sale, as the case may be.	By whose instructions sold, or, as the case may be, from whom purchased.	Residence of Owner.	Number of Cattle, Cows, Oxen, Bulls, Calves, Horses, Sheep, Goats, Other Animals.	Brands.	Date of Sale or Purchase, as the case may be.	Number placed on pass taken from Native or Indian.

Given at Government House, Natal, this Twelfth day of June, 1899.

By command of His Excellency the Governor.

CHARLES J. SMYTHE
Colonial Secretary.

No. 2, 1899.]

WALTER HELY-HUTCHINSON,
Governor.



“For the appropriation of a sum of money for the construction of the Umzinto Branch Railway.”

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. There shall be appropriated out of the sum of Five Hundred Thousand Pounds (£500,000) Sterling, mentioned in Section 4 of Act No. 7, 1898, a sum not exceeding Thirty-five Thousand Pounds (£35,000) Sterling, to be expended on the construction of the line of railway authorised by the “Umzinto Branch Railway Act, 1897.”

Given at Government House, Natal, this Thirtieth day of June, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

No. 3, 1899.]

WALTER HELY-HUTCHINSON,
Governor



ACT,

“To amend the Harbour Act, 1894.”

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. Section 16 of the Harbour Act, 1894, shall be amended by the addition thereto of the following sub-section, to be lettered *p.* :—

To fix and determine from time to time the charges to be imposed by ferrymen and boatmen, and to regulate the duties and the hours of attendance of ferrymen and boatmen.

Given at Government House, Natal, this Thirtieth day of June, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

No. 4, 1899]

WALTER HELY-HUTCHINSON,
Governor.



“To amend Act No. 26, 1894, entitled Act ‘To amend the Post Office Law No. 22, 1884.’”

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The words “For every letter one penny,” occurring in the sixth line of Section 5 of Act No. 26, 1894, entitled Act “To amend the Post Office Law No. 22, 1884,” shall be expunged, and in lieu thereof the following words shall be substituted :—

Ship’s charges
for carrying
Letters.

For every letter one half-penny.

Given at Government House, Natal, this Thirtieth day of June, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

WALTER HELY-HUTCHINSON,
Governor.

V.



R.

ACT,

“ To amend Law No. 4, 1892, entitled Law ‘ To amend Law No. 10, 1871,’ entitled Law ‘ To amend and consolidate the Laws relative to the constitution and formation of Juries, and to trials by Jury.’ ”

BE IT ENACTED by the Queen’s Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The words “ but in no case shall they exceed Sixpence per mile,” occurring in the last line of Section 2 of Law No. 4, 1892, are hereby repealed.

2. Every juror shall before receiving payment lodge with the paying officer a declaration in the form of the Schedule to this Act setting forth his actual and *bonâ fide* travelling and necessary hotel expenses, and shall as far as practicable support the declaration by vouchers showing such expenditure.

3. It shall be within the discretion of the paying officer to refuse to pay to a juror any expenditure that shall, in his opinion, be manifestly unnecessary or excessive, and there shall be no appeal against the decision of the paying officer.

SCHEDULE.

I, A.B., a juror duly summoned and attending at the Sessions of the

Court for the do hereby solemnly declare that the actual and *bonâ fide* travelling and hotel expenses incurred by me in attending the said Sessions amount to the sum of £

(Signed) A.B.

Given at Government House, Natal, this Thirtieth day of June, 1899.

By command of His Excellency the Governor,
CHARLES J. SMYTHE,
Colonial Secretary.

Travelling Ex-
penses of Jurors.

Declaration and
Vouchers in
support of
Account.

Discretion of
Paying Officer

No. 6, 1899.]

WALTER HELY-HUTCHINSON,
Governor.



ACT,

‘To assimilate the Law of the Province of Zululand relating to Firearms and Gunpowder with that of other parts of Natal.’

BE IT ENACTED by the Queen’s Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Sections 66, 67, 68, and 69 of the Regulations under Zululand Proclamation No. II., 1887, bearing date the Twenty-first day of June, 1887, shall be repealed without prejudice to anything done or any right acquired or liability incurred thereunder.

2. The several Laws and Acts now in force within the Colony of Natal relating to Firearms and Gunpowder shall henceforth apply to the Province of Zululand in the same manner as to other parts of the Colony of Natal.

Given at Government House, Natal, this First day of July, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

No. 9, 1899.]

WALTER HELY-HUTCHINSON,
Governor.



ACT.

“To declare certain moneys advanced from the General Revenue of the Colony in anticipation of the raising of loans to be a charge upon the General Revenue, and not repayable from loan funds.”

WHEREAS certain sums of money have from time to time been advanced from the Consolidated Revenue of the Colony for public purposes under authority of Acts of Supply, with the intent that the amounts so advanced should at some future time be repaid to the General Revenue out of funds to be raised by loans authorised by Law :

AND WHEREAS it is expedient that certain of such sums hereinafter more fully referred to, and amounting to the sum of £1,590,067 3s. 3d., should remain as a permanent charge against the Revenue in place of being repayable from loan funds :

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The sum of One Million Five Hundred and Ninety 7 thousand and Sixty-seven Pounds Three Shillings and Three-pence Sterling (£1,590,067 3s. 3d.), heretofore advanced from the Consolidated Revenue of this Colony, and paid for the purposes and according to the amounts respectively set forth in the schedule of this Act as and by way of advances repayable from loans to be authorised by law, shall be deemed to be and to have been a charge upon the Consolidated Revenue, and shall be so regarded in the accounts of the Colonial Treasurer, and shall not be repayable out of any moneys received or which may hereafter be received by loan.

SCHEDULE.

Public Works	...	...	£1,083,284	7	10
Harbour Works	...	...	267,216	17	2
Railway from Isipingo to Park Rynie	...	...	73,291	8	10
Railway from Park Rynie to Port Shepstone	...	...	3,651	15	0
Richmond Railway	...	...	52,367	6	8
Bluff Railway	...	...	19,419	9	11
Dundee-Buffalo Railway	...	...	1,791	10	11
Greytown Railway	...	...	89,044	6	11
			<hr/>		
			£1,590,067	3	3

Given at Government House, Natal, this Third day of July, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary

No. 10, 1899.]

WALTER HELY-HUTCHINSON,
Governor.



ACT,

“To empower the Governor to acquire land for open Railways, and to take and lead water required for Railway purposes.”

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

Acquisition of land for open Railways.

1. The Governor may purchase and take any land required for any open line of railway now or hereafter to be worked by the Natal Government Railways whether for station purposes or for deviations or for any other purpose.

Incorporation of Lands Clauses Law.

2. The Lands Clauses Consolidation Law, 1872, except as is otherwise provided, shall be incorporated with this Act.

Governor’s authority under the Law.

The Governor shall be a Corporation for the purposes of this Act, and shall hold and exercise all the powers and privileges of a Company under the said Law of 1872.

Considerations in estimating compensation.

3. In arriving at the price or compensation to be paid in respect of the taking of land under this Act there shall be taken into account—

- (a) The damage to be caused by the severance of the lands of the owner, or by any other cause injuriously affecting the same and arising out of the exercise of the powers given by this Act;
- (b) The benefit and advantage to be derived by the owner from the works proposed to be carried out on such lands,

4. None of the provisions of the Lands Clauses Consolidation Law, 1872, requiring a deposit to be lodged with the Master of the Supreme Court, shall apply to the acquisition of land required for any line of railway now or hereafter to be constructed by the Colonial Government or worked by the Natal Government Railways.

Exclusion of Government from certain provisions of Law 16, 1872.

5. The provisions of this Act shall likewise apply to the acquisition of the right to take or use any water required for the purposes of any railway constructed by the Colonial Government or worked by the Natal Government Railways, and to the right to catch and collect water, to construct dams, weirs, and other works, to sink wells or shafts, to enclose and fence any water or waterworks, to lead and convey water over and through any lands in furrows, or by pipes or otherwise, and generally for all necessary purposes for securing a sufficient supply of water. The provisions of this Clause shall not apply to Municipalities constituted under Law No. 19, 1872, or to Townships constituted under Law No. 11, 1881, and any Laws or Acts amending the same.

Taking and use of water for Railways.

6. If the taking and using of water, by virtue of the powers conferred by this Act, shall injuriously affect any person through whose land the water passes, or who has, up to the time of the taking of the water, had the right to use the same, such person shall be entitled to compensation in terms of this Act.

Compensation.

Given at Government House, Natal, this Seventeenth day of July, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,

Colonial Secretary.

No. 11, 1899.]

WALTER HELY-HUTCHINSON,
Governor.

V.



R.

ACT,

“To increase the Borrowing Powers of the Town Council of the Borough of Durban.”

WHEREAS it is expedient to increase the Borrowing Powers of the Borough of Durban for the purpose of enabling the Town Council thereof to purchase the undertaking of the Durban Borough Tramways Company Limited, and to equip the tramways connected with such undertaking, as well as the tramways under “The Town Council Tramways Law,” and any extensions of tramways within the Borough, with electric traction, and to provide electricity for working the same and for other purposes :

BE IT THEREFORE ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :

1. The short title of this Act shall be “The Durban Consolidated Stock Act, 1899.”

2. The Town Council of Durban are authorised to borrow a sum not exceeding Two Hundred and Fifty Thousand Pounds (£250,000) sterling, to be used in the purchase of the undertaking of the said Durban Borough Tramways Company Limited, and to provide for the works connected therewith in accordance with the amount approximately estimated in the Schedule annexed to this Act.

3. The said Town Council are hereby authorised to issue in the manner provided by Law No. 29 of 1888, new Consolidated Stock for the moneys borrowed under this Act, and the Stock issued under this Act shall be deemed to be Consolidated Stock within the meaning of the said Law No. 29 of 1888,

Short title.

Authority for loan.

Consolidated stock.

and shall be a charge upon and shall, with the interest thereon, be payable out of the rents, rates, and general revenue of the Borough, in the same way as if the Stock issued under this Act had been issued under the said Law No. 29 of 1888.

Saving of existing securities.

4. Nothing in this Act, and nothing done under the provisions of this Act, shall take away, abridge, or prejudicially affect any right or interest, by way of priority or otherwise, of any person in or to the rates, rents, or general revenue of the Borough.

SCHEDULE.

Purchase price to be paid to the Durban Borough Tramways Company Limited	£114,000	0	0
Estimated cost of Electrical Equipment complete, relaying old tracks and new lines, future extensions and contingencies ...	136,000	0	0
	<u>£250,000</u>	<u>0</u>	<u>0</u>

Given at Government House, Natal, this Twenty-seventh day of July, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

No. 12, 1899.]

WALTER HELY-HUTCHINSON,
Governor.

V.



R.

ACT.

“To authorise the Town Council of the Borough of Durban to purchase the undertaking of the Durban Borough Tramways Company, Limited, to equip the Tramways connected with such undertaking as well as the Tramways under ‘The Town Council Tramways Law,’ and any extensions of Tramways within the Borough with electric traction, and to provide electricity for working the same, and for other purposes ; to amend in certain respects Law No. 19 of 1880, Law No. 18 of 1885, and Law No. 23 of 1891, and to grant extended powers for the utilisation of such Tramways.”

WHEREAS, under Laws Nos. 19 of 1880 and 18 of 1885, as amended by Law No. 16 of 1892, the Durban Borough Tramways Company, Limited, is the holder of certain rights to construct and work lines of Tramways within the Borough of Durban, and under and by virtue of the powers in said Laws mentioned the said Company has constructed certain lines of such Tramways, and worked the same by means of animal power :

AND WHEREAS by Section 20 of Law No. 19 of 1880, and Section 22 of Law No. 18 of 1885, it is provided as follows :—

“ When any Tramway hereby authorised has been opened for traffic for a period of six months, the Company may, with the consent of the Lieutenant-Governor in Council, and of the Town Council, sell their undertaking to any person or persons, Corporation or Company, or with the consent of the Lieutenant-Governor in Council, to the Town Council, and when any such sale has been made, all the rights,

powers, authorities, obligations, and liabilities of such Company, under this Law, in respect of the undertaking sold, shall be transferred to, vested in, and may be exercised by, and shall attach to the person, persons, Corporation, or Company to whom the same shall have been sold, in like manner as if the Tramway was constructed by such person, persons, Corporation, or Company, under the powers hereby conferred, and in reference to the same they shall be deemed to be the Company: Provided that the Town Council shall not make any such purchase, except pursuant to Resolution carried by three-fourths of the members at the meeting of the Town Council, specially convened on one month's notice published in a local newspaper, to consider such purchase":

AND WHEREAS the said Company is willing to sell its undertaking to the Town Council of the Borough of Durban, and it is desirable in the interests of the public to authorise the said Town Council to purchase the said undertaking:

AND WHEREAS by the said Law No. 16 of 1892, it is provided that the carriages used on the Tramways authorised under Laws Nos. 19 of 1880 and 18 of 1885, may be driven or propelled by steam or other motive power, and the same provision is also made in Section 14 of Law No. 23, 1891, as regards Tramways authorised under that Law ("The Town Council Tramways Law"):

AND WHEREAS it is desirable to authorise the said Town Council to provide for the equipment of existing lines of Tramway in the Borough and future extensions thereof with Electric traction, and for the generation and supply of electricity for working such tramways, and as a motive power for other purposes:

AND WHEREAS by Section 6 of Law No. 19 of 1880 and Law No. 23 of 1891, and Section 10 of Law No. 18 of 1885, it is provided that the traffic on the Tramways authorised under said Laws shall be confined to passengers and parcels, and it is expedient to give power to the Town Council, as common carriers, to convey goods and other materials over the Tramways in the Borough, and to utilise the Tramways for purposes of street watering and transporting refuse:

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. The Town Council of the Borough of Durban are hereby authorised and empowered to enter into an agreement with the Durban Borough Tramways Company Limited for the purchase of the latter's undertaking at and for the price of One Hundred and Fourteen Thousand Pounds Sterling.

Authority for purchase of tramway undertaking.

How power to be exercised : notice.

2. The powers conferred by this Act shall be exercisable subject to the proviso to Section 20 of Law No. 19 of 1880 and Section 22 of Law No. 18 of 1885, even though the notice required by such proviso shall have been given prior to the promulgation of this Act.

Equipment of tramways with electric traction.

3. The said Town Council are also authorised and empowered to construct the necessary works and provide the requisite plant and appliances for the equipment with Electric traction of existing lines of Tramways in the Borough of Durban, including that constructed and worked by the Town Council under Law No. 23 of 1891, and future extensions of such lines, and also for the generation and supply of electricity for working such Tramways, and as a motive power for other purposes, subject to such regulations as may be made by the Governor in Council, as hereinafter provided.

Carrying powers.

4. Section 6 of Law No. 19 of 1880, and Law No. 23 of 1891, and Section 10 of Law No. 18 of 1885, providing that the traffic on the Tramways authorised under the said Laws shall be confined to passengers and parcels, are hereby amended by the granting of the additional power to the Town Council, as common carriers, to convey goods and other materials over the said Tramways.

Street watering and other purposes.

5. Power is also given to the Town Council to utilise the Tram lines for the working of electric motor vans or other similar apparatus for the purposes of street watering, and also for the transporting of house, stable, and street refuse from any part of the Borough : Provided that the transporting of such refuse shall be confined to the hours between 11 p.m. and 5 a.m.

Use of rails as a return for current.

6. The Town Council are further empowered to use the rails of the Tramways as a return for the electric current used for propelling the cars, subject to the regulations hereinafter provided for.

Regulations

7. The Governor in Council may from time to time make such regulations, in accordance with the regulations for the time being of the Board of Trade of the United Kingdom applicable to Local Authorities or Municipalities, subject to such modifications as he may think expedient, but in no case more stringent, for securing the safety of the public from personal injury, or from fire or otherwise, and for minimising, as far as may be reasonable, any interference with the electric wires, lines, and apparatus of the Government, or any other authority, company, or person, and may from time to time rescind, alter, or repeal such regulations. Any regulations so made or amended by the Governor in Council in pursuance of this Section shall have the like effect in every respect as if they had been included in this Act. Notice in writing shall be given by the Government to the Town Council of Durban of any such regulations or of any repeal or alteration thereof at least a month before the regulation, repeal, or alteration is made by the Governor in Council.

8. The Town Council shall take all reasonable precautions in constructing, laying down and placing their electric lines and other works of all descriptions, and in working their undertaking so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line from time to time used for the purpose of telegraphic, telephonic, or electric signalling communication, or any other purpose, or the currents in such wire or line, and before commencing to lay down such a line, or to do any other work for the supply of electricity, whereby any electric or other line of the Government, or any authority, company, or person may be injuriously affected, shall give such reasonable written notice to the General Manager of Telegraphs, or such authority, company, or person, as the case may be, as may be prescribed by regulations framed under the provisions of Section 7 of this Act, and such notice shall specify the course and nature of the work, and be accompanied by such maps and plans as may be necessary. The Town Council and their agents shall also conform with such reasonable requirements, either general or special, as may from time to time be made by the General Manager of Telegraphs for the purpose of preventing any electric lines of the Natal Government being injuriously affected by the said work, and if the Town Council or their agents fail to give the appointed notice, or to comply with the reasonable requirements, either general or special, of the General Manager of Telegraphs, they shall be liable to a penalty not exceeding £20 if the telegraphic communication is interrupted, and not exceeding £5 for every day such failure continues.

Prevention of injury to telegraph and other wires.

9. In the event of it being necessary in connection with the construction of any line, or the execution of any work by the Town Council, to make an alteration in any telegraph, or other electric line of the Natal Government, it shall be lawful for the General Manager of Telegraphs, by himself or his agents, to make such alteration, or to consent to the work being performed by the Town Council, under the supervision and to the satisfaction of himself or his agents, and the Town Council shall, at the discretion of the Minister in charge of the Telegraph Department, be called upon to pay the whole or any portion of the expenses incurred in connection therewith, or incidental thereto.

Liability for cost of alteration of Government telegraphs.

10. If any telegraph telephone, or other line of electrical communication, owned by the Government of Natal, is in any way injuriously affected by the construction by the Town Council of their electric lines and works, or by the working of the undertaking of the Town Council, the Town Council shall pay the expenses of all such alterations in, or additions to, such line or lines, as may be necessary to remedy such injurious affection. For the purpose of this section a telegraph, telephone, or other line of electrical communication owned by the Natal Government shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is, whether

Liability for injurious affection of Government telegraphs.

through induction or otherwise, in any manner affected by such act or work, or by any use made of such work.

Injurious
affection of
ocean cables
subsidised by
Government.

11. If any ocean cable on the sea side of the boundary of the Borough of Durban subsidised by the Government of Natal is at any time in any way injuriously affected by the construction by the Town Council of their electric lines and works, or by the working of the undertaking of the Town Council, the Town Council shall pay the expenses of all such alterations in or additions to such cable as may be necessary to remedy such injurious affection. For the purpose of this section a cable subsidised by the Natal Government shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such cable is, whether through induction or otherwise, in any manner affected by such act or work or by any use made of such work.

Liability for
injuries.

12. The Town Council shall be answerable for all accidents, damages, and injuries happening through their act or default, or through the act or default of any person in their employment by reason or in consequence of any of their works.

Damage by
electrolysis, etc.

13. The Town Council shall undertake that, in the event of any electric leakage taking place and any damage being thereby caused at any time by electrolysis or otherwise, it will reimburse and make good to the owner or owners of any property so damaged all costs, damages, and expenses to which such owner or owners may be put by reason thereof.

Arbitration.

14. Any difference which may arise between the General Manager of Telegraphs and the Town Council, or their agents, with respect to any requirements so made, shall be determined by arbitration.

Saving of rights
of Government.

15. Nothing in this Act shall take away or lessen any right or remedy of the Colonial Government or of the General Manager of Telegraphs, and all provisions contained in this Act in favour of the General Manager of Telegraphs shall be construed to be in addition to, and not in modification of, or substitution for, any such rights and remedies.

Joint con-
struction of
laws.

16. This Act and Laws No. 19 of 1880, No. 18 of 1885, and No. 23 of 1891, as hereby amended, and Law No. 16 of 1892, shall be read and construed together as one Act.

Given at Government House, Natal, this Twenty-seventh day of July, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

No. 13, 1899.]

WALTER HELY-HUTCHINSON,

Governor.



ACT,

“ To consolidate and amend the Law relating to the Customs and Shipping.”

WHEREAS it is expedient to consolidate and amend the various Ordinances, Laws, and Acts relating to the Customs and to Shipping :—

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal as follows :—

I.—PRELIMINARY.

- | | |
|--|----------------------|
| 1. This Act may be cited as the “ Customs Consolidation and Shipping Act, 1899.” | Short title. |
| 2. This Act shall come into force on the first day of August, 1899. | Commencement of Act. |
| 3. The Ordinance, Laws, and Acts enumerated in Schedule A of this Act shall be repealed to the extent shown in the third column of the said Schedule, but such repeal, except as is otherwise specially provided, shall be without prejudice to anything done, or commenced, or any appointment made, or any right acquired, or liability incurred thereunder. | Repeal. |
| 4. For the purpose of this Act— | Interpretation. |
| “ Collector ” shall mean the Collector of Customs. | |
| “ Master ” shall mean the person having or taking charge or command of any ship. | |
| “ Ship ” shall mean ship or vessel of any description. | |
| “ Shed ” shall mean any covered and secured place in which goods may be temporarily deposited. | |

- “Queen’s Warehouse” shall mean any place provided by the Government for lodging goods therein for security of the Customs duties.
- “Minister” shall mean the Minister having charge of the Department of Customs.
- “Goods” shall mean any article whatever, including animals, and shall, where not directly specified to the contrary, include stores or baggage, or, in the case of shipment, bunker coal.
- “Importation” or “Importing” shall include and mean the bringing of goods into or within the limits of the Colony.
- “Importer” shall mean the person who actually imports the goods, and shall also include any person who acts on behalf of the importer.
- “Exporter” shall mean the person who actually exports the goods, but shall also include any person who acts on behalf of the exporter.
- “Transire” shall mean the account of coasting cargo and coasting ship’s clearance.

II.—OFFICERS OF CUSTOMS.

Who are deemed to be officers.

5. Every person employed on any service relating to the Customs within the Colony of Natal, by order or with the concurrence of the Governor or the Collector of Customs (whether previously or subsequently expressed), shall be deemed to be the officer for that service.

Security to be given.

6. Every person employed in the Customs, and not coming under the provisions of Law No. 7, 1890, shall give security to the satisfaction of the Collector of Customs for the due and faithful discharge of his duties.

Declaration to be made by Officers.

7. Every person who shall be appointed to any office or employment in the Customs shall, on his admission, make the following declaration, viz. :—

“I, A.B., do declare that I will be true and faithful in the execution, to the best of my knowledge and power, of the trust or duty committed to my charge and inspection in the service of the Customs of the Colony of Natal; and that I will not require, take, or receive any fee, perquisite, gratuity, reward, benefit, or advantage, whether pecuniary or of any sort or description whatever, either directly or indirectly, for any service act, duty, matter, or thing done or performed, or to be done or performed in the execution or discharge of any of the duties of my office or employment, on any account whatever, other than my salary, and what is or shall be allowed me by law or by any special regulation of the public service, or by special order of the Minister having charge of the Department of Customs.”

8. Every person in the Customs Department who shall accept any fee, perquisite, gratuity, benefit, advantage, or reward, whether pecuniary or otherwise, directly or indirectly, on account of anything done or omitted to be done by him in or in any way relating to his office duty or employment, except such as he shall receive as salary, or as allowed by law or by any regulation of the public service, or under permission of the Minister, shall, on proof thereof to the satisfaction of the Collector of Customs and of the Minister, be dismissed from his office, subject, in the case of officers of the permanent Civil Service, to the provisions of the Civil Service Act, 1894.

Acceptance of bribes, etc., by officers.

9. Every person who shall give, offer, or promise to give any such fee, perquisite, gratuity, benefit, advantage, or reward as aforesaid, shall for every such offence be liable to a penalty of Two Hundred Pounds.

Bribery of Officers.

10. All commissions, deputations, and appointments granted to any officers of the Customs prior to the commencement of this Act, shall continue in force as if the same had been granted under the authority of this Act; and all bonds or other securities which shall have been given by or for any such officers, and their sureties for good conduct or otherwise, shall remain in full force as if entered into under this Act.

Continuation of existing appointments and securities.

11. The Collector of Customs may institute and conduct an inquiry to ascertain the truth or facts with respect to any complaint or matter relating to any business under his management or control or incident thereto, or into the conduct of any officer or person employed in the Customs department; and may require proof on oath from any person attending before him to give evidence relating to the subject of the inquiry, and may administer such oath to such person; and if any person so examined as a witness shall give false evidence on such examination, such person shall be deemed guilty of perjury, and for that purpose the evidence of such person taken before the Collector of Customs and recorded by him or signed by such person shall be admissible in proof of the evidence given. For the purpose of requiring the attendance of any person as a witness, the Collector may procure the issue of a subpoena from the Court of a Magistrate, which shall be issued and be of the like force as if the inquiry were an action pending in such Court.

Departmental enquiries by Collector.

12. Officers and employees of the Customs department shall be exempt from liability to serve as jurors.

Exemption of Officers and employees from juries.

13. The Collector may from time to time appoint the hours of attendance of officers and employees of the outdoor branches of the Customs department.

Hours of attendance: outdoor branches.

14. No day shall be kept as a public holiday by the Customs department, except those days provided for by Law, or Proclamation issued under authority of Government.

Holidays.

15. Every person who shall in any way hinder, oppose, molest, or obstruct any officer of the Customs, in the exercise of his office, or any person acting in his aid or assistance,

Obstructing Officers.

shall, for every such offence, be liable to a penalty of Two Hundred Pounds.

Principal Officers may act on behalf of the Collector.

16. Where in this Act or any other Law or Act the words "Collector of Customs" are used, it shall be understood that any principal officer of Customs may act on his behalf.

III.—PORTS OF ENTRY AND DEPARTURE.

Port Natal and Port Shepstone.

17. Port Natal and Port Shepstone shall be and shall be deemed to have been ports of entry and departure for ships.

Appointment of ports of entry and departure.

18. The Governor in Council may, by Proclamation, appoint places on the coast of Natal to be ports of entry and departure for ships, and may by regulations made in that behalf appoint conditions under which the lading or un-lading of cargo and the entry and departure of vessels shall take place. Any person who shall contravene any of such regulations, or the conditions thereunder, shall be liable to a penalty of One Hundred Pounds.

Application of Laws to inland borders.

19. This Act and all Laws relating to the Customs shall, so far as the same are applicable, extend and apply to all goods and things imported and exported across the inland border of the Colony, as fully and effectually as if such inland border were part of the high seas within one league of the coast of this Colony.

Ports of entry and departure on inland border.

20. The Governor in Council may, from time to time by Proclamation, appoint such places on or near to the border of the Colony as may be requisite as ports of entry and departure for the importation and exportation of goods. All vehicles and all persons engaged by any means whatsoever in importing or bringing any goods or produce into the Colony overland from any place beyond the borders thereof, or exporting any goods or produce from the Colony overland, shall be bound to enter or leave the Colony at one or other of such ports of entry and departure, and to comply with any regulations which may be made respecting such importation or exportation.

IV.—ARRIVAL AND DEPARTURE OF SHIPS.

Report of ship upon arrival.

21. The Master, or owner, or an official agent duly authorised, of every ship, whether laden or in ballast, arriving at any port or place in this Colony shall, within twenty-four hours after such arrival, make due report of such ship to the Collector or proper officer of Customs at the nearest Custom House in such form, and containing such particulars as may be required by the regulations made by the Governor in Council in that behalf, together with such further particulars as the Collector of Customs may in due course require. Such report shall be made before bulk be broken, except where otherwise specially allowed or provided for by order of the Collector of Customs, or at ports where goods may be landed into transit sheds.

Penalties for failure to report.

22. If such report be not duly made as aforesaid, or if any of the particulars contained in such report be untrue, the Master shall be liable to a penalty of One Hundred Pounds;

and all goods not duly reported may be detained by any officer of Customs until so reported, or until the omission be explained to the satisfaction of the Collector of Customs, and may in the meantime be removed to the Queen's Warehouse.

23. The Master or owner of such ship, or the duly authorised officer or agent, shall answer all such questions concerning the ship, the cargo and stores, the crew and the voyage, and shall produce such documents relating to the cargo and voyage as shall be demanded of him by the Collector or other proper officer of Customs.

Questions by Collector.

24. If any goods which the Master is bound to report before landing be unladen from any ship before such report be made, except as permitted under any provision of this Act, or if the Master or owner, or the duly authorised Officer or Agent, do not truly answer the questions or produce the documents lawfully demanded of him, he shall be liable to a penalty of One Hundred Pounds.

Penalties for landing goods before report.

25. The officers of Customs may board any ship in or on arriving at or off any port in this Colony, or being within one league of the coast, and may stay on board until all goods laden in such ship for such port shall have been duly delivered from the same.

Customs Officers may board ships

26. The officers of Customs on board of any ship shall have free access to every part of such ship, with power to fasten down hatchways, and to mark any goods or stores before landing, and to lock up, seal, mark, or otherwise secure any goods or stores on board such ship. Such fastening down of hatchways shall not be enforced longer than may be absolutely necessary.

Fastening hatchways; marking, locking, sealing goods or stores.

27. The officers of Customs on board of any ship wherein any place, box, or chest, shall be locked, and the keys thereof withheld, may, under any general authority given to them by the Collector of Customs, open any such place, box, or chest in the best manner in their power, and they will not be liable for any damage to the goods incurred in the opening; and if any goods liable to duty or prohibited or not duly reported be found concealed on board any such ship, or if any such goods shall not have been produced to the officers on demand, such goods shall be forfeited.

Forcible opening of locked places on board.

28. If the proper officer of Customs shall place any lock, mark, or seal upon any goods or upon any stores, or upon any place or package in which the same may be on board any ship or vessel arriving in or in any port or place in this Colony, and if such lock, mark, or seal shall be wilfully opened, altered, or broken, or if any goods or stores so secured shall be secretly conveyed away either while the ship remains in the port or place at which she shall have so arrived, or shall be, or at any other port or place in this Colony to which she may proceed, or on her passage from one port to another, or if the hatchways, after having been fastened down by the officers of Customs, be opened, the Master of such ship shall be liable to a penalty not exceeding One Hundred Pounds.

Breaking Customs seals, etc.

Stationing
Officer on board.

29. The Collector or principal officer of Customs may station any officer or officers on board any vessel while within the limits of any port within this Colony, and the Master of every such ship shall provide such officer or officers with sufficient room and accommodation under the deck for the bed or hammock of each officer so stationed on board; and if the Master of such ship shall refuse to do so, he shall be liable to a penalty of Twenty Pounds.

Boarding,
rummaging,
searching, and
enquiry.

30. It shall be lawful for the officers of Customs to go on board any ship in this Colony, with the exception of ships of war or other national vessels privileged by international law and usages, and to rummage and search all parts of such ship for prohibited and uncustomed goods; and also to go on board any ship other than the ships excepted as aforesaid, hovering within one league of the coast of Natal; and, in either case, freely to stay on board such ship so long as she shall remain in such port, or within such distance; and if there be any goods or stores on board, which shall not have been produced to the said officers, or which may be prohibited to be imported into this Colony, such goods or stores shall be forfeited; and if the Master shall not truly answer the questions relating to the ship and cargo and stores which shall be demanded of him, he shall be liable to a penalty of One Hundred Pounds.

Insertion of
Master's name
in certificate of
registry.

31. The Collector or other principal officer of Customs may refuse to admit any person to do any act within this Colony as Master of any British ship, unless the name of such person shall be inserted in or have been endorsed upon the certificate of registry of such ship, as being the Master thereof.

Entry outwards.

32. The Master of every ship bound from any port or place in the Colony of Natal to any port or place out of the Colony shall, before any goods are laden therein, deliver to the Collector, or other proper officer, an entry outwards, under his hand or that of his agent, of the destination of such ship, stating her name, country, and tonnage, and, if British, the port of registry, the name and nationality of the Master, and such other particulars as may be required by the Collector; and if any goods be laden on board any such ship before such entry be made, the Master of such ship shall be liable to a penalty of Fifty Pounds.

Content of goods
shipped.

33. Before any such ship shall depart, the Master or his authorised agent shall bring and deliver to the Collector, or other proper Officer of Customs, a content in writing, under his hand or that of the authorised Agent, of the goods laden, and the names and addresses of the respective shippers of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content, as far as any such particulars can be known: Provided that it shall be competent for the Collector of Customs to allow a vessel to depart under such guarantees, as he may consider necessary, that such content will be delivered within such time as he may fix.

34. The Master or agent of every ship bound to any port or place out of the Colony, whether in ballast or laden, shall, before the departure of the ship, come before the Collector, or other proper officer, and shall deliver a list of the unconsumed stores left on board, together with a list of the stores shipped from bond, and shall answer all such questions concerning the ship and cargo and stores, if any, and the crew, passengers, and the voyage, as shall be demanded of him by such officer; and thereupon the Collector, or other proper officer, shall make out and give to the Master, or his authorised agent, a certificate of the clearance of such ship for her intended voyage, the certificate to be in such form and to contain such particulars as may be prescribed by the regulations in that behalf, and as the Collector may deem necessary; and if the ship shall depart without such clearance or if the content shall be incorrect, or if the Master or agent shall not truly answer the questions demanded of him, the Master or agent shall be liable to a penalty of One Hundred Pounds.

List of stores.

Questions by officer.

Clearance outwards.

35. Any officer of Customs may go on board any ship after clearance outwards within the limits of any port in the Colony of Natal, or within one league of the coast thereof, and may demand the ship's clearance and any papers relating to the ship's cargo or stores, and if the Master shall refuse to produce the same and to answer such questions concerning the ship, cargo, and intended voyage as may be demanded of him, he shall be liable to a penalty of Twenty Pounds.

Boarding and demanding clearance, etc.

36. If any vessel shall depart from any port or place in the Colony of Natal with any officer of Customs on board and without his consent, the owner or Master shall be liable to a penalty of One Hundred Pounds.

Penalty for carrying off a Customs Officer

V.—LANDING AND ENTRY OF GOODS AND PAYMENT OF DUTIES.

37. All goods not prohibited by law may be imported and all goods liable to duty may be warehoused free of duty in duly approved warehouses, excepting those goods upon which the Governor may from time to time, by notice in the *Natal Government Gazette*, direct that duties shall be paid at the time of importation.

Right to import and warehouse goods.

38. The goods enumerated and described in the following list of prohibitions and restrictions inwards are hereby prohibited to be imported or brought into this Colony, save as thereby excepted, and if any goods so enumerated and described shall be imported or brought into this Colony contrary to law, the person or persons importing or bringing such goods into the Colony shall be liable to a penalty of Fifty Pounds, and such goods shall be forfeited and may be destroyed or otherwise disposed of as the Collector of Customs, with the approval of the Minister, may direct.

Prohibited goods.

LIST OF PROHIBITIONS.

Indecent, blasphemous, or obscene prints, paintings, photographs, books, cards, lithographic or other engravings or other pictorial representations, or any other indecent or obscene articles.

Coins, base or counterfeit, or imitation.

Articles of foreign manufacture, bearing the name, marks, or brands of manufacturers resident in the United Kingdom of Great Britain and Ireland; or bearing marks contravening the provisions of any Act relating to Merchandise Marks.

Explosives imported otherwise than under the conditions and restrictions imposed by the laws relating to the importation thereof.

All animals, goods or articles the importation of which may be prohibited by or in virtue of any law.

Arms and ammunition of all sorts except under the restrictions of the Laws and Acts relating to the same.

Sundays.

39. No goods, animals, baggage or stores shall be unshipped from any ship, or be landed or put on shore, on Sundays or holidays, except by special permission of the Collector or principal officer of Customs, nor shall they on other days be unshipped, landed or put on shore, except between the hours of seven o'clock in the morning and five o'clock in the afternoon, or during such other hours and under such conditions as may be permitted by the Collector or principal officer of Customs.

Business hours.

Landing to be in presence of officer.

Inflammable or dangerous goods.

40. No goods, animals, baggage or stores whatever shall be unshipped or landed at any time, except in the presence or with the authority of the proper officer of Customs, and in the case of inflammable or dangerous goods of any sort, it shall be lawful for the Collector, or proper officer of Customs, to stop the unloading at any hour of the day, after notice has been given to the ship.

Place of landing

41. No goods, animals, baggage or stores shall be landed, except at some wharf or other place duly appointed by the Collector of Customs for the landing or unshipping of goods nor, after having been unshipped or put into any boat or craft to be landed, shall they be transhipped or removed into any other boat or craft previously to their being landed, without the permission of the proper officer of Customs; if any goods, animals, baggage or stores shall be unshipped or removed from any importing ship for the purpose of being landed, they shall be forthwith taken to and landed at the wharf, quay, or other place at which the same are intended to be landed. If any goods, including animals, baggage, and stores, shall be unshipped, landed, transhipped, removed, or dealt with contrary to the provisions of this Act, they shall be

Unauthorised transhipment.

Forfeiture of goods illegally landed, removed, etc., and of boats employed.

forfeited, together with the barge, lighter, boat, or other vessel employed in removing the same: Provided, however, that should the owner of the barge, lighter, boat or other vessel satisfy the Collector that he was in no way cognizant of the offence, the said barge, lighter, boat or other vessel shall not be forfeited.

42. It shall be lawful for the Collector of Customs to specify, by notice under his hand, the places for the landing and examination of goods, animals, baggage and stores, and to make, from time to time, such regulations in connection therewith as may be necessary for facilitating the due collection of revenue. Any person infringing such Regulations shall be liable to a penalty of Twenty Pounds, in addition to any forfeiture which may be incurred.

Appointment of landing places: collection of revenue.

43. If any goods cognizable under this Act, or any Act relating to the Customs, shall be removed or attempted to be removed from any shed or wharf, or from any approved place of deposit without the permission of the proper officer of Customs having first been obtained, such goods shall be forfeited.

Unauthorised removal from shed or wharf.

44. No goods shall be unladen from any ship at any port or place in the Colony of Natal (unless specially allowed or provided for by order of the Collector of Customs or unless landed into transit sheds) until due entry thereof shall have been made in such form and with such particulars and arrangement of particulars as shall be prescribed by regulations made in that behalf, and until warrant shall have been granted for the unloading of the same, and all goods unladen contrary to the provisions of this section or to any regulations made in that behalf shall be forfeited.

Entry, and warrant for lading.

45. The Collector of Customs may from time to time appoint suitable sheds or warehouses as transit sheds, into which goods may, before entry or report, be removed from the ship.

Transit sheds.

46. For the purposes of this Act, goods placed in a transit shed shall be deemed to be still in the ship, and so long as they shall remain in the transit shed the owners and agents of the ship shall not be relieved from any responsibility, liability, or risk in respect thereof, but shall remain responsible and liable therefor in all respects as if the goods had not been removed from the ship and were still therein.

Responsibility for goods in transit sheds.

47. The Government shall not be in any way responsible or liable in respect of goods placed in a transit shed, notwithstanding that such transit shed has been approved by the Collector of Customs, or that it may be the property or under the control of the Government.

Government not responsible.

48. No goods shall be taken from a ship to a transit shed except upon compliance with the regulations made in that behalf.

Regulations for taking goods to transit shed.

49. It shall be lawful for the Collector or principal officer of Customs, upon the application of the Master or Agent of any ship arriving at any port or approved place in this Colony, for the purpose of facilitating the despatch of such ship, to grant permission for any goods or stores os

Landing goods by permission before entry.

be landed from such ship before the importer's entries thereof shall have been passed, and under such conditions and regulations as the Collector of Customs may deem fit, for the immediate removal of such goods or stores to some suitable building to be approved by the said Collector or principal officer of Customs as a temporary warehouse for the reception thereof.

50. All sums of money payable by law to the Collector of Customs as duties, penalties, or forfeitures shall be in sterling money of Great Britain, and all weights and measures used in the service of the Customs shall be the Imperial weights and measures by law established; and in all cases where such duties are imposed according to specified quantity or value, the same shall be deemed to apply in the same proportion to any greater or less quantity.

51. All moneys collected as duties of Customs, or as forfeitures under Customs Acts, or as wharfage, tug, or light dues, within this Colony shall be paid to the general revenue of the Colony.

52. Upon the entry of any goods, the importer, his agent, or the owner or Master of the ship, as the case may be, shall deliver one or more duplicates of the entry thereon as the Collector of Customs may require, in which duplicates all sums and numbers may be expressed in figures, and the importer or his agent shall produce to the Collector or proper officer of Customs the true invoice, and, if required, the bills of lading and other documents relating to the goods; and the proper officer of Customs may detain all goods until the provisions of this section have been carried out; and should it be proved that any false invoice or document has been produced, the goods affected shall be forfeited in addition to the penalty incurred under this Act for any false declaration.

53. It shall be competent for the Collector of Customs or officer acting on his behalf to require the production to him of the invoice or any document relative to the goods at any time within six months after the date of importation although such invoice or document has already been produced to an officer of Customs. Should the importer or agent or other person concerned, without lawful excuse, fail to comply with such request, he shall be liable to a penalty not exceeding Twenty Pounds.

54. All duties and charges, except where otherwise provided for, shall be paid to the Collector or proper officer of Customs at the time the entry for the goods is made; and the entry when signed by the Collector or proper officer of Customs shall be the warrant for the landing and, after satisfactory examination, delivery of the goods.

55. If the importer of any goods shall make and subscribe a declaration before the Collector, or other proper officer of Customs, that he cannot for want of full information make perfect entry thereof, it shall be lawful for the Collector, or other proper officer, to receive an entry, by bill of sight, for the packages or parcels of such goods, by the

Money, weights, etc., to be used for Customs business.

All payments to go to general revenue.

Duplicate entries.

Collector may call for invoice and other documents.

Payment of duties.

Warrant for landing and delivery.

Entry by bill of sight.

best description which can be given, and to grant a warrant thereupon, in order that the same may be landed and secured to the satisfaction of the Collector or other proper officer of Customs, and may be seen and examined by such importer, in the presence of such proper officers; and within three days after the goods have been so landed, or within such extended time as the Collector of Customs may permit, the importer shall make a perfect entry thereof, and pay down all duties due thereon, and in default of such entry, such goods shall be taken to the Queen's Warehouse; and if the importer shall not, within one month after such landing, or within such extension of time as may seem reasonable to the Collector of Customs, make perfect entry of such goods, and pay the duties due thereon, together with charges of removal and warehouse rent, such goods shall be sold for the payment thereof, and the overplus, if any, shall be paid to the proprietor of the goods.

56. The bill of sight for the purposes of the preceding section shall be in such form as shall be prescribed by the regulations in that behalf; and a non-compliance with any requirement therein stated will render the offender liable to a fine or penalty of Twenty Pounds.

Form and requirements of bill of sight.

57. The following declaration shall be made at the foot of every entry, that is to say:—

Declaration by importer.

I,....., declare, to the best of my knowledge and belief, the above particulars to be true, and that the invoice produced in support of the above value is the true one, and that each package contains no other goods than those mentioned above,

which declaration shall be subscribed with the hand of the importer, or of his known agent, and in the case of goods charged with duty according to the current value thereof, the value so declared, after having been proved by the production of the true invoice, shall be the value whereon duty shall be levied.

Value for ascertaining duty.

58. If upon view and examination of any articles by the proper officer of Customs, it shall appear to him that such articles are not valued according to the current value thereof at the place where the same were purchased, then and in such case the Collector or other proper officer may, if he deem it fitting so to do, require the importer or his agent to declare on oath before him to the truth of the aforesaid declaration according to the best of the belief of such importer or his agent, and to adduce any documentary evidence he may possess in support thereof.

Collector may require declaration on oath, and evidence of value.

59. If it shall appear to the Collector or other proper officer, whether such oath as aforesaid shall have been required or not, that any articles have been declared at a value below the current value thereof at the place where the same were purchased, the articles shall in such case be examined by two competent persons, one to be nominated and appointed by the Collector or other principal officer of Customs and the other by the importer, and such two persons shall before entering into

Examination and valuation of goods.

the enquiry appoint an umpire, and shall then declare on oath before the Collector or proper officer of Customs what is the current value of such articles at the place where the same were purchased, and in case such persons shall not agree, then the declaration of such value on oath as aforesaid of the umpire shall be final.

Procedure where importer fails to appoint examiner, etc.

60. If any importer shall fail within seven days from his being required so to do by the proper officer of Customs to make an appointment as hereinbefore provided, or if no declaration shall be made by the persons appointed, or by the umpire selected by them, within seven days from their appointment or selection, then in any such case the declaration of the person to be appointed as aforesaid by the Collector or principal officer of Customs shall be final, and the duties shall be charged and paid upon the value as ascertained and declared in conformity therewith.

Penalty duties or forfeiture in cases where value exceeds the declared value.

61. Should the value ascertained as aforesaid and declared under any of the provisions hereinbefore contained for arbitration, exceed by 15 per cent., and not by 30 per cent. the value originally declared by the importer or his agent there shall be payable on such goods double the amount of duty otherwise chargeable thereon; and should the value so ascertained and declared as aforesaid exceed by 30 per cent., and not by 60 per cent., the value originally declared by the importer or his agent, then there shall be payable on such goods four times the amount of duty otherwise chargeable thereon; and should the value so ascertained and declared as aforesaid exceed by 60 per cent. or upwards the value originally declared by the importer or his agent, then such goods shall be forfeited: Provided that this section shall not affect the forfeiture of goods for which a false invoice has been produced, and shall not affect the punishment for any false declaration made in connection with such false invoice.

Meaning of current value.

62. For the purposes of this Act and of the declaration and oaths thereby required to be made, the term "current value" shall be taken to be the true current value in the open market for such goods at the place of purchase by the importer or his agent, including the cost of packing and packages but not including Agent's commission if it does not exceed 5 per cent.: Provided that in no case shall the true current value as above defined be less than the cost of the goods to the importer at the place of purchase.

Time allowed for entry and landing.

63. Every importer of any goods shall, within seven days after the arrival of the importing ship, or within such extended time as the Collector of Customs may permit, make due entry inwards of such goods and land the same; and when goods have been landed into transit sheds, the entries inwards must be made within one day from the date of landing, or within such time as the Wharfmaster may permit the goods to remain in the shed.

Charges to be paid by ship in case of delay.

64. In default of such entry, and landing, within such time as aforesaid, there may, in any case where the goods have not been landed from the ship, be charged to the owner or agent of the ship the sum of Ten Shillings per diem for

each Custom House officer employed by the Collector to watch the ship; and, for goods placed in transit sheds, there shall be charged after two days from the deposit in the shed such an amount of rent as the Wharfmaster may be directed to levy under authority of Government.

65. In default of entry and landing or clearing of goods within seven days from the reporting of the ship at the Customs House, it shall be lawful for the officers of the Customs to convey such goods to the Queen's Warehouse or to some place of security, which shall, for all purposes relating to such goods, be deemed and taken to be the Queen's Warehouse; and if the goods be not duly cleared, by payment of duty or otherwise in accordance with the provisions of this Act, within six months after such seven days shall have expired, together with all charges of removal and warehouse rent, the same shall be sold, and the produce thereof shall be applied, first to the payment of removal charges to the warehouse, then to the payment of duties, auction and rent charges, then to the payment of freight, and the overplus, if any, shall then be paid to the proprietor of the goods, or any other person authorised to receive the same: Provided always that perishable goods may be sold within such time and under such notice to the consignee, if known, as the Collector of Customs may deem sufficient.

Removal of goods to Queen's Warehouse.

Time allowed for payment of duty on such goods.

Sale in case of default.

66. The importation by sea or by land, into the Colony of Natal, of all goods which may, under this Act or any Act relating to the Customs be free of duty, shall be subject to any regulations as to landing, removal or examination, made by the Collector of Customs, with the approval of the Minister, with respect to such goods.

Free goods : conditions of importation.

67. Upon the landing or entry of any goods, or at any time thereafter, any proper officer of Customs may require the importer or his agent to open and unpack the same, and may inspect, search and examine all such goods.

Inspection and search.

68. Whenever and so soon as any member of the Executive Council, acting for and on behalf of the Governor, shall in the Legislative Assembly give notice of a resolution whereby it shall be proposed to affirm the expediency of increasing the rate of Customs duty payable upon the importation of any goods, merchandise, or things, it shall be lawful for the Officers of the Customs Department, acting under instructions to that effect from the Governor in Council, to refuse to permit any of the goods, merchandise, or things mentioned in such resolution to be entered for consumption unless and until the person proposing to pay duty upon the same shall, together with a surety to be approved by the principal officer of Customs at the port or place of entry, enter into a bond conditioned for the payment of such increased duty as Parliament may afterwards authorise and impose, or shall deposit the amount of such increased duty: Provided that in lieu of a bond on each occasion of entry an Importer may enter into a general bond, with two sufficient sureties to be approved by the Collector or proper officer of Customs, in such a

Provisional in crease of duty upon notice being given in Legislative Assembly.

Payment or recovery of increased duty upon passing of an Act.

penalty as may be deemed sufficient by the Collector or other proper officer of Customs.

69. In case Parliament shall, by any Act thereof passed during the same session, direct and appoint that the rate of Customs duty previously payable upon any article or articles mentioned in any such resolution shall be increased, it shall be lawful for the Collector of Customs to call upon the person who entered or delivered for consumption the said article or articles to pay the difference between the duty paid by him and the increased duty payable under the said Act; and in case he shall refuse and neglect so to do, the said bond shall, by the Collector of Customs, be put in suit for the recovery of such difference, or, in case a deposit of the proposed increased duty shall have been made, the deposit shall, to the extent of the increased duty payable under the Act, be paid to the General Revenue as Customs duty.

Effect of alteration of duty upon purchase price of goods purchased before the alteration.

70. In the event of any increase, decrease, or repeal of Customs duty chargeable upon any article after the making of any contract or agreement for the sale or delivery of such article duty paid, it shall be lawful for the seller, in case such increase shall accrue before the clearance or delivery of such article at such increased duty, and after payment thereof, to add so much money to the contract price as will be equivalent to such increase of duty, and he shall be entitled to be paid and to sue for and recover the same; and it shall be lawful for the purchaser under any such contract or agreement, in case such decrease or repeal shall take effect before the clearance or delivery at such decreased duty, or free of duty, as the case may be, to deduct so much money from the contract price as will be equivalent to such decrease of duty or repeal duty, and he shall not be liable to pay or be sued for or in respect of such deduction.

Introduction of Bill for increased duties to have same effect as notice of resolution.

71. If in any case the Governor shall, instead of causing such a resolution as aforesaid to be offered to the Legislative Assembly, send down to the Legislative Assembly a Bill having for its object an increase of the Customs duty payable upon any article or articles enumerated in the Bill, then, when and as soon as such Bill shall have been introduced, the same effects and consequences shall follow as those in the preceding sections mentioned in regard to the giving of notice of the resolutions therein described.

Determination of right to demand bonds or deposits for increased duties.

72. The right of requiring such bonds or deposits as aforesaid to be entered into or made shall in no case endure longer than till the end of the session of Parliament in which any such resolution or any such Bill as aforesaid shall have been brought under the consideration of Parliament; and such right may, by order of the Governor in Council, be terminated sooner, in case it shall appear that Parliament declines to sanction the proposed increase of Customs duty.

Refusal to pay duties: sale of goods for the duty.

73. If the importer of any articles shall refuse to pay the duties due thereon, it shall be lawful for the Collector, or proper officer of Customs, to take and secure the same, with the casks and other packages thereof, and to cause the same to be publicly sold, at such time and place as such officer

shall, by ten or more days' notice in the *Natal Government Gazette*, and in one or more local newspapers, appoint for that purpose; or in the case of perishable articles, at such time and place as he shall notify to the importer; which articles shall be sold to the highest bidder; and the money arising from the sale thereof shall be applied, in the first place, in payment of the said duties, together with the auction dues and other charges occasioned by the said sale, and the overplus, if any, shall be paid to such importer or proprietor, or any other person authorised to receive the same.

74. All goods, wares, and merchandise, the property of the Crown, shall, in case of sale thereof, be liable to, and be charged with, the same duties as may be payable on such goods, wares, or merchandise not being the property of the Crown.

Duty payable on goods belonging to Crown, when sold.

75. If any goods be destroyed by unavoidable accident or by fire, either on shipboard, or in landing, or in lading, or in removing under bond, or in receiving into a bonding warehouse, or in the bonding warehouse, or on delivery therefrom, the Collector or principal officer of Customs may, on satisfactory proof thereof, and that every effort was made to prevent the destruction, remit the duties due, or return the duties paid, on the said goods: Always provided that the goods at the time of the accident or fire, had not been removed away from Customs supervision or were being removed under bond to the Crown.

Remission of duty upon destruction of goods.

76. No repayments of Customs Duties, Wharfage, Tug, or Light Dues unduly paid, or paid in excess of the correct amount, shall be claimable unless demand be made therefor within twelve months from the date of payment to the Customs.

Prescription of actions for recovery of duties.

77. It shall be lawful for the Government, subject to such conditions as may be prescribed by regulations under this Act, to refund the duties, tug and wharfage dues paid upon such goods, wares, provisions, stores, or merchandise as may be purchased in the Colony by and for use of Her Majesty's land or sea forces.

Refund of duties on goods purchased for H.M.'s forces.

78. The Collector of Customs shall be empowered, subject to such conditions as may be imposed by regulations under this Act, to refund the duties and tug dues paid upon such wines and spirits as may be purchased by and for the use of His Excellency the Governor, or by and for the use of the officers of Her Majesty's land and sea forces serving on full pay in this Colony.

Refund of duties on wines and spirits purchased for the Governor or for officers of H.M.'s forces.

79. Any officer in Her Majesty's Service, serving on full pay in this Colony, who has imported, or who may hereafter import or bring into this Colony, for his own use, any sporting gun or guns, and who may on his departure from this Colony take away any such sporting gun or guns so imported or brought into this Colony shall, on application to and on compliance with any necessary regulations laid down by the Collector of Customs, be entitled to receive, on his departure

Refund of duty on guns imported and take away by officers.

from this Colony, the amount of Customs duty paid by him in respect of such sporting gun or guns so imported by him.

VI.—WAREHOUSING AND EXPORT FROM BOND.

Establishment of free warehousing stations.

80. The Governor in Council may from time to time constitute and appoint such places in the Colony of Natal as may be deemed expedient to be free warehousing stations for the purposes of this Act.

Rent in Government warehouses.

81. At any warehouse provided by the Government, at a warehousing station, there shall be charged such rents on goods deposited as may be prescribed by the Minister by regulations in that behalf.

Appointment of warehouses.

82. It shall be lawful for the Collector of Customs for the Colony of Natal, with the approval of the Minister, by notice in writing, under his hand, to appoint from time to time such warehouses, at any duly appointed station, as shall be approved of by him for the free warehousing and securing of goods therein according to law; and may also by such notice declare what sort of goods may be so warehoused, and may also, with the approval of the Minister, by a like notice revoke or alter any such appointment or declaration, and upon any such revocation the goods are to be cleared or removed from the warehouse within such a time as may be fixed, not being less than three months. Every such notice shall be published in the *Natal Government Gazette*.

What goods may be warehoused.

Warehouse bond

83. A warehouse approved under the provisions of the preceding section shall not be used for the purposes specified in that section, until the owner or lessee of the premises has entered into a bond, with two sufficient sureties, to the satisfaction of the Collector or principal officer of Customs, for the payment of the full duties of importation on all such goods as shall at any time be warehoused therein, or for the due exportation or shipment thereof as stores.

Bond to be given forthwith.

84. The owner or lessee of any premises licensed as a warehouse before the date of the commencement of this Act shall forthwith enter into a bond as described in the foregoing section: Provided that any such bond which may have been entered into before the commencement of this Act shall be deemed to have been executed in compliance with this Act. If he shall fail to give such bond within two months after the commencement of this Act, the Collector of Customs may issue a notice of revocation as hereinbefore provided.

Existing bonds.

Warehousing without payment of duty

85. It shall be lawful for the importer of any goods, which may be allowed to be warehoused, to deposit the same in the warehouses so appointed, without payment of any duty on the first entry thereof; save and except such amount of duty as may accrue by the loss or diminution of such goods in the transport thereof from the port of entry or landing place to the warehouse in which they are to be deposited; and all goods so warehoused, or entered to be warehoused, shall be subject to the regulations made by the Governor in Council in that behalf, and also to such special regulations as the Collector of Customs may make for the due

Warehousing regulations.

protection of the Customs revenue on goods warehoused or entered to be warehoused under this Act or any Act relating to the Customs.

36. Upon the entry of any goods to be warehoused, the importer of such goods, instead of paying down the duties due thereon, shall give bond, with one sufficient surety, to be approved by the Collector, in treble the duties payable on such goods, with condition for the safe depositing of such goods in the warehouse mentioned in such entry within such time and under such conditions as may be approved by the Collector of Customs, and for the payment of all duties due upon such goods, or for the exportation or shipment thereof as stores, according to the first account of those goods upon the landing of the same; and with the further condition that no part of such goods shall be taken out of such warehouse until cleared from thence upon due entry and payment of duty, or upon due entry for exportation or shipment as stores, or, in the case of goods damaged or deteriorated to such an extent as not to be worth the duty, upon delivery for the purpose of destruction under such conditions as the Collector of Customs may impose: Provided that in the case of an Importer who keeps a licensed warehouse for which a general bond has been given as hereinbefore provided, it shall not be necessary for him to give a special bond under this section in respect of any goods deposited in such warehouse: Provided, also, that where the duty involved does not exceed Ten Pounds Sterling it shall not be necessary to obtain a surety to the bond.

Bond by Importer for duty on warehoused goods.

37. Upon the importation of any goods to be warehoused, the proper officer of Customs shall take a particular account of the same, and shall enter the same in a book to be kept for that purpose.

Account to be taken of goods warehoused.

38. No goods which have been so warehoused shall be taken or delivered from the warehouse except upon due entry and into and under the care of the proper officers for exportation or shipment as stores, or upon due entry for home use and payment of duty, at the time of tendering the entry, on the account taken at the importation, except as to the goods enumerated in the next succeeding section.

Delivery from warehouse: payment of duty.

39. The duties upon ale, beer, spirits and wine in the wood, unrefined sugar, and tobacco (not being cigars or snuff), when cleared from the warehouse for home use, shall be charged according to the tariff of duties in force for the time being upon the quantity of such goods, at the time of actual delivery thereof, unless there is reasonable ground to suppose that any portion of the deficiency from the account at importation has been caused by illegal or improper means, in which case the proper officer of Customs shall make such allowance only for loss as he may consider justly to have arisen from natural evaporation, or other legitimate cause; in no instance shall the allowances exceed, in the case of ale beer, spirits and wine, those which may, from time to time, be specified in a scale to be laid down by the regulations made in that behalf. No duty shall be charged in respect of

Quantities on which duty payable upon delivery from warehouse.

Wastage allowance: beer, spirits wines.

Ship's stores and exports.

any deficiency, within the scale so laid down, or on goods entered and cleared from the warehouse for exportation or shipment as stores, unless the officers of Customs have reasonable ground to suppose that the deficiency, or any part hereof, has arisen by illegal abstraction.

Taking stock : duty on deficiencies.

90. Whenever the Collector of Customs shall see fit, stock may be taken and duty shall be forthwith paid upon any deficiency in the same manner as is hereinbefore provided in respect of deficiencies at the time of delivery.

Saving of liability to penalty or prosecution.

91. Nothing contained in the foregoing sections with respect to the payment of duties upon the deficiency of goods shall prevent or prejudice any penalty or prosecution to which any person may otherwise be liable.

Stowage and marking of warehoused goods.

92. All goods warehoused in a duly approved warehouse shall be stowed in such parts or divisions of the warehouse and in such manner, and with such marks upon them, as the Collector of Customs shall direct, and if the owner of the warehouse or the proprietor of the goods or his agent shall refuse or neglect to so stow such goods he shall be liable to a penalty of Five Pounds for each offence.

Forfeiture for improper dealings with goods warehoused or entered for warehousing.

93. If any goods which have been entered to be warehoused shall not be duly carried into and deposited in the warehouse under the rules in that behalf, or shall afterwards be taken out of the warehouse without due entry and clearance, or, having been entered and cleared for exportation or shipment as stores or removal in transit from the warehouse, shall not be duly carried and shipped, or shall afterwards be re-landed except with the permission of the proper Officer of Customs, such goods shall be forfeited.

Liability for duty under general bond.

94. If any goods shall be taken out of any bonding warehouse without due entry of the same, the person who has given the general bond for the warehouse shall forthwith pay the duties due thereon ; and every person so taking out goods without payment of duty, or who shall assist or be concerned in so doing, and every person who shall wilfully destroy, embezzle or pilfer any goods duly warehoused or entered to be warehoused, or while being conveyed in boats, carriages, or other conveyances to the warehouse mentioned in the entry, or while being conveyed in any conveyance or being carried to any ship for the purpose of shipment, or to any place on the borders of the Colony for export to places outside the Colony, shall be guilty of an offence, and upon conviction shall be liable to punishment according to the ordinary criminal jurisdiction of a Magistrate's Court.

Offences of removal without paying duty, destroying or pilfering, etc.

Offences in relation to goods removed as unfit for consumption.

95. Where any goods liable to a duty of Customs have been taken from a warehouse with or without the permission of an officer of Customs, as unfit for consumption, by reason of the mixture therewith of any other matter, any person who separates the goods from such other matter, unless with the permission of the Collector and upon payment of the duties, shall forfeit, at the election of the Collector of

Customs, treble the duty-paid value of the goods or the sum of One Hundred Pounds, and the goods shall be forfeited.

96. The Collector may, under such regulations as he shall prescribe, permit the proprietor or other person having control over goods in a bonding warehouse, to sort, separate, pack, rack, and repack any such goods, and to make such lawful alterations therein or arrangements and assortments thereof as may be necessary for the preservation of such goods, or in order to the sale, shipment, or legal disposal of the same; and also to permit any parts of such goods so separated to be destroyed if not worth the duty.

Sorting, packing, racking, etc., in warehouse.

97. On the clearance of any goods from a duly-appointed warehouse, the proprietor of the goods or his agent shall deliver to the officer appointed for the purpose a bill of the entry thereof in such form and containing such particulars and in such an arrangement as may be directed by the regulations in that behalf, and shall also deliver at the same time one or more duplicates of the bill.

Bills of entry on clearance from warehouse.

98. Warehoused goods may be removed from one warehouse to another warehouse within the Colony of Natal under such conditions as to security and otherwise as may be directed by the regulations in that behalf.

Removal from one warehouse to another.

99. Warehoused goods delivered from a warehouse for exportation or for shipment as stores must be carried to be shipped under such regulations as may be made in that behalf.

Delivery for shipment as stores.

100. Upon the entry outwards of any goods to be exported from a warehouse, the person entering the same shall give security by bond in treble the amount of duty to which the goods are liable, or if such goods are prohibited to be imported for home use, in double the value of the goods, with one sufficient surety, to be approved by the Collector, that the same shall be duly shipped, and shall be landed at the place for which they be entered outwards, or shall be otherwise accounted for to the satisfaction of the Collector: Provided, that where the duty involved does not exceed Ten Pounds Sterling it shall not be necessary to obtain a surety to the bond.

Bond for export from warehouse.

101. Notwithstanding the provisions of the foregoing section, it shall be lawful for an exporter to enter into a general bond with two sufficient sureties, to be approved by the Collector, for the due shipment and landing at the respective places of destination of all goods which may from time to time be exported by the said exporter, but there shall be attached to each export entry covered by such bond such stamps as are by law appropriate to the penalty of the bond which would otherwise have had to be entered into for the due exportation of the goods specified in the entry.

General bond for exports from warehouse.

102. Upon the entry outwards of any goods to be shipped as stores from a warehouse, the Master or owner or agent of the ship shall, together with the shipper of the stores or his agent as surety, give security by bond in treble the amount of duty to which the goods are liable that the same shall be duly

Bond for ships' stores.

shipped, used on board as stores, and shall not be relanded at any port or place in the Colony of Natal without permission and in the presence of the proper officer of Customs, and such shipment as stores shall be limited to such quantities as the Collector of Customs shall deem sufficient. If any such stores shall be relanded at any place in the Colony without the sanction and not in the presence of the proper officer of Customs, the same shall be forfeited and the Master shall forfeit treble the duty-paid value of such stores or the sum of One Hundred Pounds, at the election of the Collector of Customs.

Quantity to be allowed to be shipped.
Forfeiture for relanding.

Deficiency in ship's stores.

103. If upon the return to this Colony, whether through stress of weather, want of repair, or other cause, of any ship which has cleared from any port of this Colony with stores on board any deficiency in such stores be discovered which, in the opinion of the Collector of Customs, shall be deemed to be in excess of the quantity which might fairly have been consumed, having regard to the length of time between such departure and return, the Master shall be liable to, besides the duties on such excess at the rate chargeable on the importation of goods, the subject of such excess, a penalty not exceeding Twenty Pounds.

104. Whenever any goods shall be taken to, and secured in, any of the Queen's warehouses in the Colony of Natal for security of the duties thereon, or to prevent the same coming into home use, it shall be lawful for the Collector or other principal officer of Customs to charge, demand, and receive warehouse rent for such goods for all such time as the same shall remain in the warehouse.

Queen's Warehouse rent.

105. It shall be lawful for the Collector of Customs, with the sanction of the Minister, to fix the rates or amount of rent which shall be payable for any goods secured in any of the Queen's warehouses aforesaid.

Rate or amount of rent.

106. It shall be lawful for the Collector of Customs, in order that the Queen's warehouses may not become overcrowded with packages or goods, to offer for sale and to sell by public auction to the highest bidder such packages or goods as have been in the said warehouses upwards of six months, upon giving not less than two weeks' notice to the importer thereof where known: Provided that all sales under this section shall not take place until the same shall have been advertised in at least two issues of the *Natal Government Gazette* and one or more local newspapers: Provided always that perishable goods may be sold at any time without notice or advertisement.

Sale of goods to clear Queen's Warehouse.

VII.—EXPORTATION, TRANSHIPMENT, TRANSIT.

107. No goods shall be shipped, put off, or waterborne to be shipped for exportation or as stores from any port or place in the Colony of Natal on Sundays or public holidays, except by special permission of the Collector of Customs, nor, except with the permission of, and under such regulations as may be made by the Collector of Customs, on any day from any place not being a wharf or other place duly appointed for

Days, times, places, regulations for shipment.

such purpose, nor, in the case of goods or stores from a bonded warehouse, otherwise than in the presence and with the authority of the proper Officer of Customs, nor before due entry outwards of such ship, and in the case of goods or stores from a bonded warehouse, due entry thereof for shipment; all shipments on any day other than Sundays or public holidays must take place between the hours of 7 a.m. and 5 p.m., unless special permission of the Collector of Customs has been obtained; and any goods shipped, put off or waterborne to be shipped contrary to the provisions of this section shall be forfeited.

108. It shall be lawful for the officers of Customs to examine all goods shipped or brought for shipment, and the opening for that purpose of packages containing such goods, and the weighing, repacking, landing (when necessary) and the shipping thereof shall be done by or at the expense and risk of the exporter.

Examination of goods for shipment.

109. The exporter of goods, for which no bond is required, shall, prior to shipment, or within such period after the final clearance outwards of the exporting ship as the Collector of Customs may direct, either by himself or his agent, deliver to the proper officer of Customs at the port of shipment an entry of the goods containing such particulars, and in such arrangement as shall be prescribed by the regulations in that behalf, and shall subscribe the declaration of truth at the foot of such entry, and on the demand of the proper Officer of Customs shall produce the invoice, or a declared copy thereof, together with the bills of lading or any other documents relating to the goods to test the accuracy of such entry. On failure to comply with any of the foregoing requirements, the exporter or his agent shall for every such offence be liable to a penalty of Five Pounds, and in case any of the particulars contained in such entry shall be incorrect or inaccurate, the person subscribing the declaration shall forfeit the like penalty.

Entry outwards.

110. The exporter of free or duty paid goods to the adjoining States and Territories shall deliver to the Collector of Customs an entry of the goods in such form, and containing such particulars and in such arrangement as may be prescribed, and on the demand of the proper Officer of Customs shall produce the invoice or a declared copy thereof, and any other documents relating to the goods, to test the accuracy of such entry. If the exporter or his agent shall fail to comply with any of the foregoing requirements, or if any of the particulars contained in any such entry be incorrect or inaccurate, he shall for every such offence forfeit the sum of Five Pounds.

Entry for export inland.

111. Goods imported for transshipment to other ships for exportation or conveyance to a port not within the Colony of Natal must be duly reported and entered with such particulars and in such form and manner as the Collector of Customs may direct, and the importer shall give security, to the satisfaction of the Collector of Customs, that the goods shall be duly exported to and landed

Transshipment.

at the place or places of destination specified, within such time and under such regulations as the Collector of Customs may consider necessary. Should any of such regulations be infringed, or should the goods not be duly reported, and entered if to be unladen, the goods shall be forfeited.

112. The Governor in Council may by proclamation from time to time prescribe such rates of Customs duties as may be deemed expedient, being also within the rates for the time being imposed upon goods imported for consumption within the Colony of Natal, to be paid upon any goods and things imported for transit to and consumption within any adjoining Colony, State, or Territory: Provided that this section shall not apply in respect of any Colony, State, or Territory being a party to any lawful convention or agreement by which the rates of duty on goods imported for consumption therein are specially fixed.

113. It shall be lawful for the proprietor of any imported goods, or his agent, to enter such goods as in transit to any of the adjoining States or Territories, and the removal shall take place under such conditions and by such ways as may from time to time be prescribed by the regulations in that behalf.

114. Such goods may, if the Importer so desire, be first warehoused on the necessary entry and subsequently entered and removed under the prescribed conditions: Provided that the remover shall on each occasion of removal enter into a bond, with one sufficient surety approved by the Collector, in the penalty of twice the duty on the goods, for the due observance and carrying out of such conditions: Provided, also, that where the duty involved does not exceed Ten Pounds Sterling it shall not be necessary to obtain a surety to the bond.

115. Notwithstanding the provisions of the foregoing section, it shall be competent for the person removing goods in transit as aforesaid to enter into a general bond, with two sufficient sureties to be approved by the Collector, for the due observance and carrying out of the prescribed conditions in the case of all goods which may from time to time be removed in transit by him.

116. If the proprietor of the goods or his agent shall infringe any of the conditions prescribed by the regulations relating to the removal of goods in transit, he shall be liable to a penalty of One Hundred Pounds in addition to the penalty of the bond, and the goods shall be forfeited.

VIII.—COASTING TRADE.

117. Trade by sea from one port to any other port of the Colony shall be deemed to be a coasting trade.

118. No goods shall be carried in any coasting ship except such as shall be laden to be carried coastwise at some port or place in the Colony duly authorised by the Governor; and if any goods shall be taken into or put out of any coasting ship at sea, or if any coasting ship shall touch at any

Transit duties on goods for consumption in inland countries.

Entry and removal of good in transit.

Warehousing of transit goods.
Bond.

General bond for transit goods.

What is coasting trade.

Conditions of coasting trade.

place out of the Colony, or deviate from her voyage unless forced by unavoidable circumstances, or if the Master of any coasting ship which shall have touched at any place out of the Colony shall not declare the same in writing under his hand to the Collector or principal officer of Customs at the port in the Colony where such ship shall afterwards first arrive, the Master of such ship shall be liable to a penalty of One Hundred Pounds.

119. Notwithstanding the provisions of the foregoing section, a ship may, with the special permission of the Collector or principal officer of Customs, and under such regulations as he may deem sufficient for the protection of the revenue, convey coasting cargo to any port or place in the Colony, and also cargo to or from any port or place out of the Colony. Any person contravening such regulations shall be liable to a penalty of One Hundred Pounds.

Conveyance by special permission of coasting cargo and other cargo

120. No vessel shall depart with a coasting trade cargo until the Master shall have declared before the Collector or other proper officer of Customs on a transire in duplicate, in such form and containing such particulars of the cargo as may be approved by the Collector, and such transire when signed by the Collector or other proper officer of Customs shall be the clearance of the vessel: Provided that the owner or Master may be granted a general transire under such conditions as the Collector of Customs may deem necessary, such general transire to be in force for twelve months. On each occasion of clearance under a general transire there shall be handed in to the Collector a notice of lading, and such notice shall, for the purpose of the stamp duties, be deemed a clearance of the ship.

Transire for coasting cargo.

General transire.

121. The Master of every coasting ship shall keep a cargo book containing an account, including marks, of all goods on board, with the consignees' names, and the time of arrival at, and departure from, any port or place shall be inserted therein. Such cargo book shall be produced on demand to any officer of Customs, who may make any mark therein. If the Master shall fail to enter or to have entered the particulars of any package, or if the book be not correctly kept or be not produced when asked for, the said Master shall be liable to a penalty of Twenty Pounds.

Cargo-book.

IX.—WHARF DUES, TUG DUES, LIGHT DUES, AND DECK CARGO.

122. There shall be levied upon all goods, articles, or things landed or shipped at or in any port or landing place in this Colony such wharf dues as shall from time to time be determined by the Governor in Council by proclamation, not being more than Ten Shillings for every Hundred Pounds of value of such goods, articles, and things; and such dues shall be paid at the time of entry to the Collector or other principal officer of Customs.

Wharf Dues.

123. For the purpose of the upkeep of the Steam Tugs belonging to the Government, there shall be charged upon all goods imported upon which duty is payable such a sum as may from time to time be determined by the Governor in

Tug dues.

Council by proclamation, but not exceeding 3d. for every Pound or part of a Pound of the duties payable, which sum shall be payable at the time of entry, to the Collector or principal officer of Customs.

Light dues.

124. For the purpose of the maintenance of the Light-houses in this Colony, there shall be payable to the Collector of Customs such an amount per ton register of every ship entering into or anchoring off the port of Port Natal as may be determined from time to time by the Governor in Council by proclamation; and it shall be lawful for the Collector of Customs to refuse to clear any such vessel until the said dues have been paid.

Deck cargo.

125. It shall be lawful for the officers of Customs to measure the space occupied by any deck cargo that may be carried by any vessel arriving at or departing from any port or place in the Colony; and Light Dues, Port and Harbour Dues and Charges shall be charged on the tonnage of such space in addition to the register tonnage of such vessel. The Master or agent shall at the time that report or clearance of the ship is made answer any questions concerning such deck cargo as shall be demanded of him by the Collector or other proper officer of Customs: Provided that a declaration and certificate of deck cargo space tonnage by the Master, owner, or agent may, at the option of the Collector of Customs, be accepted in lieu of the actual measurement. In the case of animals carried as deck cargo, such space shall be ascertained by a scale of cubic feet space per animal to be prescribed by the regulations in that behalf.

Reduction of or exemption from wharf, tug, or light dues.

126. Notwithstanding the provisions of the foregoing sections, the regulations made under this Act may provide for the reduction of Wharf Dues, Tug Dues, and Light Dues, in such cases as may be expedient, or for exemption from payment of any such dues.

Free goods liable to wharf dues.

127. Goods which by law are allowed to be imported free of Customs duty shall, upon importation by sea, be liable equally with all other goods to the payment of Wharf Dues.

X.—SMUGGLING, SEIZURES, AND FORFEITURES.

Smuggling, and evasion of Customs duties.

128.—Any person who shall evade or attempt to evade the payment of Customs duties, or who shall not produce any goods when lawfully called upon to do so, or who shall be in any way concerned in the evasion or attempted evasion of such payment, or in the not producing, or in the carrying uncustomed goods, shall forfeit treble the duty-paid value of such goods, or the sum of One Hundred Pounds, at the election of the Collector of Customs, and the goods shall be forfeited.

Forfeiture of vessels, vehicles, and animals used in smuggling.

129. All vessels, boats, carts, carriages, vehicles, or animals made use of in the importation or removal of any goods liable to forfeiture under this Act or any Act relating to the Customs, may be seized and forfeited; and every person who shall assist or be otherwise concerned in the importing, unshipping, shipping, landing, or removal, or in the harbouring of goods liable to forfeiture or forfeited under this Act, or into whose hands or possession the same shall

Accessories.

knowingly come, shall forfeit treble the duty-paid value thereof, or the penalty of One Hundred Pounds, at the election of the Collector or a proper officer of Customs; and the averment in any indictment, plaint, or declaration to be exhibited for the recovery of such penalty that the Officer proceeding has elected to sue for the sum mentioned in the information shall be deemed sufficient proof of such election without any further or other evidence of such fact.

130. All things liable to forfeiture under this Act, or any Act relating to the Customs, may be seized and secured by any officer of the Customs.

Seizure of things for forfeiture.

131. If any officer of Customs or any person duly employed for the prevention of smuggling, shall make any collusive seizure or deliver up, or make any agreement to deliver up or not to seize any vessel, boat, goods, stores or vehicle liable to forfeiture under this Act or any Act relating to the Customs, every such officer or other person shall for every such offence be liable to a penalty of One Hundred Pounds, and be rendered incapable of serving Her Majesty in any office whatever; and every person who shall give or offer, or promise to give, or procure to be given, any bribe, recompense, or reward to, or shall make any collusive agreement with, any such officer or person as aforesaid, to induce him in any way to neglect his duty, or to do, conceal, or connive at, anything whereby the provisions of this Act or of any Act or regulations relating to the Customs may be evaded, shall be liable to a penalty of Two Hundred Pounds.

Collusive acts by officers: bribery, etc

132. All things liable to forfeiture may be seized by any proper officer of Customs, and may on the expiry of one month thereafter be condemned and forfeited by the Collector of Customs, with the approval of the Minister, without any adjudication of forfeiture, and may be dealt with and disposed of as hereinafter prescribed: Provided that the owner or the person from whom any such thing shall have been seized may, within one month from the date of seizure, give notice in writing to the Collector of Customs that he claims the same; but provided also that unless he shall give such notice, and shall also, within six weeks from the date of seizure or such further time as the Court may allow, institute and prosecute with all reasonable speed proceedings for setting aside the seizure, the Collector of Customs may upon due notice to such owner or person proceed to deal with and dispose of the goods or other things in manner hereinafter provided.

Condemnation and forfeiture.

Procedure to set aside seizure.

133. Under the authority of a writ of assistance granted by the Supreme Court or a Judge thereof, it shall be lawful for any officer of the Customs, taking with him an officer of police if necessary, to enter any building or other place in the day time, and to search for and seize and secure any goods upon which the duties have not been, or are supposed not to have been paid, or which are liable to forfeiture under this Act or any Act relating to the Customs, and in case of necessity to break open any doors and any chests or other packages for that purpose; and such writ of assistance when issued

Writ of assistance: entry, search, and seizure thereunder.

shall be deemed to be in force during the whole of the reign in which the same shall have been granted, and for twelve months from the conclusion of such reign.

134. All things which shall be seized, as being liable to forfeiture under this Act, or any Act relating to the Customs, shall be taken forthwith, and delivered into the custody of the Collector or other principal officer of Customs at the Customs house nearest to the place where the same were seized, who shall secure the same by such means, and in such manner, as shall be prescribed by the regulations; and the Collector shall cause the same to be sold by public auction to the highest bidder: Provided always that it shall be lawful for the Minister to direct in what manner the produce of such sale shall be applied, or, in lieu of such sale, to direct that any of such things shall be destroyed, or shall be reserved for the public service.

135. If any goods shall be seized for non-payment of duties, or any other cause of forfeiture, and any dispute shall arise whether the duties have been paid for the same, or the same have been lawfully imported, or lawfully laden, or exported, the proof thereof shall lie on the owner or the person claiming such goods, and not on the officer who shall seize or stop the same.

136. Any forwarding agent, or landing or shipping agent who shall be convicted of contravening any of the provisions of this Act, or any Act relating to the Customs, shall forfeit his license to act or perform work as such and shall not again, except by permission of the Governor, be allowed to obtain such a license or to perform work in connection with Customs matters; and any pilot so convicted shall forfeit his license to act in that capacity, and shall thereafter be rendered incapable of serving Her Majesty in any office whatever.

137. The Collector or other senior officer of Customs may, in the execution of his office, sell goods by auction without being compelled to take out a license for that purpose.

XI.—REGULATIONS.

138. The Governor in Council may from time to time make and alter regulations for all matters necessary for fully and effectually carrying out the provisions of this Act.

139. All regulations in force at the date of taking effect of this Act shall be deemed to be regulations made under this Act save so far as may be contrary thereto.

140. The Governor in Council may from time to time make special disciplinary regulations relative to the Customs Department, and may by such regulations appoint penalties for breaches thereof, not exceeding in any one month, seven days' pay of an officer or employé and in no case exceeding Five Pounds.

141. The imposition of any such penalty shall be in the absolute discretion of the Collector of Customs, acting with the approval of the Minister.

Custody and sale of forfeited goods.

Burden of proof of payment of duty.

Forfeiture of license by agents:

by pilots.

No license required by Customs Officer for sale by auction.

Regulations,

Existing regulations.

Disciplinary regulations.

Imposition of disciplinary penalty.

XII.—OFFENCES, PROSECUTIONS AND LEGAL PROCEEDINGS.

- 142.** The contravention, infringement, or wilful disregard of any obligation or prohibition imposed by this or any other Act relating to the Customs, or by the regulations thereunder, shall be deemed an offence. Offences.
- 143.** The enforcement of the penalties and forfeitures imposed by this or any other Act relating to the Customs, or by any regulations thereunder, shall be by criminal prosecution in any competent Court, or any such penalties or forfeitures may be sued for by a civil action at the instance of the Collector of Customs, without prejudice, however, to the exercise of any powers of seizure and forfeiture competent to him under this Act. Enforcement of penalties and forfeitures.
- 144.** If any penalty be not paid on conviction, the Judge or Magistrate may forthwith commit the offender to prison, there to be imprisoned with or without hard labour for such term as such Judge or Magistrate shall see fit to order, and as shall be within the competency of the Court, unless the penalty be sooner paid. Imprisonment for default of payment.
- 145.** Wherever in this Act, or any Act relating to the Customs, the pecuniary penalties appointed for the contravention of the provisions thereof are fixed sums, the Court may exercise discretion as to awarding the full penalty appointed, or any less penalty. Discretion as to amount of penalties.
- 146.** All offences for which no special punishment is appointed shall be cognisable in the Courts of Magistrates, and punishable by fine or imprisonment, with or without hard labour, according to the ordinary jurisdiction of such Courts. All offences for which no greater punishment than a fine or penalty of One Hundred Pounds or imprisonment, with or without hard labour, for six months, is appointed, shall be cognisable in the Courts of Magistrates. Any case in which a penalty of not more than One Hundred Pounds is sued for shall be cognisable in the Courts of Magistrates. Jurisdiction of Magistrates.
- 147.** Where an offence has been committed against any Act relating to the Customs, which offence would not otherwise be cognisable by a Magistrate, by reason of the punishment to which the same is subject, it shall be lawful for the Attorney-General to direct the case to be tried in the Court of a Magistrate, or to remit the case for trial in the Magistrate's Court, and thereupon it shall be competent for such Magistrate to take cognisance of such offence, and to award in respect thereof such punishment as is competent under the ordinary criminal jurisdiction of a Magistrate's Court: Provided that no person shall be deprived of the right competent to him under Section 5 of Law No. 16, 1861, or of any Act amending or extending the provisions thereof. Special jurisdiction of Magistrates under certificate by Attorney-General.
- 148.** The provisions of Section 22 of the Ordinance No. 18, 1845, entitled "Ordinance for regulating the manner of proceeding in criminal cases in the District of Natal," or the similar provisions of any Act amending the said section, shall apply in respect of every offence against this or any Powers for arrest without warrant.

other Act relating to the Customs. Every officer of the Customs shall, for the purposes of this section and of the said section of Ordinance No. 18, 1845, as applicable to this section, be deemed to be an officer of the law.

Offender may be brought up upon summons.

149. It shall be competent for the Collector or principal officer of Customs to elect that an offender shall be brought before the Magistrate by summons, and should the summons be disobeyed, the Magistrate may issue a warrant for the arrest of the offender.

Customs Officer may secure smugglers, etc., and take them before the Magistrate.

150. The Collector or other proper officer of Customs shall have the power, in all cases where a person is detected or is concerned in an attempt to import or land goods illegally or to evade the payment of duties upon any goods, to forthwith take the offender or offenders before the Magistrate to be summarily or otherwise dealt with, or to secure such offender, in the Police Office or other suitable place, until he can be so taken before the Magistrate.

Bail in Magistrate's Court cases.

151. The Collector of Customs, or any officer of Customs duly appointed by him, shall have the authority of an officer of Police for the taking of bail for any offence in respect of the Customs cognisable in a Magistrate's Court.

Discretion of Collector to waive proceedings or to demand part of penalty, etc., or to release things seized.

152. The Collector of Customs, with the approval of the Minister, may waive proceedings against any person liable to a penalty or forfeiture under this or any other Act relating to the Customs, or may demand, accept, or sue for the whole of such penalty or forfeiture or any part thereof. It shall also be lawful for the Collector, with the approval of the Minister, to release all things detained or seized for any contravention of this Act or of any Act relating to the Customs upon the payment of such sum of money as the Collector may determine, or on such terms as may be considered by him adequate.

Remission of penalty or forfeiture in civil suit.

153. The Minister may remit the whole or any part of a penalty or forfeiture adjudged in a civil suit, but nothing in this section shall be deemed to apply to any criminal proceedings or to the sentence of a Criminal Court.

Prescription of criminal and other proceedings.

154. Proceedings for securing the punishment of any offence against the Acts relating to the Customs, or for enforcing any penalty or penalties or forfeiture incurred, may be taken at any time within three years from the commission of the offence.

Reward to informer.

155. It shall be lawful for the Collector of Customs, with the approval of the Minister, to award any special sum out of a penalty recovered or out of the proceeds of the sale of any forfeited property, to the officer or person by whose means and information the offence has been made known.

Security for costs in suits for things seized.

156. No person shall be admitted to enter a claim to anything seized in pursuance of this Act, or any Act relating to the Customs, until sufficient security shall have been given in the Court where such claim is prosecuted, in a sum not exceeding One Hundred Pounds, to pay the costs occasioned by such claim.

157. No action shall be instituted against any officer of the Customs, or any person acting as such, for anything done in the exercise of his office, until one month after notice, in writing, shall have been served upon him by, or on behalf of the person who intends to bring such action, in which notice shall be clearly and explicitly contained the cause of the action, and the name and place of abode of the person bringing such action.

Actions against
Customs
Officers : notice

158. In case any suit shall be brought to trial on account of any seizure or anything done under this Act, or any Act relating to the Customs, and a judgment shall be found for the plaintiff, and the Court shall certify on the record that there was probable cause of seizure or justification for the thing done, the plaintiff shall not be entitled to any costs of suit ; nor shall the person who made such seizure or did such thing be liable to any criminal prosecution on account of such seizure or thing done.

No plaintiff's
costs in certain
cases.

Exemption from
prosecution.

159. In any such action, if the Judge or Court before whom such action shall be tried shall certify upon the record that the defendant in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than One Shilling damages, nor to any costs of suit.

Limit of costs
in certain cases.

160. Every person who shall make any false declaration or untrue statement in connection with any matter relating to the Customs, or who shall counterfeit, falsify, or falsely make, or wilfully use when counterfeited, falsified, or falsely made, any entry, warrant, cocket, transire, or other document for the unlading, lading, entering, reporting, or clearing any ship or vessel, or for the landing, shipping, or removing from ship, shed, or warehouse, of any goods, stores, baggage, or article whatever, or who shall by any false statement procure any writing or document to be made or given for any such purposes, or who shall forge, falsify, falsely make, or counterfeit or alter any Customs' document whatever, shall be guilty of an offence, and shall for every such offence be liable to a penalty of Two Hundred Pounds.

False declara-
tions, forgery,
and falsification
of documents.

161. No person merely by reason of any criminal proceedings against him under this Act, or any Act relating to the Customs, shall be exempted from payment of any duties, or from liability under any bond, or from any civil suit or action.

Civil suit not
barred by
criminal pro-
ceedings.

162. A criminal prosecution or conviction under this or any Act relating to the Customs shall not prejudice any other criminal prosecution to which the offender would otherwise be liable, provided that he be not punished twice for the same act.

Saving of
liability for
other crimes.

XIII.—MISCELLANEOUS.

163. Whenever any person shall make application to any officer of Customs, to transact any business on behalf of any other person, such officer may require the person so applying to produce a written authority from the person on whose behalf such application shall be made, and in default of the production of such authority, may refuse to transact such business,

Agent's
authority may
be demanded.

Locking, sealing, etc., any goods suspected not to be duty-paid.

164. Any officer of Customs with general authority from the Collector of Customs may place any lock, mark, or seal on any goods or on any package or place containing any goods on shore, whether in a bonded warehouse or not, upon which the proper duties of Customs have not been or are suspected not to have been paid; and if such lock, mark, or seal shall be wilfully opened, altered, or broken, or if such goods so secured shall be secretly conveyed away so that they cannot be accounted for to the satisfaction of the Collector or proper officer of Customs, the owner or remover of such goods shall be liable to a penalty not exceeding Two Hundred Pounds.

Expenses of landing, examination, weighing, etc.

165. The unshipping, shipping, carrying, landing, opening, closing, packing, unpacking, or repacking of all packages or goods, and the bringing of the same to the proper place for examination, or for weighing, or for gauging, or for measuring, and the putting the same into the scales for weighing or removing therefrom shall be performed by or at the expense and risk of the importer or exporter, as the case may be, and in the case of goods examined in the warehouse, at the expense and risk of the proprietor of the goods.

Sampling by Customs Officers

166. The officers of Customs may, on the entry of any goods or at any time afterwards, take samples thereof for examination, or for ascertaining the duties payable on the same, or for such other purpose as the Collector of Customs may deem necessary, and such samples shall be disposed of and accounted for in such manner as the Collector of Customs may direct.

Permission to take samples without payment of duty.

167. The Collector may, under such regulations as he shall prescribe, permit moderate samples to be taken of any goods without entry and without payment of duty, except as the same shall eventually become payable as on a deficiency of the original quantity.

Bonds by landing, shipping, and forwarding agents, and carriers.

168. Landing, shipping, and forwarding agents transacting Customs business, and trolley owners and others carrying goods, upon which the duties have not been paid, and which are being removed under bond, shall, if required by the Collector of Customs and before such Customs business can be transacted or such goods be carried, enter into security by bond, with one or more sureties and in such amount as the Collector of Customs may deem sufficient, that they will duly observe all regulations laid down by the Collector of Customs, to govern such business or carrying as the case may be. Such bond may be a general one to cover all such work to be done at any time.

SCHEDULE A.

ORDINANCE, LAWS, AND ACTS REPEALED.

No. and Year.	Title.	Extent of Repeal
Ord. 6, 1855.	Ordinance for the general management and regulation of the Customs in the District of Natal.	The whole Ordinance.

No. and Year Laws.	Title.	Extent of Repeal
18, 1866.	Law to repeal Law No. 30, 1865, entitled " Law to amend the Ordinance No. 6, 1855, entitled "Ordinance for the general management and regulation of the Customs in the District of Natal," and also to amend the said Ordinance No. 6, 1855.	The whole Law.
13, 1868.	Law to authorise the levying and collection of Dues at the Port of Natal in respect of the Lighthouse on the Bluff Rock.	The whole Law.
12, 1875.	Law to enable certain Wharfage Dues to be levied at the Harbour of Port Natal.	The whole Law.
9, 1877.	Law to give effect to certain provisions of the Imperial Merchant Shipping Act of 1876, and to provide for levying of Light Dues on vessels carrying Deck Cargoes between the United Kingdom and this Colony.	The whole Law.
2, 1885.	To amend Law 17 of 1874.	The whole Law.
11, 1885.	To amend Customs Ordinance No. 6 of 1855.	The whole Law.
6, 1886.	To provide for the continuance of certain Customs Duties, Fees or Charges imposed by the Steam Tug Loan Law, 1871.	The whole Law.
7, 1886.	To continue the Law No. 12, 1875, entitled " Law to enable certain Wharfage Dues to be levied at the Harbour of Port Natal."	The whole Law.
6, 1888.	To repeal and re-enact with amendments the Law No. 15, 1887, entitled " Law to provide for the rebate of Customs Duties on Goods, Wares, or Merchandise, including Wines and Spirits, purchased in Natal for the use of Her Majesty's Forces and Military and Naval Officers."	The whole Law.

No. and Year.	Title.	Extent of Repeal.
Laws.		
10, 1888.	To amend the Ordinance 6, 1855, entitled "Ordinance for the general Management and Regulation of the Customs in the District of Natal."	The whole Law.
8, 1889.	To amend Ordinance 6, 1855, entitled "Ordinance for the general Management and Regulation of the Customs in the District of Natal."	The whole Law.
3, 1893.	To amend the Laws relating to the general Management and Regulation of Customs and to provide for the establishment of Ports of Entry and Departure other than the Port of Port Natal.	The whole Law.
4, 1893.	To continue with certain amendments, the Customs Duties and Transit Dues Law, 1886, and to extend the provisions of Law No. 6, 1888.	The whole Law.
Acts.		
35, 1894.	To amend Ordinance No. 6, 1855, entitled Ordinance "For the General Management and Regulation of the Customs in the District of Natal."	The whole Act
19, 1896.	To amend the Laws relating to the Customs.	The whole Act.
6, 1898.	For the better protection of the Customs and Excise Revenue in certain cases.	The whole Act so far as it relates to the Customs.
47, 1898.	To amend the Laws relating to the Wharf Dues and Tug Duties.	The whole Act.
50, 1898.	To provide for the entry of the Colony of Natal into a South African Customs Union, and to amend the Laws relating to the Customs.	Sections 6, 7, 8, 9, 18, 20, 21, 24, 26,

Given at Government House, Natal, this Thirty-first day of July, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,

Colonial Secretary.

WALTER HELY-HUTCHINSON,
Governor.



V.

R.

ACT,

“To amend and extend the Provisions of Law No. 2, 1884, entitled Law ‘To make provision for Enforcing Quarantine Regulations on the Inland Borders of the Colony.’”

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Law No. 2, 1884, entitled Law “To make Provision for enforcing Quarantine Regulations on the Inland Borders of the Colony,” shall extend to the whole of the Colony in like manner as to the Inland Borders thereof.

Extension of Law 2, 1884, to whole Colony.

2. The powers conferred by the said Law upon the Governor may at any time be exercised by a Magistrate in any part of the Colony if the circumstances appear to him not to admit of delay, but in every such case the Magistrate shall at once report the action taken by him for the information of the Governor.

Exercise of powers by Magistrate.

3. The Magistrate or District Surgeon, or any person having authority in that behalf under the regulations, may by himself, or by any person acting under his orders, give directions for the setting and keeping apart, or for the disinfection or destruction of any clothing, goods, or other articles considered likely to disseminate small-pox or other infectious disease, as defined by proclamation, and for the purification to his satisfaction of any building, place, or thing which he may deem to be contaminated. The owner or person in charge of any building, place or thing, shall be obliged to give every assistance in the carrying out of any such directions.

Disinfection, destruction, or setting apart of articles likely to spread disease.

4. The owner of any article which may be destroyed as aforesaid shall be entitled to receive compensation therefor to the extent of two-thirds of the value of the articles destroyed, and such payment shall be made from the General Revenue, unless the destruction be ordered under the powers

Compensation for articles destroyed.

hereinafter defined in regard to Boroughs and Townships, in which case payment shall be made from the fund of the Borough or Township as the case may be.

Destruction of huts.

5. The Governor shall have power to order the destruction of any hut or shanty, but no such hut or shanty shall be destroyed except upon the recommendation of the District Surgeon and with the approval of the Governor, and the owner of such hut or shanty shall be compensated to the extent of the value thereof.

Offences

6. Section 4 of Law No. 2, 1884, shall be repealed, and in lieu thereof the following shall be substituted :—

- (a) If any person who has been lawfully placed or ordered to remain in quarantine shall escape from quarantine, or shall depart therefrom without proper permission having been granted, or shall disobey or disregard the rules and orders made by the proper authority in respect of such quarantine; or
- (b) If any person suffering from the disease of small-pox or any other disease defined by Proclamation to be infectious, or who has been declared to be suspected of having any such disease by a District Surgeon or Officer appointed for inspection or quarantine purposes, shall enter the Colony without permission from the proper authority, and without complying with the regulations regarding inspection, quarantine, and the like; or
- (c) If any person shall knowingly introduce or be a party to the introduction into Natal of any person suffering, or suspected to be suffering, from any such disease, without such permission and compliance as aforesaid; or
- (d) If any person shall disobey or wilfully disregard a lawful order made by an officer having competent authority in that behalf,

he shall be guilty of an offence.

Punishment of offences.

7. Section 5 and the proviso of Section 3 of Law No. 2, 1884, shall be repealed, and in lieu thereof the following shall be substituted :—

All contraventions of this Act or of the Regulations shall be cognisable in the Court of the Magistrate in whose Division the contravention was committed or the offender is found, and shall be punishable according to the ordinary criminal jurisdiction of Magistrates' Courts.

Application of Law and Act to boroughs and townships.

8. In any Borough established under Law No. 19, 1872, and in any Township established under Law No. 11, 1881, the powers defined by Section 1 of Law No. 2, 1884, and by Section 3 of this Act shall be exercised by the Town Council or the Local Board, as the case may be, and not by the Governor or by a Magistrate, and shall be carried out and enforced in accordance with By-laws made in the same

manner as the ordinary By-laws of the Borough or Township. The contravention of any such By-laws shall be punishable with the like punishments as are appointed for contraventions of this Act, and any fines imposed for the contravention of such By-laws shall form part of the funds of the Borough or Township.

9. Law No. 2, 1884, and this Act shall be read and construed together as one Act.

Joint construction of laws.

Given at Government House, Natal, this Thirty-first day of July, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.



ACT,

“To continue the operation of Law No. 9, 1882, entitled Law ‘To continue with certain amendments, the Law No. 25, 1880,’ entitled Law ‘To provide for the Management and Working of the Natal Government Railways.’”

WHEREAS by Act No. 9, 1898, provision is made for the continuance in force and operation until the 31st day of December, 1899, of the Law No. 9, 1882 :

AND WHEREAS the said Act No. 9, 1898, will expire on the 31st day of December, 1899 :

AND WHEREAS it is expedient that the said Law No. 9, 1882, should be continued in force and operation until the 31st day of December, 1900 :

BE IT THEREFORE ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. The Law No. 9, 1882, entitled Law “To continue with certain amendments, the Law No. 25, 1880,” entitled Law “To provide for the management and working of the Natal Government Railways,” shall be and remain in force and operation from and after the 31st day of December, 1899, until the 31st day of December, 1900.

2. The words “Natal Government Railways,” whenever used in the said Law No. 9, 1882, shall include all Government Railways, now or hereafter to be constructed, and all Railways worked by the Natal Government Railways.

Given at Government House, Natal, this Fifteenth day of August, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

No. 16, 1899.]

WALTER HELY-HUTCHINSON,
Governor.



ACT,

“To amend Act No. 27, 1898, entitled Act ‘To make better provision for Preventing the Spread of the Disease called Glanders.’”

BE IT ENACTED by the Queen’s Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Section 14 of Act No. 27, 1898, entitled Act “To make better provision for Preventing the spread of the Disease called Glanders,” shall be amended by the addition thereto of the following words :—

Provided also that no compensation shall be claimable by the owner of any animal which has been introduced into this Colony from the neighbouring States or Colonies, or by sea within a period of six months prior to the application of the test as above provided for, and that, if called upon to do so, it shall lie with the person claiming compensation to prove to the satisfaction of the Minister of Agriculture, that the animal was introduced prior to the said period of six months.

Given at Government House, Natal, this Fifteenth day of August, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary



“To facilitate the laying of wires for electric lighting purposes across public roads.”

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Interpretation.

1. In this Act—

The word “Person” includes a partnership, company, or Corporation ; and

The words “Public Road” mean and include any public road maintained by the Government, and no other.

Application for leave to carry wires across road.

2. Any person wishing to carry wires for electric lighting purposes, either overhead or underground, across any public road, may apply to the Minister of Lands and Works for license to do so.

Conditions of application.

3. Every application for a license shall show that the consent of the owners of the land abutting upon the public road at the point of crossing has been obtained, and shall be supported by a diagram prepared by a sworn Land Surveyor setting out the direction and position of the proposed line of wires.

Deposit for expenses.

4. Every application shall be accompanied by a deposit of Twenty-five Pounds sterling, and any expense that may be incurred by the Government in and about the application shall be paid out of the deposit, and the balance shall be returned to the person making the deposit.

Issue of license.

5. The Minister of Lands and Works shall satisfy himself by enquiry that there are no objections to the application, and may thereupon grant a license.

Duration and renewal of license.

6. A license shall be in force for seven years from the date of its issue, and may be renewed from time to time for further periods of not more than seven years.

Conditions of license.

7. A license shall contain conditions regulating the following matters :—

(a) The securing the safety of the public from injury to person or property.

- (b) The height of the wires over, or the depth of the wires under, a road.
- (c) The strength, material and construction of the poles or pipes.
- (d) Generally, any matters connected with the undertaking.

8. No works authorised by any license shall upon completion be put to any use until they shall have been examined and certified to be fit for use by an engineer to be appointed by the Chief Engineer, Public Works Department, and any expense connected with such examination and the obtaining of the necessary certificate shall be borne by the person obtaining the license.

Works to be certified before being used.

9. The Minister of Lands and Works may give permission in writing for the transfer of a license.

Transfer of license.

10. It shall be lawful for the Chief Engineer, Public Works Department, or his duly appointed deputy, at any time to enter upon and inspect the works authorised by any license, and to give such directions as he may think necessary for the upkeep of the works and for the prevention of damage to property or injury to the person. All such directions shall be at once carried out by the person holding the license, and in the event of his failing to do so it shall be lawful for the said Chief Engineer or his deputy to have them carried out at the expense of the said person in any manner he may think proper.

Inspection : upkeep.

11. Notwithstanding the provisions of the preceding section, it shall be lawful for the Minister of Lands and Works to cancel and determine a license granted under this Act if after ten days' notice has been given to the holder of the license of any breach of its conditions, or on his failure to comply with any instruction given by the Chief Engineer as aforesaid, the holder of the license shall fail to make good any such breach of the conditions, or to comply with the Chief Engineer's instructions, within the time appointed by the notice.

Cancellation of license for default.

12. There shall be a right of appeal to the Minister of Lands and Works against any direction of the Chief Engineer or his deputy, and the decision of the Minister thereon shall be final.

Appeal against direction of Chief Engineer.

13. The holder of a license shall be liable for any damage to property or for any injury to the person occasioned by reason of any defect in the construction of the works, or in any of the materials used thereon, or because of the negligence or default of his servants or employees.

Liability of license-holder for injuries.

14. Whosoever shall unlawfully or maliciously cut down, break through, dig up, or otherwise injure or destroy any wires or pipes or other works, the construction of which has been duly licensed under this Act, shall be guilty of an offence, and on being convicted thereof shall be liable to a penalty not exceeding Ten Pounds sterling.

Malicious injury to works.

Given at Government House, Natal, this Fifteenth day of August, 1899.

By command of His Excellency the Governor.

CHARLES J. SMYTHE,
Colonial Secretary.

No. 18, 1899.]

WALTER HELY-HUTCHINSON,
Governor.



ACT,

“To amend the Play Rights Act, 1898.”

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The words—

“‘Representation’ : ‘Perform,’ shall mean the representation or performance of any play-right work, either in public or private,”

occurring in Section 2 of the Play Rights Act, 1898, shall be expunged, and in lieu thereof the following shall be substituted :—

“Representation” or “Performance” shall mean the representation or performance of any play right work in a public place.

Given at Government House, Natal, this Fifteenth day of August, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

WALTER HELY-HUTCHINSON,
Governor.



“To provide for the Registration of Designs.”

BE IT ENACTED by the Queen's Most Excellent Majesty,
by and with the advice and consent of the Legislative
Council and Legislative Assembly of Natal, as follows:—

DEFINITIONS.

- “Registrar” means Registrar of Deeds for the Colony. Definitions
- “Design,” in and for the purposes of this Act, means any design applicable to any article of manufacture or to any substance, artificial or natural, or partly artificial and partly natural, whether the design is applicable for the pattern or for the shape or configuration or for the ornamentation thereof, or for any two or more such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, pressing or stamping, staining, or any other means whatever, manual, mechanical, or chemical, separate or combined, not being a design for sculpture.
- “Copyright” means the exclusive right to apply a design to any article of manufacture, or to any such substance as aforesaid in the class or classes in which the design is registered.
- “Proprietor” means the author of any new or original design unless he executed the work on behalf of another person for a good or valuable consideration, in which case such person shall be considered the proprietor, and every person acquiring for a good or valuable consideration a new and original design or the right to apply the same to any such article or substance as aforesaid, either exclusively of any other person

or otherwise, and also every person on whom the property in such design or such right to the application thereof shall devolve, shall be considered the proprietor of the design in the respect in which the same may have been so acquired and to that extent, but not otherwise.

REGISTER OF DESIGNS.

Register of designs.

1. A register of designs as defined by this Act and of the proprietors thereof, shall be established and kept by the Registrar, and from and after the date of the promulgation of this Act, a person shall not be entitled to institute any proceedings to prevent or to recover damages for the infringement of any design as defined by this Act until and unless such design is registered in pursuance of this Act.

Register *prima facie* evidence of matters recorded.

2. The register of designs shall be *prima facie* evidence of any matters by this Act directed or authorised to be entered therein.

Notice of trust not registerable.

3. There shall not be entered in any register kept under this Act, or be receivable by the Registrar, any notice of any trust expressed, implied or constructive.

Inspection : copies.

4. Every register kept under this Act shall at all convenient times be open to the inspection of the public subject to the provisions of this Act, and to such regulations as may be prescribed, and copies certified by the Registrar of any entry in such register shall be given to any person requiring the same on payment of the prescribed fee.

Evidence by copies and extracts.

5. Printed or written copies or extracts purporting to be certified by the Registrar of, or from any documents, register, or other books kept in the Deeds Registry Office under the provisions of this Act, shall be admitted in evidence in all Courts and in all proceedings without further proof or production of the originals.

Correction of register

6. The Supreme Court may on the application of any person aggrieved by the omission without sufficient cause of the name of any person from any register kept under this Act or by any entry made without sufficient cause in any such register, make such order for making, expunging or varying the entry as the Court thinks fit, or the Court may refuse the application ; and in either case may make such order with respect to the costs of the proceedings as the Court thinks fit.

Determination of issues necessary for rectification of register.

7. The Court may in any proceeding under this Section decide any question that it may be necessary or expedient to decide for the rectification of a register, and may direct an issue to be tried for the decision of any question of fact either upon pleadings or in such other manner as the Court may think fit, and may award damages to the party aggrieved.

Notice to Registrar.

8. Any Order of the Court rectifying a register shall direct that due notice of the rectification be given to the Registrar.

Evidence of entry.

9. A certificate purporting to be under the hand of the Registrar as to any entry, matter, or thing which he is

authorised by this Act, or any rules and regulations made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, for the matter or thing having been done or left undone.

REGISTRATION OF DESIGNS.

10. The Registrar may, on application by or on behalf of any person claiming to be the proprietor of any new or original design not previously published in this Colony register the design under this Act, and shall grant a certificate of registration to the proprietor of the design when registered.

Registration of design.

11. The same design may be registered in more than one class.

Registration in several classes.

12. The Registrar may, if he think fit, refuse to register any design presented to him for registration, but any person aggrieved by such refusal may appeal therefrom to the Supreme Court, and due notice thereof shall be given to the Registrar. The said Court may make an order determining whether and subject to what conditions, if any, registration is to be permitted.

Refusal to register : appeal.

COPYRIGHT IN REGISTERED DESIGNS.

13. When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Act, have copyright in the design during five years from the date of registration.

Copyright in registered design.

14. Before delivery or sale of any articles to which a registered design has been applied, the proprietor must (if exact representations or specimens were not furnished on the application for registration) furnish to the Registrar the prescribed number of exact representations or specimens of the design ; and if he fail to do so, the said Registrar may erase his name from the register, and thereupon his copyright in the design shall cease.

Delivery of representations or specimens.

15. Before delivery or sale of any articles to which a registered design has been applied, the proprietor of the design shall cause each such article to be marked with the prescribed mark or with the prescribed word or words denoting that the design is registered, and if he fail to do so, the copyright in the design shall cease, unless the proprietor shall show that he took all proper steps to ensure the marking of the article.

Marking of articles.

16. During the existence of copyright in a design the design shall not be open to inspection except by the proprietor or a person authorised by the Attorney-General or by the Supreme Court, and furnishing such information as may enable the Registrar to identify the design, nor except in the presence of the Registrar, nor except on payment of the prescribed fee ; and the person making the inspection shall not be entitled to take any copy of the design or of any part thereof : Provided that where registration of a design is refused on the ground of identity with a design already registered the applicant for registration shall be entitled to inspect the design so registered.

Inspection of registered design.

Inspection after
copyright has
ceased.

17. When the copyright in a design has ceased the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

18. On the request of any person producing a particular design, together with its mark of registration, or producing only its mark of registration, or furnishing such information as may enable the Registrar to identify the design, and on payment of the prescribed fee, it shall be the duty of the Registrar to inform such person whether the registration still exists in respect of such design, and if so, in respect of what class or classes of goods, and stating also the date of registration and the name and address of the registered proprietor.

Failure of copy-
right through
non-user, etc.

19. If a registered design is used in manufacture elsewhere than in this Colony, and is not used in this Colony within six months of its registration in this Colony, the copyright in the design shall cease.

Registration of
assignment.

20. Where a person becomes entitled by assignment, transmission, or other operation of law to the copyright in a registered design, the Registrar shall on request, and on proof of title to his satisfaction, cause the name of such person to be entered as proprietor of the copyright in the design in the register of designs as the case may be. The person for the time being entered in the register of designs as proprietor of a copyright in a design shall, subject to any rights appearing from such register to be vested in any other person, have power absolutely to assign, grant licenses as to or otherwise deal with the same, and to give effectual receipts for any consideration for such assignment, license, or dealing.

FEES.

Fees.

21. There shall be paid in respect of applications and registrations, and other matters under this Act, the fees set forth in the Schedule to this Act, and such fees shall be paid in stamps.

RULES.

Rules.

22. The Registrar may, from time to time, with the consent of the Governor, make and when made, alter, annul, or vary such general rules as to the registry of designs and as to the classification of goods for the purposes of this Act, and generally for the purpose of carrying into effect this Act, as he may deem expedient. Any rules made in pursuance of this Section shall be forthwith laid before both Houses of Parliament if Parliament be then sitting, or if not then sitting then within ten days after the then next assembling of Parliament, and shall be of the same validity as if they had been enacted by Parliament: Provided that if either House of Parliament resolve within one month after such rules have been laid before such House that any of such rules ought not to continue in force, any rule in respect of which such resolution has been passed shall after the date of such resolution cease

to be of any force, without prejudice nevertheless to the making of any other rule in its place, or to anything done in pursuance of any such rules before the date of such resolution.

LEGAL PROCEEDINGS.

23. During the existence of copyright in any design

Unlawful use of design.

(a) It shall not be lawful for any person without the license or written consent of the registered proprietor to apply, or cause to be applied, such design or any fraudulent or obvious imitation thereof in the class or classes of goods in which such design is registered, for the purposes of sale to any article of manufacture or to any substance artificial or natural, or partly artificial and partly natural.

(b) It shall not be lawful for any person to publish or expose for sale any article of manufacture or any substance to which such design or any fraudulent or obvious imitations thereof shall have been so applied without the consent of the registered proprietor.

Publication or exposure of articles unlawfully marked.

Any person who acts in contravention of this Section shall be liable for every offence to forfeit a sum not exceeding £50 to the registered proprietor of the design, who may recover such sum in the Court of any Magistrate having jurisdiction; Provided that the total sum forfeited in respect of any one design shall not exceed One Hundred Pounds.

Penalties.

24. Notwithstanding the remedy given by this Act for the recovery of such penalty as aforesaid, the registered proprietor of any design may, if he elect to do so, as an alternative to the remedy in the preceding section mentioned, bring an action for the recovery of any damages arising from the application of any such design or of any fraudulent or obvious imitation thereof, for the purpose of sale, to any article of manufacture or substance, or from the publication, sale, or exposure for sale by any person of any article or substance to which such design or any fraudulent or obvious imitation thereof shall have been so applied, such person knowing that the proprietor had not given his consent to such application.

Damages.

OFFENCES.

25. If any person makes or causes to be made a false entry in any register kept under this Act, or a writing falsely purporting to be a copy of an entry in such register, or produces, or tenders, or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of the crime of fraud.

False entries or copies.

26. Any person who describes any design applied to any article sold by him as registered which is not so shall be liable for every offence to a fine not exceeding Twenty Pounds, to be recovered in any competent Court.

False pretence of registration.

What constitutes representation of registration.

27. A person shall be deemed for the purposes of this Act to represent that a design is registered if he sells the article with the word registered, or any word or words expressing or implying that registration has been obtained for the article stamped, engraved, or impressed on or otherwise applied to the article.

INDUSTRIAL, INTER-COLONIAL, INTERNATIONAL, AND OTHER EXHIBITIONS.

Registration notwithstanding exhibition

28. The exhibition at an industrial, inter-colonial, or international exhibition, or the exhibition elsewhere during the period of the holding of the exhibition, without the privacy or consent of the proprietor of a design or of any article to which a design is applied, or the publication during the holding of any such exhibition of a description of a design, shall not prevent the design from being registered, or invalidate the registration thereof, provided that both the following conditions are complied with, viz. :—

- (a) The Exhibitor must, before exhibiting the design or article, or publishing a description of the design, give the Registrar the prescribed notice of his intention to do so, and
- (b) The application for registration must be made before or within six months from the date of the opening of the exhibition.

SHORT TITLE.

Short title.

29. This Act may be cited as the “Registration of Designs Act, 1899.”

SCHEDULE.

	£	s.	d.
For every application to register one design, for one or more articles included in one class...	0	10	0
For every application to register more than one design for one or more articles included in one class, for each additional design after the first	0	5	0
For every application to register a design in respect of goods in different classes, for every class after the first to which such design is extended an additional fee of	0	5	0
For the registration of a single design	2	0	0
Where the same person is registered at the same time for the same design in respect of goods in different classes, for the registration of one design in each class after the first an additional fee of	0	5	0
Where the same person is registered at the same time for more than one design for one or more articles included in one class, for the registration of each additional design after the first	1	0	0

	£	s.	d.
On every application to register a subsequent proprietor in cases of assignment or transmission, the first design	1	0	0
For every additional design assigned or transmitted at the same time	0	5	0
For altering address in the register for every design	0	5	0
For every entry in the register of a rectification thereof, or an alteration therein not otherwise charged	0	10	0
For every certificate of registration .../...	1	0	0
For every copy of such certificate	0	5	0
For inspecting register for every quarter of an hour	0	2	0
On every application to Registrar under Section 18 for information as to whether registration still exists in respect of a design/	0	5	0
For certified copy of an entry, for first 100 words	0	2	0
Every subsequent 100 words or portion thereof...	0	1	0
For inspection of a design under Section 16 ...	0	5	0
For inspection of a design under Section 17 ...	0	2	0
For every copy of a design under Section 17 ...	1	0	0
For every amendment of an application for registration of a design	0	5	0

Given at Government House, Natal, this Twenty-eighth day of August, 1899.

By command of His Excellency the Governor.

CHARLES J. SMYTHE,
Colonial Secretary.

No. 20, 1899.]

WALTER HELY-HUTCHINSON,
Governor.



ACT,

“To amend the License and Stamp Act, 1898.”

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Joint occupa-
tions : exemp-
tion from stamp
duty on more
than one license

1. Section 3 of the General and Special Exemptions under Schedule II. of the License and Stamp Act, 1898, shall be repealed, and in lieu thereof the following shall be inserted :—

If any person holding a license for one of the occupations mentioned in any of the following sub-sections shall lawfully take out for the same premises a license not requiring a higher stamp for any of the other occupations mentioned in the same sub-section, such further license shall not require to be stamped : Provided that in the case of any occupation the license for, or exercise of which, is regulated by any special law this section shall not be deemed to authorise the issue of a license unless the requirements of such law shall have been first complied with.

(a) Agent (other than Law Agent),
Apothecary, Chemist and Druggist,
Retail Dealer,
Stationer ;

Provided always that in case the combined gross receipts of any person carrying on any or all of such occupations have not in the preceding year exceeded £500, or in case such person shall not have carried on any of such occupation in the preceding year, then the stamp duty on the license shall be £3.

- (b) Advocate ;
 Attorney ;
 Law Agent ;
 Conveyancer ;
 Notary Public.
- (c) Architect ;
 Civil Engineer ;
 Land Surveyor.

2. The following Section shall be added to the general and special exemptions under Schedule II. of the License and Stamp Act, 1898:

Operation of license to a member of a partnership or firm.

6. The license to any member of a partnership or firm shall operate as a like license at the place named in the license to any other person for the time being a member of such partnership or firm, and stated so to be in the license.

3. The following exemption shall be added to Item 5 of Schedule III. of the License and Stamp Act, 1898 :—

Deeds incidentally operating as submission.

Contracts and other deeds shall not require to be stamped under this clause as deeds of submission merely by reason that they incidentally provide for submission in the event of differences arising.

4. Nothing in this Act shall affect to the prejudice of the holder the validity of any license issued before the date of the commencement of this Act, or be deemed to create any claim or liability for a refund of Stamp Duties, or otherwise, in respect of the Stamp Duty upon any license so issued, which shall be in like position as if this Act had not been passed.

Saving of existing licenses

5. The words "Bill of Lading, Ship's copy," occurring in Item 9 of Schedule III. of the License and Stamp Act, 1898, shall be expunged, and in lieu thereof there shall be inserted the words "Bill of Lading or duplicate thereof."

Bills of lading.

6. This Act shall be read and construed together with the License and Stamp Act, 1898, and shall come into operation on the day after the promulgation thereof in the *Natal Government Gazette*.

Joint construction and commencement of Act.

Given at Government House, Natal, this Twenty-eighth day of August, 1899.

By command of His Excellency the Governor.

CHARLES J. SMYTHE,
 Colonial Secretary.

No. 21, 1899.

WALTER HELY-HUTCHINSON.
Governor.



“ To amend the ‘ Medical and Pharmacy Act, 1896,’ and the ‘ Dentists Act, 1896,’ and to regulate the Registration and Practice of Veterinary Surgeons and of Trained Nurses.’

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Practice of
dentist.

1. Section 19 of the “ Dentists Act, 1896,” shall be repealed, and in lieu thereof the following shall be deemed to have been enacted, that is to say :

No person shall be allowed to practise as a dentist unless he shall first be registered as provided in this Act.

Alteration of
date named in
Section 6 of
Dentist Act.

2. The date of the taking effect of this Act shall be substituted for the First day of May, 1896, in the 6th Section of the “ Dentists Act, 1896.”

Requisites for
registration
as dentist.

3. Save as is otherwise provided by Sections 6, 7, and 8 of the “ Dentists Act, 1896,” as amended by this Act, no person shall be registered as a dentist unless he shall produce to the Medical Council the diplomas or certificates prescribed and defined under the provisions of Section 9 of the said Dentists Act.

Contravention
of Medical and
Pharmacy Act.

4. Section 26 of the “ Medical and Pharmacy Act, 1896,” shall be repealed, and in place thereof the following shall be deemed to have been enacted, that is to say :

Every person shall be guilty of a contravention of this Act who, not having been duly registered and licensed as a medical practitioner as provided in this Act

(a) Practises as a medical practitioner, or as a physician, surgeon, or general practitioner ; or

- (b) Falsely pretends to be, or takes or uses the name, or exercises the functions, of a physician, doctor of medicine, licentiate in medicine or surgery, bachelor of medicine, surgeon, or general practitioner, or any name, title, addition, or description implying that he is licensed or registered under this Act, or that he is qualified to practise as a medical practitioner, or as a physician or surgeon, or in any other such capacity as above set forth.

Every person shall be guilty of a contravention of this Act who, not having been registered and licensed as a chemist and druggist as provided by this Act

- (c) Practises as an apothecary, or chemist and druggist, or prepares or compounds drugs and medicines, whether from medicinal prescriptions or otherwise, except for private or domestic use ;
- (d) Falsely pretends to be, or takes or uses the name or title or functions of an apothecary, or chemist and druggist, or any name, title, addition, or description implying that he is licensed or registered under this Act, or that he is qualified to practise as an apothecary, or chemist and druggist.

5. Every person shall be guilty of a contravention of the "Dentists Act, 1896," who, not having been registered and licensed under the said Act

Contravention
of Dentists Act.

- (a) Practises as a dentist,
- (b) Falsely pretends to be, or takes and uses the name or title, or exercises the functions of a dentist, or any name, title, addition, or description implying that he is licensed or registered under the "Dentists Act, 1896," or that he is qualified to practise as a dentist.

6. All contraventions of the "Medical and Pharmacy Act, 1896," or of the "Dentists Act, 1896," which are enumerated in this Act shall be cognizable in the Supreme Court or a Circuit thereof, or in the Court of a Magistrate. Every such offence, ~~if prosecuted in the Supreme Court or a Circuit Court, shall be punishable by a fine not exceeding £100, and in default of payment, by imprisonment with or without hard labour for any term not exceeding six months, and if prosecuted in the Court of a Magistrate, shall be punishable by fine not exceeding £20, and in default of payment, by imprisonment with or without hard labour for any term not exceeding three months,~~

Prosecutions
and punishment
of contra-
ventions.

Practice by chemists' employees or agents.

7. No person who is charged with practising as a chemist and druggist shall be acquitted by reason of the fact that he is in the employ of, or is agent for, a person licensed to practise as aforesaid, unless he is under the direct and personal supervision and control of some licensed chemist and druggist.

Amendment and extended application of Section 27 of Act 35, 1896: registers.

8. Section 27 of the "Medical and Pharmacy Act, 1896," shall apply to the Register of Dentists and to the Register of Veterinary Surgeons hereinafter provided for, and shall be amended by inserting therein after the words "erase the name of such person from the register," occurring in the twenty-fourth line thereof, the following words:—

And if the address on the register be insufficient or the address be unknown, a notice published four times in the *Natal Government Gazette* calling upon the medical practitioner, chemist and druggist, dentist, or veterinary surgeon named therein to furnish his address to the Secretary within six months from the date of the first publication, and that in default his name may be erased from the register, shall, for all purposes, take the place of and be as good and valid as if the registered letter hereinbefore provided for had been forwarded to such person.

Amendment of Schedule A of Act 35, 1896: preparations of opium and poppies.

9. The words "and its preparations, and preparations of poppies," following the word "opium" in Division I. of Schedule A of the "Medical and Pharmacy Act, 1896," shall be expunged, and there shall be inserted in Division II. of the said schedule the following words "preparations of opium and preparations of poppies."

Standard of drugs.

10. The standard of strength and purity of all drugs prescribed by a medical practitioner shall be that of the British Pharmacopœia.

Veterinary board.

11. As soon as may be after the date of the taking effect of this Act there shall be established a body to be styled the Natal Veterinary Board.

Constitution of board.

12. The Natal Veterinary Board (hereinafter called the Board) shall consist of three ordinary members, who shall be veterinary surgeons, appointed in the first instance by the Governor, and two medical practitioners, to be deputed for that purpose from time to time by the Medical Council.

Elections to board.

13. The provisions of Section 14 of the "Medical and Pharmacy Act, 1896," shall, *mutatis mutandis*, regulate all future elections of ordinary members of the Board, and the persons entitled to vote at any such future elections shall be veterinary surgeons registered under this Act.

Quorum: procedure, etc.

14. The provisions of Sections 9 to 13 of the "Medical and Pharmacy Act, 1896," shall apply, *mutatis mutandis*, to the Board and to its proceedings. Three members of the Board shall constitute a quorum.

Unlawful assumption of title of veterinary surgeon.

15. No person shall be allowed to assume the title of veterinary surgeon or hold himself out to be such unless he shall first be registered as provided in this Act.

16. Every person who at the date of taking effect of this Act shall have been *bonâ fide* engaged in practice as a veterinary surgeon, shall be entitled to be registered under this Act upon his satisfying the Board that he possesses the qualification hereinafter provided for.

Registration of present practitioners.

17. It shall be competent for the Board to grant registration under this Act to any person who shall produce such certificates or diplomas as shall in the opinion of the Board qualify him for registration as a veterinary surgeon, or who shall satisfactorily pass any examination prescribed by the Board.

Requisites for registration as veterinary surgeon.

18. The Board may from time to time draw up regulations to be observed by veterinary surgeons, and for the examinations provided for by the foregoing section, and for the payment of a fee not exceeding Three Pounds Sterling by any candidate for examination; and shall define what diplomas or certificates shall be by the Board considered sufficient qualification as a veterinary surgeon. Such regulations shall have the force of law upon receiving the Governor's sanction and being published in the *Natal Government Gazette*.

Regulations.

19. There shall be kept in the office of the Colonial Secretary a correct register of the names, addresses, date of admission and qualification of all veterinary surgeons practising in the Colony.

Register of veterinary surgeons.

20. The Board shall cause to be erased from the Register any entry which has been incorrectly or fraudulently made. When a person registered in the Register has, either before or after the passing of this Act, and either before or after he is so registered, been convicted, either in Her Majesty's dominions or elsewhere, of an offence which, if committed in England, would be a felony or misdemeanour, or has been guilty of any infamous or disgraceful conduct in a professional respect, such person shall be liable to have his name erased from the Register by order of the Governor in Council. The Board may hold an enquiry into the case of a person alleged to be liable to have his name erased under this section, at which enquiry such person shall have an opportunity of being heard, and on proof of such conviction or of such infamous or disgraceful conduct, the Governor in Council may cause the name of such person to be erased from the Register: Provided, that the name of a person shall not be erased under this section on account of a conviction for a political offence out of Her Majesty's dominions, nor on account of a conviction for an offence which, though within the provisions of this section, does not, either from the trivial nature of the offence or from the circumstances under which it was committed, disqualify a person from practising as a veterinary surgeon.

Correction of register.

Erasure of names from register.

21. All moneys arising from fees paid under this Act shall be received by the Board, and shall be applied in accordance with such regulations as may from time to time be made

Application of fees.

by the Board in defraying the expenses of such regulations and the other expenses connected with the execution of this Act.

Civil proceed-
ings.

22. It shall be lawful for the Secretary of the Board, or any person duly authorised in writing under the hand of the President, to take and institute any civil proceedings on behalf of the Board.

Proof of regis-
tration or
license.

23. If in any proceedings, civil or criminal, it shall be material to determine whether any person be or be not in any capacity licensed or certified under this Act, a certificate, under the hand of the Colonial Secretary, to the effect that such person is or is not, as the case may be, duly licensed and registered in such capacity, shall be deemed and taken to be sufficient *prima facie* proof of the fact alleged in such certificate.

Offence of
unlawful
practice as
veterinary
surgeon.

24. Every person shall be guilty of a contravention of this Act who, not having been registered and licensed as hereinbefore provided, falsely pretends to be, or takes and uses the name and title of a veterinary surgeon, or any name, title, addition, or description implying that he is licensed or registered under this Act, or that he is qualified to practise as a veterinary surgeon.

Prosecutions
and punishment.

25. The provisions of Section 6 of this Act shall apply to contraventions of the foregoing section.

Fees not re-
coverable by
unlicensed
dentists or
veterinary
surgeons.

26. No person shall be entitled to recover any charge in any Court of Law for any advice or attendance as a dentist or veterinary surgeon, or for the performance of any operation as a dentist or veterinary surgeon, or for an operation commonly performed only by a dentist or veterinary surgeon, or for any medicines or drugs which he shall have prescribed or supplied, unless he is licensed under this Act: Provided that nothing in this section contained shall apply to licensed Native doctors.

Certificates of
competency of
trained nurses,
midwives,
attendants or
nurses of the
insane.

27. The Medical Council may, in accordance with regulations approved by the Governor, grant certificates of competence as trained nurses, mid-wives, attendants or nurses of the insane

- (a) To any person who is the holder of a certificate as a trained nurse, mid-wife, attendant or nurse of the insane, granted by any one of such examining bodies as the Council may from time to time prescribe and define.
- (b) To any person who shall satisfy the examiners thereto appointed by the Council of his or her competence, skill and fitness in and for the occupation of nursing, mid-wifery, attendance or nursing of the insane, and who shall, in addition, produce proof by certificate or otherwise of having had sufficient training in nursing work, mid-wifery, attendance or nursing of the insane, under competent supervision.

Practice :
regulations.

Every such certificate shall entitle the holder to practise nursing, mid-wifery, attendance or nursing of the insane,

according to regulations to be framed by the Council from time to time, and shall be signed by the President and Secretary of the Council, and shall be entered in a register to be kept for that purpose.

28. The Council may at any time, subject to the consent of the Governor in Council, withdraw or cancel a certificate granted to a trained nurse, mid-wife, attendant or nurse of the insane, if it shall be proved that the holder is grossly incompetent, or has been guilty of such improper conduct as, in the opinion of the Council, renders it inadvisable that he or she should continue to practise as a trained nurse, mid-wife, attendant or nurse of the insane.

Cancellation of certificates.

29. Any person who shall falsely use or adopt any name, title, or description, implying that he or she is such a registered trained nurse, mid-wife, attendant or nurse of the insane, shall be liable to a fine not exceeding Twenty Pounds Sterling, or in default of payment to imprisonment, with or without hard labour, for any period not exceeding three months.

Offence of false assumption of title of trained nurse, midwife, etc.

30. The Council shall, in the month of January in each year publish in the *Natal Government Gazette* a list showing the names of all holders of certificates as trained nurses, mid-wives, attendants or nurses of the insane, on the said date, and such list shall, whenever possible, state the addresses of such holders.

Publication of names of persons holding certificates.

31. Fees for the registration of nurses, mid-wives, attendants or nurses of the insane, shall be dealt with by regulations under this Act.

Registration fees.

32. The "Medical and Pharmacy Act, 1896," the "Dentists Act, 1896," and this Act shall be read and construed together as one Act.

Joint construction of Acts.

33. Nothing in this Act contained shall in any way interfere with Native doctors licensed to practise under the Code of Native Law.

Exemption of licensed Native doctors.

Given at Government House, Natal, this Twenty-eighth day of August, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary

V.



R.

ACT,

“To amend the Criminal Law.”

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :

Trading in prostitution.

1. Every person who
 - (a) Knowingly lives wholly or in part on the earnings of prostitution, or
 - (b) In any public place solicits or importunes for immoral purposes,

shall be deemed to be an idle and disorderly person within the meaning of Law No. 15, 1869.

Searching premises.

2. Upon information being given on oath that there is reason to suspect that any house or premises is or are used for purposes of prostitution, and that any person residing in or frequenting the house or premises is living wholly or in part on the earnings of prostitution, a Magistrate or Justice of the Peace may issue a warrant authorising any constable to enter and search the house or premises and to arrest such person.

Presumption of living on earnings of prostitution.

3. Every person who shall be proved to live with or to be habitually in the company of a prostitute, and who has no visible means of subsistence, shall, unless he can satisfy the Court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

Punishments.

4. Any person convicted under Law No 15, 1869, or under any By-law made thereunder, for an offence as defined by this Act, shall be liable to be imprisoned for any term not exceeding six months, with or without hard labour, and with or without spare diet, or to a fine not exceeding Twenty Pounds Sterling : Provided that spare diet shall in no case be ordered for a longer term than one-third of the term of imprisonment or thirty days, whichever shall be the shorter.

Joint construction and application of Act.

5. This Act shall be read and construed together with Law No. 15, 1869, and shall apply to Boroughs and Local Townships in like manner as the said Law No. 15, 1869.

Given at Government House, Natal, this Twenty-eighth day of August, 1899.

By command of His Excellency the Governor.

CHARLES J. SMYTHE,
Colonial Secretary.



V.

R.

ACT,

“To make provision for the manufacture of Explosive Substances”

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. This Act may be cited as the “Explosives Act, 1899.” Short title.
2. In this Act, unless the context otherwise requires—
“Explosive”

- (a) Means gunpowder, nitro-glycerine, dynamite, gun cotton, fulminate of any metal, coloured fires, and every other substance, whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and Interpretation.
- (b) Includes fog signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined.

“Factory” means a factory for the manufacture of any explosive.

“Occupier” means any person carrying on or purporting to carry on the manufacture of any explosive.

3. The manufacture of explosives shall not, nor shall any process of such manufacture, be carried on, except at a factory for explosives licensed under this Act: Provided that nothing in this section shall apply to the making of a small quantity of explosives for the purposes of invention or for the purpose of a chemical experiment and not for practical use or for sale. Explosives to be manufactured only at licensed factory.

4. Any person who carries on any of the following processes, namely, the process of dividing into its component parts or otherwise breaking up or unmaking any explosive, or making fit for use any damaged explosive, or the process of remaking, altering, or repairing any explosive, shall be Application of Act to certain specified processes.

subject to the provisions of this Act, as if he manufactured an explosive, and the expression "manufactured" shall be construed accordingly.

5. Where explosives are manufactured otherwise than at a duly licensed factory :—

- (a) All of any part of the explosives or of the ingredients thereof which may be found either in or about such place, or in the possession or under the control of any person convicted under this Act, may be forfeited ; and
- (b) The person so manufacturing shall be liable to a penalty not exceeding One Hundred Pounds Sterling a day for every day during which he so manufactures.

6. The Governor in Council may from time to time make, alter, or repeal regulations for any or all of the undermentioned purposes :—

- (a) Licensing factories for the manufacture of explosives.
- (b) The discretion to grant or refuse licenses.
- (c) Prescribing the conditions upon which licenses may be issued and the fees payable.
- (d) Regulating the position, character, and construction of the buildings comprising a factory, and of the mounds or works connected therewith, and their respective distances from each other.
- (e) Regulating the boundaries of the factory, the amount of ground to be kept clear round the same, and the distances to be maintained from any neighbouring works or buildings.
- (f) Prescribing the rules to be observed by the owner, occupier, and persons employed at the factory.
- (g) Prescribing the process of manufacture of any particular explosive.
- (h) Prescribing the mode of construction, and the purposes for which such factory or any particular part thereof may be used.
- (i) Regulating the attaching of lightning conductors to the factory.
- (j) Defining the part of the factory in which any particular explosive or ingredient shall be kept, the quantity that may be so kept, and the mode in which it shall be packed.
- (k) Defining the amount of explosives and of ingredients thereof wholly or partly mixed to be allowed at the same time in any factory or any particular portion thereof.
- (l) Regulating the use or retention in the factory of charcoal, oil, or cotton, and every article liable to spontaneous ignition, the cleaning of the build-

Penalty for manufacture at unauthorised place.

Regulations.

ing, the quantity of any explosives or ingredients that may be allowed in the factory or any part thereof at any one time, and prescribing the material of which tools used may be made.

- (m) Regulating in the factory or any part thereof the mixing, sifting, and carriage of any explosives, or the ingredients thereof, persons smoking, and the introduction of fire, lucifer matches, or any substance or article likely to cause explosion by fire, or any iron, steel, or grit.
- (n) Regulating the employment in the factory of any Indian or Native, or of any persons under the age of sixteen years.
- (o) Prescribing the period for which licenses may be issued, and the effect (if any) of change of owners or occupiers of the factory.
- (p) Regulating the inspection of explosives, and the making of cases to contain the same, by a Government Inspector, before the removal of such explosives from the factory.
- (q) Generally for regulating any matters which public safety or convenience may require.

7. In the event of any breach by act or default of any regulation in a factory :

Penalty for breach of regulations.

- (a) All or any part of the explosives or ingredients thereof, in respect to which, or being in any building or machine in respect to which the offence was committed, may be forfeited ; and
- (b) The occupier shall be liable to a penalty not exceeding Ten Pounds Sterling, and in addition (in the case of a continuing offence) to a penalty not exceeding Ten Pounds Sterling for every day during which such breach continues.

8. Every occupier of a factory shall, with the sanction of the Controller of Arms and Ammunition, make special rules for the regulation of the persons managing or employed in or about such factory, with a view to secure the observance of this Act therein, and the safety and proper discipline of the said persons, and the safety of the public. There may be annexed to any breach of special rules made in pursuance of this section, such penalties not exceeding forty shillings for each offence as may be deemed just, and such penalties may be sued for either at the instance of the Clerk of the Peace or of the person in charge of the factory. The occupier may, and if required by the Controller of Arms shall, with the sanction of the said Controller, repeal, alter, or add to any special rules made in pursuance of this section. If an occupier is required by the Controller of Arms to make, repeal, or alter or add to any rules under this section, and shall fail within three months after such requisition to comply therewith to the satisfaction of the said Controller,

Special rules for regulation of persons employed in factories.

the Controller may make, repeal, alter, or add to the special rules, and anything done by the Controller of Arms shall have effect as if done by the occupier with the sanction of the said Controller. The making, repealing, alteration of, or addition to the rules under this Section shall, in all cases, be subject to the approval of the Governor.

9. The occupier of every factory and every person employed in and about the same, shall take all due precaution for the prevention of accidents by fire or explosion in the same, and for preventing unauthorised persons having access to the factory or to the explosives therein, and shall abstain from any act whatever which tends to cause fire or explosion and is not reasonably necessary for the purpose of the work in such factory. Any breach (by any act or default) of this section in any factory shall be deemed to be an offence.

10. For the purposes of the provisions of this Act with respect to the manufacture and keeping of explosives, all premises described in one license and the buildings thereon shall be deemed to be the same factory.

11. The Controller of Arms and Ammunition or any officer authorised by him shall have power to make such examination and enquiry as may be necessary to ascertain whether this Act is complied with, and for that purpose :

- (1) He may enter, inspect, and examine any factory, magazine, or store of any explosive, and every part thereof, at all times by day and night, but so as not to unnecessarily impede or obstruct the work in such factory, magazine, or store, and may make enquiries as to all matters and things relating to the safety of the public, or of the persons employed in or about such factory, magazine, or store; and
- (2) He may enter, inspect, and examine any premises and every part thereof, in which any explosive is kept, or is reasonably supposed by him to be kept, at all reasonable times by day; and
- (3) He may require the occupier of any factory, or the licensee of any licensed premises to which he is entitled to enter, or a person employed therein by any occupier or licensee respectively, to give him samples of any explosives or ingredients of an explosive therein, or of any substance therein, the keeping of which is restricted or regulated by this Act, or of any substance therein which he believes to be an explosive, or such ingredients or substance.

Every such occupier or licensee as aforesaid, his agents and servants, shall furnish the means required for every such entry, inspection, examination, and enquiry. Any person who fails or refuses to permit the Controller of Arms and Ammunition, or any officer authorised by him to enter, inspect, examine, or make enquiries in pursuance of this section, or who in any manner obstructs the Controller of Arms and Ammunition, or any officer authorised by him

Precautions
against
accidents.

Factory includes
premises.

Powers of
Controller of
Arms.

Penalty for
preventing
exercise of
powers.

in the execution of his duties under this Act, shall be liable to a penalty not exceeding One Hundred Pounds Sterling for each offence.

12. Whenever there occurs any accident by explosion or by fire in or about or in connection with any factory or licensed premises, or any accident by explosion or by fire, causing loss of life or personal injury in or about or in connection with any other premises occupied with any such factory or licensed premises, the occupier or licensed person respectively shall forthwith send, or cause to be sent to the Controller of Arms and Ammunition, notice of such accident, and of the loss of life or personal injury (if any) occasioned thereby. Every such occupier or licensed person as aforesaid who fails to comply with this section, shall be liable to a penalty not exceeding Twenty Pounds Sterling.

Notice of accidents,

13. Any person who enters without permission, or otherwise trespasses upon any factory or magazine, whether licensed or not, or the land immediately adjoining thereto which is occupied in connection with such magazine, or by the occupier of such factory, shall, for every such offence, if not otherwise punishable, be liable to a penalty not exceeding Five Pounds Sterling, or to imprisonment, with or without hard labour, for any period not exceeding three months, and may be forthwith removed from such factory, magazine, or land by any constable, or by the occupier or keeper of such factory or magazine, or any servant, agent, or any other person authorised by such occupier or keeper.

Penalty for trespass.

14. Notwithstanding anything in this Act, the Governor in Council may from time to time by order prohibit, either absolutely, or subject to conditions or restriction, the manufacture, keeping, importation, from any place out of Natal, conveyance and sale, or any of them, of any explosive which is of such a character that in the judgment of the Governor in Council it is expedient for the public safety to make such order. Any explosive manufactured in contravention of any such order shall be deemed to be manufactured in an unauthorised place. If any explosive is conveyed, imported, or sold or kept in contravention of any such order—

Manufacture, importation, etc., of explosive may be prohibited.

- (1) All or any part of such explosive may be forfeited; and
- (2) The person so conveying such explosive or causing it to be so conveyed shall be liable to a penalty not exceeding Twenty Pounds Sterling, and to a further penalty not exceeding Forty Shillings for every pound of such explosive, or to imprisonment, with or without hard labour, for any period not exceeding three months, and
- (3) The person to whom it was delivered and the person selling or keeping the same, shall be liable to a penalty not exceeding Twenty Pounds Sterling, and to a further penalty not exceeding Forty Shillings for every pound of such explosives delivered, or sold, kept, or

found in his possession, or to imprisonment, with or without hard labour, for any period not exceeding three months.

Storage of explosives in township or borough.

15. Nothing in this Act or in the regulations thereunder shall be construed to authorise the storage of any article or explosive in any township or borough, contrary to the provisions of any By-law made by the Local Board or Town Council of such Township or Borough.

Exemptions.

16. This Act shall not apply to any factory belonging to the Imperial or Colonial Government.

Offences.

17. The contravention, infringement, or wilful disregard of any obligation or prohibition imposed by this Act or by the regulations thereunder shall be deemed an offence.

Prosecution of offences.

18. The enforcement of the penalties and forfeitures imposed by this Act, or by any regulations thereunder, shall, save where otherwise specially provided, be by criminal prosecution in any competent Court, or any such penalties or forfeitures may be sued for by a civil action at the instance of the Controllor of Arms, without prejudice however to the exercise of any powers of seizure or forfeiture competent to him under this Act.

Imprisonment for non-payment of penalties.

19. If any penalty be not paid on conviction the Judge or Magistrate may forthwith commit the offender to prison, there to be imprisoned, with or without hard labour, for such term as such Judge or Magistrate shall see fit to order, and as may be in the competency of the Court, unless the penalty be sooner paid.

Punishment for offences not specially provided for.

20. All offences for which no punishment or penalty is specially provided by the provisions of this Act, or by the regulations thereunder, and all offences for which no greater penalty than One Hundred Pounds Sterling is appointed, may be cognizable in the Courts of Magistrates.

Given at Government House, Natal, this Twenty-eighth day of August, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

No. 24, 1899.

WALTER HELY-HUTCHINSON,
Governor.

V.



R.

ACT,

“To extend the provisions of the Attorney-General’s Office Act, 1897.”

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The Governor may from time to time authorise a principal officer of the Attorney-General’s Department to sign documents, other than indictments, which according to law are required to be signed by the Attorney-General.

2. Any signature made under the authority of this Act shall be expressed to be made on behalf of the Attorney-General, and any document so signed shall for all purposes be deemed to be signed by the Attorney-General.

3. The authority granted under this Act may at any time be revoked.

4. The officer to whom such authority is given shall in all things conform to the instructions of the Attorney-General.

Given at Government House, Natal, this Twenty-eighth day of August, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

No. 25, 1899.

WALTER HELY-HUTCHINSON,
Governor.



ACT,

“To amend the Law of Trespass.”

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of the Colony of Natal, as follows :—

1. Section 4 of Law No: 13, 1874, shall be amended by the insertion therein, after the words “with the name of its owner,” of the words “legibly engraved or painted in English letters,” and by adding thereto the following proviso :

Provided that such collar shall not protect a dog from liability to be destroyed if found worrying sheep or other animals, or pursuing game, or if trespassing upon a farm, and not being then in the immediate custody, protection, or control of some competent person.

Given at Government House, Natal, this twenty-eighth day of August, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

WALTER HELY-HUTCHINSON,
Governor.

V.



R.

ACT,

“To amend the Law relating to Quarantine.”

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Natal, as follows :

1. Whenever a ship shall arrive at this Colony
 - (a) Having sailed from or touched at any place proclaimed as an infected place under Law No. 4, 1882 ; or
 - (b) Having any persons or things on board which have come, or are suspected to have come, either directly or indirectly from such place ;
 - (c) Under any circumstances creating a suspicion that there are on board any persons or things likely to introduce disease into the Colony, or to be dangerous to the public health ;

Powers of Governor to prohibit landing of persons or things,

it shall be lawful for the Governor either to prohibit the landing of any persons or things from such ship, or to order that no persons or things shall be landed except by permission of the Health Officer or other named authority, and upon compliance with the regulations made under this Act, or the Governor may by such order impose any special conditions to be complied with either before or upon the landing of any such person or thing.

or to allow landing by special permission of officer, or subject to conditions.

2. Upon the arrival of any ship under such circumstances as aforesaid, and pending the receipt of the Governor’s instructions, the Health Officer shall have authority to exercise all or any of the powers conferred by the preceding section. He shall at once report for the information of the Governor any action so taken by him.

Temporary exercise of Governor’s powers by Health Officer.

3. The circumstance that pratique may have been given to a ship shall not prevent the application of this Act thereto.

Powers not affected by pratique. Return to ship of persons or things improperly landed

4. Any person or thing landed in contravention of this Act may be at once compulsorily returned to the ship, and the Master of the ship shall be bound to receive on board and convey such person or thing from the Colony at the expense of the owners of the ship.

Animals.

5. The word "thing" as used in this Act shall include animal.

Regulations.

6. The Governor in Council may from time to time make and alter regulations for the purposes of this Act. Such regulations, and any order made by the Governor under Section 1 of this Act, may, in addition to any other measures of precaution or disinfection, provide for the destruction of any articles which it may be considered undesirable to introduce.

Destruction of articles.

Punishment of offences.

7. Any person who shall contravene the provisions of this Act or any order or prohibition thereunder, or who shall disregard any conditions, imposed by such order or by the regulations, shall be guilty of an offence ~~cognizable in the Court of a Magistrate~~, and shall be liable to be imprisoned with or without hard labour for any term not exceeding six months, or to a fine not exceeding Fifty Pounds Sterling.

Given at Government House, Natal, this Twenty-eighth day of August, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

WALTER HELY-HUTCHINSON,
Governor.



“To provide for the inspection and examination of cattle arriving in this Colony by sea, and to prevent the introduction of the disease of Tuberculosis.”

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The word “cattle,” as used in this Act, shall include all animals of the bovine tribe.

Meaning of “cattle.”

2. No cattle shall be allowed to enter this Colony by sea except upon compliance with this Act.

Importation of cattle.

3. One or more Veterinary Surgeons belonging to the Veterinary Department of the Colonial Government, to be called “Examiners,” shall be appointed by the Principal Veterinary Surgeon as examiners for the purposes of this Act.

Examiners.

4. If there shall be produced to the examiner a certificate to his satisfaction, signed by a duly qualified veterinary surgeon of the country from which any cattle have been despatched to Natal, that such cattle have before being embarked been submitted to the test known as the tuberculin test, and have thereby been proved to be free from the disease of tuberculosis, and if, upon inspection, the examiner shall have reason to believe that they are free from any disease unfitting them to be introduced into Natal, he shall give permission for their being landed and despatched to their destination.

Certificate of testing prior to embarkation.

5. In the absence of a satisfactory certificate as aforesaid the examiner shall direct the cattle to be placed in quarantine at the quarantine depôt provided for that purpose.

Quarantine.

6. The tuberculin test shall be applied by an officer duly appointed for that purpose to every animal placed in quarantine, and if such animal shall be found to be free from the disease of tuberculosis the officer shall give his certificate in the form of the Schedule to this Act.

Tuberculin test to be applied.

7. In the event of any such animal proving to be affected with the disease of tuberculosis it shall not be removed alive from the quarantine station, but shall be destroyed there ;

Disposal of cattle found to have tuberculosis.

Provided that the owner may have the option of returning or re-shipping the animal, in which case it shall be taken direct from the quarantine station to the vessel.

Disposal of carcass.

8. The carcass of an animal so destroyed may be disposed of in such a manner as the owner may think fit : Provided that if the officer shall consider that the flesh is unfit for food, it shall not be disposed of for such purpose.

Expense to be borne by owner.

9. All expenses of inspection, quarantine, destruction, and otherwise shall be borne by the owner of the cattle.

Authority of Principal Veterinary Surgeon.

10. The examiners and the quarantine officers shall in all matters appertaining to their duty conform to the instructions of the Principal Veterinary Surgeon.

Rules.

11. The Minister of Agriculture may make any rules necessary for the proper carrying out of this Act.

Obligation to comply with rules.

12. All owners ^{island} or persons having charge of cattle brought to this Colony by sea shall comply with the obligations of this Act, and shall obey all lawful orders of the examiner or quarantine officer, and all rules made as aforesaid ; and for any disobedience or wilful disregard of such obligations, orders, or rules, they shall be liable to a penalty not exceeding Twenty Pounds Sterling, to be recovered in the court of a magistrate by the Principal Veterinary Surgeon or any proper officer of his Department.

Cattle imported for slaughter.

13. The foregoing provisions of this Act shall not apply to cattle imported solely for purposes of slaughter, provided that before being landed they shall be inspected by the examiner, and the owner or the importer shall sign and deliver to the examiner an undertaking to the effect that none of such animals shall be used or disposed of for breeding or for any other purpose than for slaughter for food.

Offences.

14. Any person who shall give a false undertaking, or who shall use or dispose of any such cattle otherwise than for slaughter, shall, for every animal so used or disposed of or referred to in the undertaking, be liable to the like penalties as are hereinbefore provided.

SCHEDULE.

Act No. , 1899.
No.....

Date.....

I hereby certify that I have applied the tuberculin test to the property of imported by the ship and declare the same to be free from any reaction indicating the existence of the disease of Tuberculosis.

Signed.....
Examiner.

Given at Government House, Natal, this Twenty-eighth day of August, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

WALTER HELY-HUTCHINSON,
Governor.

V.



R.

ACT,

“To enable the Town Council of the Borough of Newcastle to borrow £10,000.”

WHEREAS it is expedient to enable the Town Council of the Borough of Newcastle, in the Colony of Natal, to borrow £10,000 to defray the cost of certain public works and permanent improvements within the said Borough :

BE IT THEREFORE ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The Town Council of the Borough of Newcastle, in the Colony of Natal, are authorised to borrow up to, but not exceeding, the total sum of Ten Thousand Pounds (£10,000) Sterling, to be expended within the said Borough for the purposes mentioned in the Schedule hereunto annexed.

Authority to borrow.

2. The said Town Council are authorised to issue Stock, to be called “The Newcastle Corporation Stock (hereinafter referred to by the word “Stock”), for the moneys borrowed under this Act, payable within fifty years after the date of issue, and such Stock shall bear interest at a rate not exceeding 5 per cent. per annum.

Application of money.

Stock.

3. The said Stock and interest thereon shall be a charge on the rates, rents, and general revenue of the said Borough.

Interest.

Stock and interest charged upon borough.

4. Such Stock shall be issued by crediting the purchaser thereof with such amount thereof as he shall purchase, in a register to be kept for that purpose by the Town Clerk of the said Borough.

Mode of issuing stock.

5. The stock shall be transferable by transfer in the said register, and every person to whom any such credit shall have been given as aforesaid in the first instance, or to whom

Transfer of stock.

any such transfer shall thereafter have been made in the said register, shall be entitled to require of the said Town Clerk, and the said Town Clerk shall in each case issue, a certificate, signed by the Mayor of the said Borough and the said Town Clerk, stating the amount of such Stock standing to the credit of the said person in the said register.

Cancellation of certificate on transfer of stock.

6. In all cases of transfer of Stock the transferor's certificate relating to the Stock to be transferred shall be given up to the Town Clerk of the said Borough, who shall cancel same on the issue as aforesaid of a new certificate in the name of the transferee.

Payment of interest.

7. The interest on the Stock shall be payable half-yearly on the 30th day of June and the 31st day of December, or as soon thereafter as demand shall be made therefor, to the registered holder of such Stock or his duly authorised attorney, and such payment shall be made at the office of the Town Clerk of the said Borough, or at such other place as may be provided in the certificate representing the Stock.

Regulations.

8. The Town Council of the said Borough may from time to time make such regulations as they may see fit for all or any of the following things :—

- (a) For managing the creation, registration, issue and transfer of Stock.
- (b) For paying interest of Stock.
- (c) For issuing certificates of Stock.

Remedy for default in payment of interest.

9. In case the interest payable in respect of any part of the Stock to be issued by virtue of this Act shall be in arrear and unpaid for thirty days after the date of payment thereof, and after demand made in writing by the registered holder of any Stock, it shall be lawful for the Supreme Court of Natal, as often as such default shall occur, at the instance of the registered holder of any such Stock, the interest of which shall be in arrear, to cause a special rate to be levied upon the immovable property situate within the said Borough of Newcastle, which is now, or hereafter may be, liable to be rated for municipal purposes under "The Municipal Corporations Law, 1872," to the intent that all arrears of interest may be paid out of the proceeds of such special rate.

Remedy for default in payment of principal.

10. In case the principal sum of the said Stock shall not be repaid upon demand at or after the day fixed for the repayment thereof, it shall be lawful for the said Supreme Court, as often as such default shall occur, at the instance of the registered owner of any such Stock whose claim shall be unsatisfied, to cause a sale or sales to be made of so much of the Town Lands of the said Borough of Newcastle as may be necessary for the purposes of paying such principal sum, and in the event of the proceeds of such sale or sales being insufficient to pay and satisfy all moneys due and payable, then the deficiency shall be made good by a special rate or rates, to be levied in the manner hereinbefore provided with respect to the payment of arrear interest.

11. It shall be lawful for the said Town Council, with the consent in writing of the Governor, to sell by public auction, after due publication, and transfer to the purchasers thereof, so much of the Town Lands of the said Borough as may be necessary for repayment of the said Stock, and other moneys from time to time due by the said Town Council, together with interest thereon.

Sale of Town Lands.

12. Upon any sale of Town Lands as aforesaid, any portion of the purchase price which shall remain unpaid on transfer of the land so sold to the purchaser thereof shall, together with the interest to become due thereon, be secured by a bond binding the purchaser personally, and mortgaging the land so sold, and the said bond shall specify that the moneys secured by it shall be applied by the said Town Council for the purposes mentioned in the immediately preceding section.

Bonds for balances of purchase price.

13. Nothing in this Act, and nothing done under the provisions of this Act, shall take away, abridge, or prejudicially affect any right, security, or interest, by way of priority, or otherwise, of any person in or to the rents, rates, general revenue, and Town Lands of the said Borough.

Saving of existing rights.

14. This Act may be cited as "The Newcastle Corporation Loan Act, 1899."

Short title.

SCHEDULE.	£
Town Hall	5,000
Waterworks and extending Water Supply	2,000
Lighting any Streets and Places belonging to or subject to the control of the Town Council	2,500
Market Hall	500
	£10,000

Given at Government House, Natal, this Twenty-eighth day of August, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.



“To provide for the examination, by interrogatories, of persons resident in the Colony, whose evidence shall be required in civil cases pending in any Magistrate’s Court in any neighbouring Colony, British Possession, or State.

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. For the purposes of this Act, the word “Magistrate” shall be construed to include “Resident Magistrate” and “Landdrost,” unless there is something in the context repugnant to such construction.

2. Whenever any witness in any civil case brought in any Magistrate’s Court in any neighbouring Colony, British Possession, or State to which the provisions of this Act shall apply, shall reside or be in this Colony, and it shall be certified to the Magistrate of the Division in which such witness resides or is, by the Magistrate of such Court aforesaid, that the evidence of such witness is required in such civil case in such Court, and that interrogatories to be put to such witness have been duly framed and approved under the Laws as to interrogatories in force in such Colony, Possession, or State, it shall be the duty of the Magistrate of the Division in which such witness resides or is, upon the receipt of such interrogatories, together with the reasonable expenses of such witness for his appearance, and of the amount of fees due in respect of the issue and service of process for his appearance, to summon such witness to appear in his Court, and upon appearance to take his evidence in manner and form as of a witness in a case pending in such last-mentioned aforesaid Court, and put to such witness the interrogatories aforesaid and all other questions calculated to obtain full and true answers to such interrogatories, and to take down or cause to be taken down in writing the evidence of such witness, and to transmit the same certified as correct to the Magistrate in whose Court such civil case shall be pending. The amount

Meaning of
“Magistrate,”

Taking evidence
in Magistrate’s
Court by
interrogatories
of witness in a
civil case in a
Magistrate’s
Court in a neigh-
bouring Colony,
possession, or
State,

Expenses and
costs.

paid in respect of the expenses of appearance of all witnesses examined under the provisions of this section, and of the cost of the issue and service of process as above mentioned, shall be certified by the Magistrate by whom such witness is examined to the Magistrate in whose Court such case shall be pending.

3. Every witness so summoned by any Magistrate to appear to answer any such interrogatories as aforesaid, shall be summoned in like manner and be liable to the like penalties in case of non-attendance as if such summons was a summons to give evidence in the Court of such Magistrate.

Summons :
obligation of
witness to give
evidence.

4. If at any time provisions shall be made by law in any Colony, British Possession, or State, for taking, by means of interrogatories, the evidence of witnesses who shall reside or be in such Colony, British Possession, or State, and whose evidence shall be required in any civil case pending in any Magistrate's Court in this Colony, such evidence, certified as correct by the officer proper for the purpose, shall be received as evidence in such case (subject to all lawful exceptions).

Acceptance of
evidence taken
by interroga-
tories in neigh-
bouring Colony,
etc.

5. This Act shall take effect so far as concerns any such Colony, British Possession, or State, as soon as the Governor shall, by Proclamation, declare that such Colony, British Possession, or State has made due provision for taking, by interrogatories, the evidence of witnesses who reside or are in such Colony, British Possession, or State, and whose evidence is required in civil cases in the Courts of Magistrates in this Colony, and for the transmission of such evidence to such Magistrates.

Condition of
taking effect of
Act.

6. This Act may be cited for all purposes as the "Neighbouring Colonies and States Witnesses Interrogatories Act, 1899."

Short title.

Given at Government House, Natal, this Twenty-eighth day of August, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

No. 30, 1899.]

WALTER HELY-HUTCHINSON,
Governor



“To amend the Animals Diseases Act, 1894.”

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Natal, as follows :—

1. The words “or to apply to any of the said diseases while any such special Law or Act shall be in force” shall be expunged from Section 3 of Act No. 38, 1894.

Given at Government House, Natal, this Thirty-first day of August, 1899.

By command of His Excellency the Governor.

CHARLES J. SMYTHE,
Colonial Secretary.

WALTER HELY-HUTCHINSON,
Governor.



ACT,

“To amend the Supreme Court Act, 1896.”

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The service under the Government of Natal of any Judge of the Supreme Court, who, at the time of his appointment as such Judge, was an officer of the public service within the provisions of Law No. 22, 1874, shall, for the purposes of Section 30 of the Supreme Court Act, 1896, be reckoned as if such service had been service in the office of Judge of the Supreme Court.

Prior public service of a Judge to be reckoned for purposes of pension.

2. Section 28 of the Supreme Court Act, 1896, shall be repealed, and in lieu thereof the following section shall be substituted :—

Precedence of Judges.

Puisne Judges shall have rank and precedence within the Colony of Natal next to Ministers appointed under the Constitution Act of 1893, and between themselves according to the priority of their respective appointments.

3. The Supreme Court of the Colony of Natal shall consist of one Chief Justice and two Puisne Judges, in place of one Chief Justice and three Puisne Judges as provided in Section 4 of the Supreme Court Act, 1896 ; but nothing in this Section shall be deemed to affect the appointments, commissions, or salaries of the Chief Justice and the two Puisne Judges holding office at the time of the passing of this Act.

Constitution of Supreme Court.

4. Section 22 of the Supreme Court Act, 1896, shall be repealed, and in lieu thereof the following shall be enacted :—

Full Bench and quorum.

In all proceedings or causes depending before the Supreme Court other than criminal cases, or trials with a jury, or matters within the jurisdiction of a Judge in Chambers, or the like, the

three Judges of the Supreme Court shall ordinarily act in full bench, but any two Judges shall form a quorum, and shall be competent to execute all and every the powers, jurisdiction, and authorities granted to, and vested in, the Supreme Court.

Decision when
Court divided in
opinion

5. In the event of any difference of opinion between the Judges, when two Judges only are sitting, the decision of the Court shall be suspended until all the three Judges shall be present, and the decision of the majority of such three Judges shall be deemed and taken to be the judgment of the Court.

and in cases of
appeal.

6. Notwithstanding the provisions of the preceding section, if upon any appeal from an order, judgment, or decree pronounced by a single Judge, the two Judges hearing the appeal shall be divided in their opinion, the order, judgment, or decree appealed from shall be considered as confirmed so far as relates to the matters upon which such division of opinion exists.

Commissioners.

7. It shall be lawful for the Governor in Council, upon the request of the Chief Justice, to appoint any person qualified under the Supreme Court Act, 1896, to be a Commissioner to preside in the place of a Judge of the Supreme Court at any Sessional or Circuit Court, and the person so appointed shall, whilst so acting, hold and exercise in that behalf all the powers and authority of a Judge of the Supreme Court, in like manner as if he had been appointed to act under Section 32 of the Supreme Court Act.

Notification of
appointment of
Commissioner.

8. Every appointment of a Commissioner shall be notified in the *Natal Government Gazette*, and the notice shall state the session or circuit for which the appointment shall be made.

Given at Government House, Natal, this Thirty-first day of August, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

No. 32, 1899.

WALTER HELY-HUTCHINSON,
Governor.



“To authorise the Construction of Electric Tramways and other works for the benefit of the inhabitants of the Village of Howick (including the Village of New Howick) and others.”

WHEREAS it is expedient to authorise the construction of a tramway from the Howick Railway Station on the Natal Government Railways to the village of Howick (including the village of New Howick), to be worked by means of electricity, or other motive power, and the erection of works for the supply of electricity for private or public purposes within the village of Howick (including the village of New Howick) and its neighbourhood for the purpose of lighting and other purposes :

BE IT THEREFORE ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. This Act may be cited for all purposes as “The Howick Tramway and Lighting Act, 1899.” Short title.

2. The word “person,” wherever appearing in this Act shall include companies and corporations. Interpretation.

The word “company” means any body corporate or incorporate.

The word “contractor” means any company or person who shall contract with the Trustees or be authorised by them to construct and maintain all or any of the works authorised under this Act.

The word “works” means and includes electric lines, tramways, buildings, machinery, engines, works, matters or things of whatever description required to supply electricity and to carry into effect the objects of this Act.

Appointment of trustees.

3. The Governor in Council shall be empowered from time to time to appoint five Trustees for the purposes of this Act.

Powers of trustees to make contract.

4. The Trustees shall be, and they are hereby empowered, subject to the provisions of Section 24 of this Act, to contract with any contractor for the construction of works necessary for the purpose of carrying out the provisions of this Act for the benefit of the inhabitants of the village of Howick (including the village of New Howick) and neighbourhood within a radius of five miles from the Umgeni Falls, upon such terms and conditions as the Governor in Council may from time to time approve.

Terms of contract.

5. Any contract entered into as aforesaid shall contain provision with regard to the following matters : —

- The securing a regular and efficient tramway service ;
- The securing the safety of the public from injury to person or property ;
- The completion of the works within a defined period ;
- The enforcement of the due performance of the obligations to be undertaken by the contractor, by the imposition of penalties or otherwise ;
- The inspection of the tramways or works, from time to time, by some person duly appointed by the Trustees ;
- An indemnity to the Trustees against loss or damage ;
- The limits within and the conditions under which a supply of electricity is to be compulsory or permissive ;
- The securing of a regular and efficient supply of electricity ;
- The limitation of the prices to be charged in respect of the supply of electricity ;
- The return to the river above the Falls of all water not required by the contractor ;
- Due provision and arrangement whereby the quantity of water at the intake to the contractor's works shall be mechanically and automatically restricted in terms of the provision contained in Section 7 of this Act ; and
- The expropriation of the works in terms of this Act.

Compensation for damage done.

6. In case the works hereby authorised or the exercise of the powers hereby conferred shall occasion injury to any person, compensation shall be made by the contractor to such person for all damage sustained by him by reason or in consequence of the exercise of such powers, and if any telegraph, telephone, or other line of electrical communication owned by the Colonial Government is in any way injuriously affected by the construction of the lines or works, the con-

tractor shall pay the expenses of any such alterations in, or additions to, such line or lines as may be necessary to remedy such injurious affection.

7. The contractor shall be and is hereby empowered to draw water from the Umgeni River at any time and at any and all the point and points of intake shown on the plans filed with the Clerks of the Legislative Council and Legislative Assembly, and to lead such water through pipes and conduits, and to lay such pipes and conduits along the pipe routes shown in the said plan, provided, however, that the water so taken shall never, except between the hours of 9 p.m. and 6 a.m., exceed one-eighth of the quantity at any time flowing in the river. The said contractor is further authorised to make all necessary dams, reservoirs, excavations, and other works, and with wagons, carts, and vehicles to have access to the pipe route, excavations, and other works for the purposes of construction, examination or repair, or other purposes of the works, and to do such other acts, matters, and things, and to exercise such further powers as shall be necessary to carry out the objects of this Act.

Power of contractor to take water and carry out necessary works.

8. The contractor shall be empowered to construct, work, and maintain a tramway from the Howick Railway Station on the Natal Government Railways across the remaining portion of the Subdivision A of the farm "Waterfall," in the County of Pietermaritzburg, in the Colony of Natal, to a point in the village of Howick (including the village of New Howick), to be approved of by the Governor in Council, and from time to time to repair, alter, or renew the same; and to erect all buildings, sidings, crossings, and other works, and to open and break up any roads, streets, drains, or the like; and to purchase, hire, or otherwise legally acquire by agreement all such lands and buildings as may from time to time be found necessary for any of the aforesaid purposes.

Contractor empowered to construct and work a tramway and other necessary works

9. The contractor may make and maintain in the lines according to the deposited plans, or in such of the lines and with such deviations from the deposited plans as the Governor in Council shall approve, the tramway hereby authorised, with all proper approaches, passing places, works, and conveniences connected therewith respectively, and may so make and maintain the same upon such of the lands shown in the deposited plans, or upon such other lands as may be required for the purpose; and may enter upon, take and use permanently or temporarily all such lands as aforesaid as may be so required.

Direction of tramway and taking of lands required for same.

10. The tramway hereby authorised shall be made upon a safe and reasonable gauge, and shall be laid and maintained in such a manner wheresoever it runs across or along the portion of any road or street actually used for traffic, that the uppermost surface of the rails shall be on a level with the surface of the street or road, and shall not be opened for public traffic until the same shall have been certified to be fit for such traffic by an engineer appointed by the Governor in Council.

Gauge and laying of line.

All works to be approved by Government Engineer.

11. All buildings, diggings, and work of every kind, as well as any alterations thereof, shall be executed according to the directions and under the supervision and control of the engineer, to be appointed as aforesaid, and no work shall be passed unless approved by him, nor shall any completed work be put to use unless and until he shall have given to the contractor his certificate that the same has been executed to his satisfaction, and that it is ready and fit for use.

Remuneration of Engineer.

12. The remuneration of such engineer shall be fixed by the Governor in Council, and shall be paid by the contractor.

Tariff of charges.

13. The contractor may levy tolls and make charges for the conveyance of passengers and others upon such tramway. Any tariff of tolls and charges shall be subject to approval by the Governor in Council.

Class of vehicles to be used.

14. The contractor may use on the tramway authorised by this Act cars or carriages with flanged wheels or other wheels suitable only to run on the prescribed rails, and subject to the provisions of this Act the contractor shall have the exclusive use of the said tramway for cars or carriages with flanged wheels or other wheels suitable only to run on the prescribed rails.

Motive power.

15. The cars and carriages used on the tramway may be propelled by electricity or other motive power.

Supply of electricity and execution of necessary works.

16. The contractor is hereby empowered to supply electricity for public and private purposes within the limits prescribed by this Act, and shall have power to execute and maintain any works needed for the purposes of such supply; and to lay down and place any lines, pipes, wires, meters and accumulators and erect all such buildings, and perform and execute all such works within the limits prescribed by this Act, as may be necessary for such purposes.

Power to make by laws.

17. The contractor may, subject to the approval of the Governor in Council, make by-laws with respect to:—

The fares chargeable to passengers using the tramway authorised to be constructed under this Act;

Frauds by passengers attempting to avoid payment of their fares;

The interference with or obstruction of any of the works authorised under this Act by any person;

The arrest and detention of offenders against any such by-laws;

The prohibiting of any person carrying or requiring to be carried on the said tramways any goods which may be of a dangerous nature;

The prohibiting of any person using the tramway or any portion thereof with cars or carriages having flanged wheels or other wheels suitable for running on the said tramway;

and to impose penalties for the breach of any such by-laws, provided that no penalty shall exceed a fine of £5 ster-

ling, or in default of payment of any such fine, imprisonment with or without hard labour for a period not exceeding one month.

18. The contractor shall be empowered to prosecute by any person whom he may appoint any offenders against such by-laws before the Magistrate of the Division in which such offence is committed.

Prosecution of offenders,

19. The Lands Clauses Consolidation Law, No. 16 of 1872, is, except when expressly varied by this Act, incorporated with and forms part of this Act.

Incorporation of Lands Clauses Law

20. When a supply of electricity is provided within the limits prescribed by this Act for private purposes, then every company or person within such limits shall, on application, be entitled to a supply on the same terms on which any other company or person in the same locality or neighbourhood is entitled under similar circumstances to a corresponding supply.

Who may claim supply of electricity for private purposes.

21. The contractor shall, upon being required so to do by the owner or occupier of any premises situated within seventy-five yards from any main, give and continue to give a supply of electricity for such premises for lighting purposes.

Contractor bound to supply certain premises for lighting purposes if required.

22. If any company or person neglects to pay any charge for electricity or any other sum due from them to the contractor in respect of the supply of electricity to such company or person, the contractor may cut off such supply, and for that purpose cut or disconnect any line, pipe, or other work through which electricity may be supplied, and may, until such charge or other sum, together with any expense incurred by the contractor in cutting off such supply as aforesaid are fully paid, but no longer, discontinue the supply of electricity to such company or person.

On failure to pay supply may be cut off.

23. Where any electric lines, pipes, wires, meters, accumulators, fittings, works or apparatus belonging to the contractor are placed in or upon any premises not being in the possession of the contractor, for the purpose of supplying electricity under this Act, such electric lines, wires, pipes, meters, accumulators, fittings, works or apparatus shall not be subject to the landlord's remedy for rent of the premises where the same may be, nor to be taken in execution under any process of a Court of Law, or any proceedings in insolvency against the person in whose possession the same may be.

Electric lines, &c., on private premises not subject to landlord's remedy or other legal process.

24. The powers conferred under Clauses 4, 13, and 17 of this Act shall not be exercised until the sanction of the Governor in Council has been obtained thereto.

Limitation of powers.

25. In the event of the village of Howick (including the village of New Howick) being brought within the provisions of the Municipal Corporations Law, 1872, or the Townships Law No. 11 of 1881, or of any like Act, the Town Council, or Local Board, as the case may be, shall be substituted for the Trustees appointed as aforesaid, with the like powers as are conferred by this Act.

Substitution of Town Council or Local Board for Trustees in event of Howick being constituted a Borough or Township.

26. The Governor in Council shall be empowered at any time, after giving not less than six months' notice, to purchase and take the whole of the works authorised by this Act, and

Governor in Council empowered to purchase and take over works.

the Trustees and any contractor shall be required to sell, transfer, and hand over to the Colonial Government the works so purchased, and the purchase price shall be paid to the persons entitled thereto according to their respective interests.

27. Any such purchase shall be effected according to the provisions of Law No. 16, 1872 : Provided

- (a) That the purchase price shall be determined according to the value of the works at the time of purchase without any addition in respect of compulsory purchase, statutory rights, goodwill, or profits, save as provided in Sub-section (b) ;
- (b) That there shall be added to the value ascertained as aforesaid an amount as interest equal to five per centum per annum on the capital expended if the works be purchased before completion, or within five years after completion, and if purchased at any time thereafter, an amount equal to ten per centum on the value ascertained as aforesaid.

28. In the event of the village of Howick (including the village of New Howick) being brought within the provisions of any Municipal Corporation or Township Law, or the like, the Town Council or Local Board, as the case may be, shall have the same powers for purchasing and taking the works either from the contractor or from the Government as are given by the foregoing Sections to the Governor in Council.

29. The Governor in Council may, from time to time, make such regulations as may be expedient for securing the safety of the public from injury to person or property, and for minimising, as far as may be reasonable, any interference with the electric wires, lines and apparatus of the Colonial Government, and may from time to time rescind, alter, or repeal such regulations, and may impose penalties for the breach of any such regulations: Provided that no such penalty shall exceed a fine of £5 sterling, or in default of payment of any such fine, imprisonment with or without hard labour for a period not exceeding one month.

30. The Trustees shall be reimbursed all costs and charges incurred and be indemnified in respect of all damages sustained by reason of the exercise by them of the powers conferred by this Act, and the same shall be paid by the contractor.

Given at Government House, Natal, this Fourth day of September, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

Conditions of purchase.

In event of Howick being constituted a Borough or Township, Town Council, or Local Board may purchase on same terms as Governor in Council.

Governor in Council may make regulations for safety of public and protection of wires, &c.

Penalty.

Trustees to be reimbursed and indemnified against all damages.

WALTER HELY-HUTCHINSON,
Governor



V.

R.

ACT,

“To define the legal character of pledges of Certificates of Shares in any Joint Stock Company incorporated or registered with limited liability.”

WHEREAS it is desirable to define the legal character of pledges of certificates of shares in any Joint Stock Company incorporated or registered with limited liability, and to enable such certificate of shares to be validly pledged :

BE IT THEREFORE ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. This Act may for all purposes be cited as the “Share Pledge Act, 1899.”

Short title.

2. In this Act :—

- (a) The word “share” means any share or interest in the capital stock of any joint stock company with limited liability represented by a certificate signed and issued by the directors or other proper officers of such company, and whether the property of such company be movable or immovable, or both.
- (b) The word “share” includes any form of stock issued by any such company.
- (c) The words “an instrument of pledge” mean a document stating the fact of the pledge signed by the pledgor in the presence of a witness, and dated at the time of signature.

Interpretation

3. Every share is hereby declared to be movable property.

Shares are movable property.

4. Shares may be validly pledged by the legal holder thereof by delivery of the certificates thereof, together with

Pledge of shares.

an instrument of pledge ; and every such pledge shall be valid and effectual as against the pledgor or his creditors, and as against the creditors of the registered holder, whether in execution, or insolvency.

Saving of company's lien and of relations between company and registered holder.

5. Nothing in this Act contained shall be held to defeat the lien or other right of a company upon or in respect of its own shares, in terms of its articles of association, or law or charter of incorporation, or to alter or affect the mutual rights or claims of any company in which any share pledged exists, and of the registered holder of any such shares, which rights or claims, notwithstanding any such pledge, shall be deemed and judged of precisely as if such pledge had never been effected, and as if this Act had not been passed, and no such company shall be in any wise affected by notice of any such pledge.

Act to apply to future pledges.

6. This Act shall apply to any pledge of a share which may be effected after the coming into force of this Act.

Given at Government House, Natal, this Fourth day of September, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

WALTER HELY-HUTCHINSON,
Governor.



“To authorise and empower the Mayor and Councillors of the City and Borough of Pietermaritzburg to transfer to themselves the Public Outspan No. 4 in the said Borough, at present held by them in trust inalienable as an outspan or grazing ground for the use of travellers and the burgesses of the said borough, free from all trusts and servitudes at present affecting the same, and to declare the said piece of land to be a portion of the Town Lands of the said Borough.”

WHEREAS, by Deed of Transfer, bearing date the 20th day of February, 1879, a certain portion of the Town Lands of the said Borough, in extent 75 acres 2 roods 9 perches, marked No. 4 on the general plan of the said City has been reserved in favour of the Mayor and Councillors of the said City and Borough, and their successors in office, in trust inalienable as an outspan or grazing ground for the use of travellers and burgesses of the said City :

AND WHEREAS the said piece of land is not now necessary for the purposes for which it was originally reserved :

AND WHEREAS the said Mayor and Councillors are desirous of transferring the said piece of land to themselves free from all trusts and servitudes at present affecting the same :

AND WHEREAS a plan of the said piece of land has been lodged in the office of the Clerk of the Legislative Council, and in the office of the Clerk of the Legislative Assembly :

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. It shall and may be lawful for the said Mayor and Councillors, with the consent in writing of the Governor, to transfer to themselves the before mentioned Outspan No. 4, containing 75 acres 2 roods and 9 perches, more or less,

Authority for
transfer of Out-
span 4 to the
Corporation.

and bounded North West by a stream, South East by the portion A, and South West by Lot 267 and Town Lands, free from all trusts and servitudes at present affecting the same.

Land to form
Town Lands.

Provisions as to
use and aliena-
tion.

2. The said piece of land so to be transferred shall form a portion of the Town Lands of the City and Borough of Pietermaritzburg: Provided always that the Corporation shall have no power to alienate any portion of the land other than that required for the rectification of the boundaries caused by the deviation of the Dorp Spruit, or by the Colonial Government for Railway purposes; and provided further, that the portion of land west of Commercial Road Extension shall be set apart and dedicated as a Public Park or Recreation Grounds; the portion east of Commercial Road Extension and north of the Railway, shall be set apart for a Show-ground, or for other like purposes; and provided further, that the pieces of land east of Commercial Road Extension, abutting on the Railway, and fronting Victoria Road, shall be reserved solely for Railway, Municipal, or other public purposes.

Commencement
of Act.

3. This Act shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this Fourth day of September, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

No. 35, 1899.]

WALTER HELY-HUTCHINSON,
Governor.



ACT,

“To amend the Master and Servants (Native) Act, 1894.”

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The words “three months” shall be substituted for the words “one month,” occurring in Section 38 of the Master and Servants (Native) Act, 1894.

Given at Government House, Natal, this Eleventh day of September, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

V.

R.



ACT,

“To amend the Liquor Act, 1896.”

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :

“New Licenses”

1. Section 4 of Act No. 38, 1896, shall be amended as follows :

A “New License” means a license applied for in respect of premises not licensed at the date of application for the sale of intoxicating liquor in the particular manner for which authority is sought under the license applied for.

“Intoxicating liquor” or “liquor.”

2. The words “intoxicating liquor,” or “liquor,” whenever used in Act No. 38, 1896 (hereinafter referred to as the principal Act), or in this Act, shall include any intoxicating or fermented liquor or liquid from whatever substance it may have been prepared. In so far as the principal Act and this Act apply to the sale or supply of liquor to Natives or Indians, the word “liquor” shall also include yeast or any other ferment.

Doors of licensed premises

3. The following proviso shall be added to Section 15 of the principal Act :

Provided that the Board shall have full authority and discretion to order, as a condition of the license the closing of any doors which they may consider unnecessary to the proper carrying on of the business.

Sale of Native beer outside towns and villages.

4. The sale of Native beer upon premises outside a borough, township, or village being the seat of a Magistracy, either as a business or in combination with any other business, is prohibited : ~~Provided~~ that this section shall not be deemed to prevent the sale and supply of Native beer by

Native women, according to their usual practice, and not as a permanent business.

5. Section 32 of the principal Act shall be and the same is hereby amended by the addition of the following at the end thereof, namely :—

Native beer
license in
villages.

Native beer (at a village being the seat of a Magistracy) £3.

6. Section 65 of the principal Act shall be, and the same is hereby repealed, and in lieu thereof the following section shall be substituted, namely :—

Hours of closing

No retail dealer shall sell, or keep his premises open for the sale of liquors, or supply liquors to be drunk on the licensed premises during any part of Sunday, or between the hours of ~~seven~~ o'clock at night and six o'clock in the morning : Provided the keeper of an hotel may sell liquors at meal times to persons having meals on the hotel premises on Sundays and until 1 o'clock a.m. on all days to persons lodging on the hotel premises, or to *bona fide* travellers, and bar keepers at railway stations may sell liquors within the extra hours fixed by the General Manager in terms of Section 21.

Every person who, by falsely representing himself to be a traveller or lodger, buys or obtains, or attempts to buy or obtain, at any premises any intoxicating liquor within the period during which such premises are closed in pursuance of this Act shall be guilty of an offence :

Provided always that within the limits of any Borough or Township, within the meaning of this Act, any person holding a bar license, and carrying on the business of a restaurant, or eating-house proprietor on the premises licensed for the sale of liquors by retail as aforesaid, shall be entitled on Sundays between the hours of 1 p.m. and 2.30 p.m. and between the hours of 6 p.m. and 7.30 p.m. to supply liquor in retail quantities to persons then *bona fide* and actually having meals at the restaurant or eating house in question. Any person holding a Bar License within the limits of any Borough or Township as aforesaid, and carrying on in conjunction therewith a restaurant or eating house, as above set out, shall be entitled on the occasion of any public or private dinner, being about to take place on such licensed premises, to address a written requisition to the Chairman of the Licensing Board of such Borough or Township requesting permission to be allowed to supply liquor in retail quantities for the purposes of such dinner,

and the Chairman of such Licensing Board, should he in his discretion consider that the circumstances of the occasion are such that consent may reasonably be given to an extension of time, shall have power and authority to grant a special permission authorising the sale of liquor on such premises for the purposes of any such dinner, up to a time to be stated in the permit.

7. The following clause shall be inserted in Section 66 of the principal Act before the proviso thereof:—

Liquor shall not be deemed to have been supplied for medicinal purposes unless the dealer or the person who supplied it shall produce the prescription therefor of a duly licensed medical practitioner, or shall otherwise satisfy the Court that there was urgent necessity.

8. The holder of a retail license may be convicted of any offence defined by the principal Act, as amended by this Act, relating to the sale, barter, or supply of liquor if it shall appear that the sale, barter, or supply took place upon his premises, notwithstanding that he may not have had any direct cognizance thereof, or that the sale, barter, or supply was by some other person, whether employed by him or not, and upon any such charge it shall be sufficient to prove that the sale, barter, or supply took place upon the premises.

9. Any person liable to be charged with an offence under the principal Act, as amended by this Act, may be charged and convicted, notwithstanding that some other person may also be charged or convicted for the same act, and any two or more persons so liable may be charged and convicted either together or separately.

10. Upon the conviction of any person for the sale, barter, or supply of any intoxicating liquor to any Native or Indian in contravention of the provisions of this Act, the Magistrate shall be empowered to order, in terms of the principal Act, the suspension or cancellation of the license of the person upon whose premises such contravention took place.

11. No Native shall be employed as a barman or otherwise for the sale of liquor upon licensed premises, and any such sale by a Native shall be an illegal sale within the meaning of the principal Act.

12. Section 69 of the principal Act shall be repealed, and in lieu thereof the following Section shall be substituted:—

69. Any Indian or Native found in the possession of liquor without having a return pass therefor as provided for in Section 67 of this Act, or who, if in possession of a return pass, shall not duly convey such liquor to the person who granted the order, or is discovered with a manifest intention of dealing with the liquor otherwise than by conveying it to the person to whom the return pass is addressed, shall be guilty of an offence, and may be at once arrested and summarily tried by a Magistrate.

Supply of liquor for medicinal purposes.

Liability of license holder for illicit sale on premises.

Joint and several liability for offences.

Suspension or cancellation of license for illicit supply by anyone upon the premises.

Natives not to be barman or to sell.

Illegal possession of liquor by Indian or Native.

13. The Magistrate of any Division may, by an order in writing, after due enquiry on oath, forbid the selling of liquor to any person who, by excessive drinking of liquors, misspends, wastes, or lessens his estate, or greatly impairs his health or disturbs the peace of his family. Every licensed dealer who shall, with a knowledge of such prohibition, sell to any such person any liquor, and any person who with such knowledge shall give to, purchase, or procure for such prohibited person any liquor, shall be deemed to have committed an offence. Any prohibited person who shall obtain liquor shall likewise be guilty of an offence.

Prohibition of supply of liquor to drunkards.

14. Any police officer or constable whilst in the performance of his duty shall be empowered to enter upon any licensed premises for the purpose of removing any drunken or disorderly person, making an arrest, or for any other lawful purpose.

Entry by police upon premises.

15. The provisions of Section 82 of the principal Act shall apply to every case in which a licensed dealer is liable to be charged with an offence under this or the principal Act; and the obligation to produce a license shall extend to a barman or other person having the charge or control thereof.

Production of license for record of conviction.

16. Notwithstanding anything contained in Section 72 of the principal Act, a Magistrate may sentence any habitual drunkard to be imprisoned for a period not exceeding six months, either without hard labour or with such labour as he is capable of performing.

Sentence of imprisonment upon habitual drunkards.

17. This Act and Act No. 38, 1896, shall be read together as one Act, and any offence defined by this Act shall be deemed to be an offence under the principal Act.

Joint construction of Acts.

Given at Government House, Natal, this Eleventh day of September, 1899.

By command of His Excellency the Governor,
CHARLES J. SMYTHE,
Colonial Secretary.

No. 37, 1899.]

WALTER HELY-HUTCHINSON,
Governor.

V.



R.

ACT,

“For the Better Protection of Women and Children.”

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

Carnal knowledge of a girl under 14 years to be rape.

1. Any person unlawfully carnally knowing a girl under the age of fourteen years shall be guilty of the crime of Rape, and any person attempting to unlawfully carnally know a girl under the age of fourteen years shall be guilty of the crime of Assault with Intent to Commit Rape. In either of such cases the consent of the girl shall be immaterial and of no avail to an accused person.

Saving of certain laws.

2. Nothing in this Act contained shall be held or construed to vary, alter, or repeal any of the provisions

- (1) of the Code of Native Law legalised by the Law, No. 19, 1891, entitled “Law to legalise the Code of Native Law laid before the Legislative Council according to the provisions of Law No. 44, 1887,” and any amendment thereof;
- (2) of the “Indian Immigration Law, 1891,” entitled “Law to amend and consolidate the Laws relating to the introduction of Indian Immigrants into the Colony of Natal, and to the regulation and government of such Indian Immigrants,” and any amendments thereof:

All of which shall remain in full force and effect, this Act notwithstanding.

Saving of law of rape upon females over 14 years.

3. Nothing in this Act shall be deemed to alter or impair the Law in regard to the crime of Rape upon females of the age of fourteen years and upwards.

4. It shall not be lawful for any person to publish in writing or in print or the like any of the evidence or proceedings in a court of law, whether at the trial or preparatory examination, in any case of rape, incest, seduction, stupration, or indecent assault, or indecency, or to so publish any *précis* or other account of any such proceedings or evidence in any such case, except by leave of the Judge or Magistrate, signified in writing by the Registrar or Clerk of the Court: Provided that this section shall not be deemed to prevent a publication of the fact of the trial and the issue thereof. Any person contravening this section shall be liable to a fine not exceeding Fifty Pounds Sterling.

Restriction upon publication of evidence, etc. in certain cases.

5. Any contravention of the foregoing section in reference to a case in the Court of a Magistrate shall be cognisable in the Magistrate's Court.

Prosecution of contraventions of Section 4.

act. 32/17

Given at Government House, Natal, this Eleventh day of September, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

No. 38, 1899,

WALTER HELY-HUTCHINSON,
Governor.

V.



R.

ACT,

“To make better provision for the Administration of Intestate Estates and for the Registration of Deaths.”

WHEREAS it is expedient to amend and consolidate the law relating to the administration of Intestate Estates, and for that purpose to amend the law with reference to the Registration of Deaths within this Colony :

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

PART I.

PRELIMINARY.

1. This Act may be cited as the “Intestate Estate Administration Act, 1899,” and shall come into operation on January 1st, 1900.

2. In this Act, unless the context otherwise requires :—

The expression “Master” means the Master of the Supreme Court, or the officer from time to time appointed by the Governor to fulfil his duties.

The expression “Intestate Estate” means the estate of a deceased person who died without a will, or without having appointed an executor, or in respect of whose will or estate an executor is at any time required, and no provision is made in such will for the appointment of an executor.

“Court” means the Supreme Court or any Judge thereof or Circuit Court having jurisdiction,

Short title and commencement of Act.

Interpretation.

“Meeting of next of kin and creditors” means any duly summoned meeting of the surviving spouse, next of kin, creditors and legatees of any deceased person.

“Property” means any property estate effects thing or right, whether vested contingent or rever- sionary and whether movable or immovable.

3. The Laws and Act mentioned in the first schedule to this Act are repealed to the extent mentioned therein, but this repeal shall not invalidate or prejudice any thing or proceeding begun or completed, nor affect any offences committed before this Act came into force, all which shall be dealt with as if this Act had not been passed.

PART II.

REGISTRATION OF DEATHS.

4. This part of this Act shall be read and construed together with Law No. 16, 1867, and Act No. 17, 1894. Joint construc-
tion of laws.

5. The particulars required upon information of death becoming known or being given by any person to a Registrar or Justice of the Peace, and the form in which the same are to be noted and the death registered, shall be according to the form as near as may be contained in the second schedule to this Act, which shall take the place of Schedule C of Law No. 16, 1867, and Schedule B of Act No. 17, 1894. Information of
death.

6. Whenever the information required in terms of the second schedule to this Act shall be incomplete or incorrect, the Registrar shall complete and correct the same so far as possible, either by means of a marginal or foot-note, or by means of a new entry, to which a distinct reference shall be made by writing across the original entry and adding the date of such completion or correction, but in either case without alteration or obliteration of the original entry: Correction of
return.
Provided always—

(a) That the Registrar, if he himself makes the completion or correction as the result of his own enquiries, shall so state in such note or entry, and

(b) That, if such completion or correction be made upon information of another person, the name and signature, if possible, of the informant shall be added to the note or entry.

7. Forms according to the second schedule to this Act shall be supplied without charge by the Registrar or Magistrate of his district to any person desiring to register or give information of the particulars upon a death. Forms of death
return.

8. Every Registrar shall at the beginning of each week make and transmit to the Registrar-General true copies, certified under his hand, of all entries of deaths made in the Register books in his office during the week immediately preceding; or a certificate under his hand that there have been no such entries, as the case may be. Weekly returns
to Registrar-
General.

PART III.

ADMINISTRATION OF INTESTATE ESTATES.

DIVISION I.

APPLICATION OF ACT.

9. None of the provisions of this part of this Act shall extend or apply to—

- (a) The Estates of Indian Immigrants administered under Law No. 25 of 1891.
- (b) Estates of Natives administered under Act No. 7 of 1895, or administered according to Native Law.
- (c) The property actually on board of any vessel lying or being in any harbour, port, or place of, or within the limits of this Colony, and belonging to any person who, being one of the officers or crew of, or passengers by, such vessel shall die on land within this Colony or on board of any such vessel while lying or being within any such harbour, port, or place, as aforesaid, unless such person so dying shall at the time of his death have left property situated on land within this Colony, not being wearing apparel, bedding, or other articles of the like nature, or unless such person shall be domiciled in this Colony, or unless it shall be shewn to the Court, or a Judge thereof, or the Master, that for the preservation or due administration and distribution of such property, it is necessary or expedient that such estate or property should be administered, distributed and disposed of under and by virtue of the provisions of this Act :
- (d) The property (except immovable property situated within this Colony) of any officer employed on or belonging to the staff, or of any commissioned or non-commissioned officer or private soldier, present with or belonging to any regiment or corps of Her Majesty's Army serving in this Colony who shall die whilst so employed or belonging to the said staff, regiment, or corps.

Provided always that if no provision whether by law or otherwise applicable to the estate or property so excepted from the provisions of this Act exists either in this Colony or elsewhere, then the Court may order the same to be dealt with and administered under this Act.

10. The law respecting the duties, powers, rights, relief, and responsibility of Executors, and touching and concerning the administration by the survivor of two spouses of the joint estate of such spouses during the minority of the children of the predeceased spouse (boedelhouderschap) in force within this Colony, prior to the passing of this Act, shall, except in so far as the same has been expressly repealed or altered by the provisions of this Act, remain in full force and effect in like manner as if this Act had not been passed.

Certain estates excluded from Act.

Saving of existing law relative to executors and boedelhouderschap.

DIVISION 2.

APPOINTMENT OF EXECUTORS DATIVE AND
PRELIMINARIES THERETO.

11. The Registrar-General shall at the beginning of every week transmit to the Master a return under his hand of all the death certificates or returns which have been received by him during the preceding week, together with the particulars relating thereto, referred to in the second schedule of this Act; but from such returns shall be excepted details or returns as to the deaths of:—

Returns by Registrar-General to Master of all death certificates.

- (a) Natives not exempt from Native Law;
- (b) Indian Immigrants, the administration of whose estates falls within the duties of the Protector of Immigrants;
- (c) Minors who do not appear to be possessed of any property.

12. The Master shall keep a register of all persons who have left wills, and such register shall contain the names of the Executors under such wills, if any, and whether there is any power of further appointment thereunder; such register shall be compiled from the returns transmitted to the Master by the Registrar-General and from such other information as the Master may otherwise obtain.

Register of particulars relative to wills.

13. Upon receiving, whether by means of the returns transmitted by the Registrar-General or otherwise, information to his satisfaction as to the death of any person leaving an intestate estate, the Master shall cause his estate and property to be administered as intestate or, as the case may be, cause another Executor Dative to be elected or appointed in the manner hereinafter set forth.

Duty of Master to cause estates to be administered or executor to be appointed.

14. Upon receiving information to his satisfaction as to the death of any person who is the Executor under any will which makes no provision for the further appointment of Executors, and under which another Executor is required, the Master shall cause another Executor Dative to be elected or appointed in terms of this Act, in the same manner as in the case of an intestate estate.

Duty of Master in case of vacancy caused by death of executor.

15. Upon receipt of information of the death of any person the Master shall (unless it appear that the estate of such person does not require to be administered in terms of this Act) enquire or cause enquiry to be made, either by himself or through a Magistrate, or through the Natal Police Department, for the purpose of ascertaining the particulars contained in Schedule No. 3, or such other particulars as he may consider necessary; and it shall be the duty of any person of whom such enquiries are made to answer the same to the best of his knowledge.

Enquiry for ascertaining particulars of estate.

16. The surviving spouse, if any, may take charge of the estate until the appointment of an Executor Dative, or the Master of the Court may authorise some person so to take charge of the estate, or the Court may appoint a Curator Bonis until the appointment of an Executor Dative: Provided

Taking charge of estate pending appointment of executor dative.

always, however, that nothing herein contained shall prejudice the right of any creditor to have such estate placed under sequestration as insolvent and provided further that no such surviving spouse or person authorised by the Master of the Court to take charge of an estate shall have any power of alienating or encumbering the same or any part thereof by virtue of this section without the sanction of the Court.

Inventory.

17. The Master shall, as soon as practicable after hearing of the death of any such deceased person, require an inventory of the property of the deceased person to be taken, and for such purpose shall be entitled to require the relatives of the deceased person, or any other person having knowledge, to frame such inventory if able so to do, or to give him information as to what property the deceased had, and the nature thereof: Provided that the Master may exercise the powers of this section in respect of the estate of any deceased person who has left a will under which there is no existing executor capable of acting, and no power of further appointment.

Summary administration of estates not exceeding £100.

18. So soon as the Master shall have obtained such inventory as he may think sufficient for the time being, in cases where he is satisfied that the intestate estate of the deceased does not then exceed £100 in value the Master shall be entitled, subject to appeal to the Court, to summarily administer any such estate if he so think fit after the lapse of not less than fourteen days from the death of the deceased in any of the following ways:—

Delivery to spouse, major child, or relative.

(a) He may agree with the surviving spouse, upon payment by him or her of the debts of the estate, and upon such other terms as he may think just, for delivery to the same of such estate; or if the deceased have left children and no wife or husband surviving, the Master may, upon such terms as he may think just, hand over such estate to any major child or relative who may agree to pay the debts thereof and take charge of the children, if minors.

Administration by Master.

(b) The Master may himself administer such estate in the same way as an Executor Dative, but without the appointment of any Executor Dative, and without giving security.

Appointment of guardian.

(c) The Master may summarily appoint a guardian where required in any such case, and relieve such guardian from any obligation to find security.

Powers may be exercised by Magistrate.

(d) The Master may authorise any Magistrate to exercise any or all of the powers which are conferred upon him by this section.

Provided always

No fees, etc., chargeable by Government.

(a) That in all estates administered under this section no fees, charges, or expenses shall be charged, levied, or demanded by the Master or Magistrate, or by the Supreme Court, or by any official of the Government; and

- (b) That due notice shall be given in the *Natal Government Gazette* that any such estate is to be summarily administered.

Notice of administration.

19. In all cases where the value of the intestate estate of the deceased shall appear to the Master at the time not to exceed £200 the Master may summarily appoint an Executor Dative, and guardian, if one be required, and may, in his discretion, relieve such Executor or guardian for such period as he think fit, or entirely, from the obligation of finding security: Provided that any person interested in such estate may apply to the Court to cancel or vary such appointment or make a fresh appointment at any time within fourteen days from the date thereof, and the Court may make such order on such application as may be just.

Summary appointment of executor dative and guardian in estates not exceeding £200.

20. In all cases where an estate is not summarily administered or an Executor summarily appointed as aforesaid, the Master shall publish a notice calling a meeting of the next of kin and creditors of the deceased for the purpose of proving debts and electing an Executor Dative at a time therein specified, not being less than ten days from the day of publication, and at a place which may either be the office of the Master or the office of any Magistrate, other than the Magistrate having jurisdiction in the City of Pietermaritzburg, according as the Master may determine.

Summoning meeting of next of kin and creditors.

21. The Master or Magistrate, as the case may be, shall be guided by the following rules so far as possible in the appointment of an Executor Dative, namely:—

Rules for guidance in appointment of executors dative.

- (a) Whenever a competition shall take place for the office of Executor Dative the surviving spouse, failing whom the next of kin or some of the next of kin, and failing them the creditor or creditors who have proved their debts, or the person or persons nominated by them, and thereafter the legatee or legatees, shall be preferred to the office of Executor Dative, subject to the provisions hereinafter contained.
- (b) Where the debts of the estate are large, or where it is not apparent that the estate will be fully sufficient to discharge such debts, the Master or Magistrate may appoint a creditor or creditors or some other suitable person, as Executor Dative, either in conjunction with or without the surviving spouse or some of the next of kin, or some legatee.
- (c) Where the estate is of large value and the administration thereof apparently intricate, the Master or Magistrate may appoint some independent person in conjunction with anyone else who may be appointed as Executor Dative.

- (d) The Master shall ascertain so far as possible by the votes of those attending the meeting their wishes with regard to the appointment of an Executor Dative, and may or may not act upon such votes, according as he may think right.
- (e) Amongst competing creditors who have proved their debts, or competing legatees, a person elected by the majority in value shall be preferred, other things being equal.
- (f) Nothing herein contained shall prevent two or more Executors Dative being selected from one or more of the above-mentioned classes of persons.
- (g) If it shall appear to the Master or Magistrate that any valid objection exists to any of the above persons or any of the above classes of persons, or that someone not included in the above classes of persons should be elected, the Master or Magistrate may pass over such persons, or classes of persons, and appoint someone else as Executor Dative.
- (h) If no person attend any such meeting, or if no valid election of Executor Dative be made thereat, the Master shall be entitled to appoint an Executor Dative.

Setting aside
appointment.

22. It shall be competent for any person, having an interest in any such estate, to move the Court to set aside any election or appointment by the Master or a Magistrate of an Executor Dative, or for the Court to make such order therein as may be just.

Election of new
executor dative.

23. When an appointment of an Executor Dative shall have been set aside by the Court, the Master shall thereupon call a fresh meeting of next of kin and creditors for the purpose of electing another Executor Dative, unless the Court shall otherwise order.

Preference of
guardian in
voting for
executor dative.

24. Whenever any of the next of kin, or creditors, or legatees of any such deceased person shall be minors or otherwise under guardianship or curatorship, then such guardian, or curator, or the like, shall be entitled to the same preference in the voting for Executor Dative as those whose guardians or curators they may be would have had if free from guardianship or curatorship.

Election of
guardian.

25. Whenever it shall be necessary to appoint a guardian to any minor child of a deceased person, and no provision by will or other valid deed for such appointment exists, such guardian may be elected at the same time, and in the same way, and subject to the same provisions as an Executor Dative, provided, however, that creditors shall not have power to vote for the election of a guardian: Provided always that the Court may at any time appoint a guardian to any such minor.

Appointment by
Court.

26. Whenever any Executor Testamentary shall have died, or become incapacitated to act as such, or have been duly removed from his office, or have declined to act, and the will under which he was appointed shall not have made due provision for the appointment of another Executor Testamentary in his place, or whenever the appointment of an Executor Dative has otherwise become necessary, the Master shall, upon receiving any information thereof, forthwith call a meeting of next of kin and creditors for the election of an Executor Dative, and the same provisions shall apply to any such election and to any such Executor Dative (subject, however, to the provisions of any such will) as in the case of a person dying intestate: Provided always, however, that the Court may, where any Executor Dative has been so elected to act in place of an Executor Testamentary, order and direct, if it so think fit, that such Executor Dative shall be considered and dealt with as if an Executor Testamentary, and as if otherwise freed from the operation of this Act; and provided further that the Court may where there are surviving Executors, or a surviving Executor, authorise such surviving Executor or Executors to act, without the election of any person to supply any vacancy.

Election of executor dative on vacancy in office of executor testamentary.

27. Whenever the Executor Dative of any estate shall die, or become incapacitated, or be relieved from his office, or resign, then another Executor Dative shall, subject always to the provisions of the preceding section, be elected, and the same provisions shall apply to such election and to such Executor Dative as in the case of a first election or first Executor, unless the estate in question shall have been fully and duly administered.

Election to vacant office of executor dative

DIVISION 3.

SECURITY OF EXECUTORS DATIVE.

28. Every Executor Dative, save so far as the Court or Master may have lawfully relieved him from such obligation, shall, before entering upon the administration of the estate, find security to the satisfaction of the Master for the due and faithful performance of his duties in such reasonable amount as the Master may, in each particular case, determine; and such security shall be so completed within three weeks from the date of the Executor Dative's appointment, or within such further period, not exceeding one month, as the Master may, in writing, allow; and failing completion of such security as aforesaid, the Master may cancel the appointment of such Executor Dative and call a fresh meeting of next of kin and creditors for the election of another Executor Dative, or the Master may bring the failure of such Executor Dative to complete security before the Court, which may thereupon make such order in the premises as may be just.

Security to be given by executor dative.

Payment by executor dative of costs incurred through failure to give security.

29. The Court or the Master shall be entitled to direct any Executor Dative, whose appointment may be so cancelled, to pay the costs and expenses incurred by the estate or by his office through the failure of the Executor Dative so to complete his security.

Renewal of sureties or security.

30. In the event of any surety of an Executor Dative becoming insolvent, or becoming, in the opinion of the Master, unable or unfit to discharge the obligation of suretyship if so required, or in the event of any security given by an Executor Dative becoming in his opinion insufficient, then, and in any such case, the Master shall be entitled to require the Executor Dative to procure another surety or fresh security, and the same provisions shall apply to any fresh surety or fresh security as in the case of the original surety or security.

Additional security.

31. The Master shall be entitled, whenever any additional property of any estate shall have been brought to his notice in respect of which security shall not have already been given, to require the Executor Dative to find further security to his satisfaction, and such security shall be found and completed in the same manner and within the like period, and subject to the same provisions, as the original security.

Obligation not affected by informality of bond.

32. No Executor Dative, and no surety of an Executor Dative, shall be entitled to be relieved from his obligation in respect of the security to be given in terms of Section 28 by reason of any informality in respect of the document by which security is given; provided it sufficiently appear that such security was intended to be given by such Executor Dative or surety, and the extent to which security was intended to be given.

Prescription.

33. The law of prescription at present applicable to suits or actions for money claimed upon or by virtue of any policy of assurance shall apply to suits or actions for money claimed against any surety upon or by virtue of any surety bond given in terms of this Act.

DIVISION 4.

EXECUTORS' ADMINISTRATION OF INTESTATE ESTATES.

Letters of administration.

34. As soon as any Executor Dative has completed his security, the Master shall issue to him letters of administration according to the form, as near as practicable, in Schedule 4 hereto.

Inventory.

35. Every Executor Dative shall, as soon as letters of administration have been granted to him, forthwith make, or cause to be made, an inventory of all the property of the estate of which he is Executor, and shall, in like manner, from time to time thereafter, as soon as he shall find or know of any other property, make a further inventory thereof, and shall transmit every such inventory forthwith, or a certified copy thereof, to the Master.

36. Upon receiving his letters of administration every Executor Dative shall forthwith publish a notice calling upon all persons having claims against the deceased or his estate to lodge the same with him within a period to be specified in such notice, not being less than six weeks nor more than four months, as in each case such Executor Dative may consider proper, and also calling on all persons indebted to the said deceased or his estate, within the same period, to pay such indebtedness to the said Executor.

Notice calling for claims.

37. The Executor Dative shall have authority to sue for debts not paid to the estate within the time so specified, and to employ an attorney for the purpose.

Suing for debts

38. The Master may authorise the surviving spouse to remain in possession of the estate of the deceased upon such terms and conditions, and subject to such security as he may from time to time direct, without prejudice, however, to the rights of any creditor, legatee, or any other person having claims against the estate.

Spouse may be left in possession.

39. Subject to the authorised retention by the surviving spouse of the estate of the deceased, every Executor Dative shall be entitled to require the delivery to him of any property of the deceased upon such terms and conditions as the deceased would have been entitled to require delivery.

Delivery of property to executor dative.

40. Upon his receiving his letters of administration every Executor Dative shall forthwith proceed with the administration of the estate, with the realisation of such of the property as may require to be realised, and with the collection of all debts or obligations due to the estate, and shall, after the expiry of the period within which creditors and claimants are required to send in their claims to the Executor, proceed to rank, according to their legal order of preference, all such debts and claims against the estate as shall be owing by it, and as shall have been duly lodged with him, and otherwise duly proved, and shall pay off and discharge the same from the funds of the estate: Provided always:

Administration of estate.

(a) That debts or claims against the estate shall be proved by sworn affidavits or declarations, and that the Executor Dative shall, in case he reject any debt or claim, notify such rejection forthwith to the creditor or claimant who shall be entitled to oppose confirmation of the Executor's accounts in respect of such debt or claim, or proceed in such other manner as he may be entitled to do under this Act;

Proof of debt,

(b) That the Executor shall not, without leave of the Court, or of a judge, make a distribution amongst creditors before the confirmation by the Court of his account, dealing with such claims, except in the case of funeral expenses, which may be paid from the first available funds.

Distribution among creditors

Surrender or administration of insolvent estate.

(c) That where the property of the estate shall be insufficient to pay the claims of creditors, the Executor Dative shall notify the same to the creditors, calling upon them to state in writing whether they desire the estate to be continued to be administered by the Executor Dative, or to be surrendered as insolvent, and, if a majority in value of the creditors so state in writing their desire that the estate be surrendered as insolvent, the Executor Dative shall, subject to any order of the Court thereon, surrender the estate as insolvent, but, otherwise, shall administer the same notwithstanding that the estate is unable to discharge all the debts due by it. Provided, however, that nothing herein contained shall prejudice the right of any creditor to apply for, or the Court to grant the sequestration as insolvent of any intestate estate ;

Payment before confirmation not to prevent challenge of claim.

(d) That payment to any creditor or claimant of the estate prior to confirmation of the account containing his claim shall not prejudice the right of any person to challenge in whole or in part such payment or claim ;

Disposal by will.

(e) That nothing in this section shall be deemed to invalidate the provisions of any will under which an Executor Dative may be acting.

Sale of moveables.

41. Subject to the provisions of any will the Executor Dative shall be entitled to sell the movable property of the estate unless any heir or legatees shall object to such sale, and thereupon if the Executor and heir or legatee do not agree, the Master shall have power to forbid or authorise such sale on such terms as he may think just : Provided, however, that the Master in every such case shall be entitled to prohibit any sales by the Executor without his consent.

Land, how dealt with.

42. Subject to the written approval of the Master and subject to the payment of the liabilities of the estate, the provisions of any will and to any obligations affecting such property, the Executor Dative may deal with any landed property of the estate in terms of any written consent or agreement signed by all the persons interested in such property who may be majors, and if any persons so interested are minors, the consent of their guardians, if any, and of the Master shall be sufficient. The Master shall, before giving any approval under this section, satisfy himself that all persons interested in such land have joined in such written consent or agreement.

Banking account.

43. The Executor Dative of any intestate estate shall, as soon as he shall receive any sum of money exceeding Twenty Pounds belonging to the estate, open an account in a bank in the name of the estate, and such sum and every other sum of Twenty Pounds or upwards shall so soon as received by him be deposited to the credit of such account. All cheques drawn against such funds shall truly express the cause of such payment.

44. The Court may in all cases authorise the sale of the immovable property of any intestate estate upon application to it where the same shall appear to the Court necessary or advisable in the interests of the estate.

Sale of land by order of Court.

45. All sales of immovable property of any estate shall be by public auction upon such terms as the Master may approve, and after due notice in terms of this Act, save so far as—

Sale of land to be by public auction.

- (a) The Court may in any case otherwise specially direct, or
- (b) The Master may authorise any special notice.

46. The Master may from time to time, if upon enquiry it shall appear to him desirable in the interests of any minor, pay out or authorise the Executor Dative to pay out of the capital of any minor's property in the hands of the Master or such Executor any sum or sums of the minor for the maintenance or education of such minor not exceeding in all £100, or such other sum as the Court may direct.

Maintenance and education of minors.

47. Whenever after the appointment of an Executor Dative it shall appear to the Court that there was in existence a valid will appointing some person capable of acting to be Executor Testamentary, the Court may annul the appointment of an Executor Dative: Provided always that the costs of administration duly incurred and the disbursements duly made by the Executor Dative shall be a first charge upon the estate, and shall be repaid to him by the Executor Testamentary unless it shall be made to appear that the Executor Dative knew of such will before the incurring of such costs of administration, or before the making of such disbursements.

On discovery of will executor dative may be suspended

48. Executors Dative shall, in respect of their office, be deemed to be officers of the Supreme Court, and the duties of such office shall be subject to supervision by the Master.

Office of executor dative.

DIVISION 5.

EXECUTORS' ACCOUNTS.

49. Every Executor Dative shall, within six months of the date of his appointment, file with the Master an exact account and balance of the estate setting forth his dealings therewith and the proceeds of all sales and debts collected, all payments made, and an inventory of all property and effects still unsold, and also all debts due by the said estate, and further, an account setting forth the distribution made or proposed to be made amongst the creditors, legatees, or other persons entitled to share in the said estate according to the order of their legal preferences, and thereafter within every succeeding period of six months shall, until the estate shall be fully liquidated and distributed, file similar accounts, and all Executors' accounts as aforesaid shall be duly advertised and be brought by the Executor before the Court for confirmation within a period of six weeks from the day of filing: Provided always

Filing of accounts with Master.

Confirmation of accounts.

- (a) That the Master may extend the periods for filing any one account from time to time for any term not exceeding one year in all, and where the liabilities of the estate have been discharged the Master may authorise the filing of accounts every year instead of every six months ;
- (b) That the Court may extend the periods for filing accounts for such term as it may think fit ;
- (c) That if the Executor fails to file any account within the proper time he shall not, except by permission of the Court, be allowed to charge or receive anything by way of commission in respect of the administration of so much of the estate as is represented in such account.
- (d) That the Court may for any sufficient reason disallow an Executor's commission either wholly or in part.
- (e) All accounts shall, as far as possible, be supported by vouchers, and the Master shall have power to call for any vouchers or explanations he may consider necessary.
- (f) That where objection has been taken to any Executor's accounts, the same shall be disposed of within such term as may from time to time be fixed by Rule of Court, and, so soon as such objection is disposed of, confirmation of the accounts shall be obtained ;
- (g) That the Court of the Master may extend the time for confirming any account to any period not exceeding six months ;
- (h) That the Master may, in writing, dispense with the necessity of bringing before the Court for confirmation the accounts in any estate where the gross proceeds are under £100 : Provided, however, that this sub-section shall not prevent any aggrieved person bringing such account before the Court to be dealt with by the Court, and that the advertisement of such accounts shall state that in accordance with this sub-section it is not intended to procure the confirmation of such accounts ;
- (i) That with the exception of accounts, the necessity for confirming which has been dispensed with by the Master, a report shall be made by the Master upon all accounts in intestate estates brought before the Court for confirmation.

50. Where the deceased resided at some place within the Colony, but more than twenty miles from the Court House, Pietermaritzburg, then, unless the Master, in writing, shall dispense with compliance with this section, such account or accounts, or a copy thereof, shall, in addition to being filed with the Master, be filed at the office of the Magistrate of the

Division in which the deceased resided, and there remain for a period of at least ten days after the notice of such filing, and before confirmation thereof. The Magistrate shall forward to the Master any objections against any such account which may have been lodged with him, and if no objections have been lodged he shall report accordingly.

Magistrate to forward objections to Master.

51. Due notice of the filing, and also of the time and place of any application for the confirmation of any Executor's account, shall be given by him forthwith, so that at least fourteen days shall elapse between the date of such notice and the application for confirmation.

Notice of filing and of application for confirmation.

DIVISION 6.

LEGAL PROCEEDINGS.

52. No action shall be brought against an Executor in respect of any claim against the estate, nor shall any action, commenced against the deceased in his lifetime, be continued against any Executor unless, in each case, written notice shall have been given to the Executor calling upon him within seven days to admit or deny such claim, and unless he shall have failed to admit such claim within such period, or shall have denied the same: Provided, however, that in any case, upon cause shown, the Court may at any time authorise the commencement, continuation, or abandonment of any such action.

Notice to executor before action against him.

DIVISION 7.

REMOVAL OR RESIGNATION OF EXECUTORS.

53. The Court may, upon application by any aggrieved person, or upon the report of the Master, remove any Executor Dative from his office if it shall appear that such Executor Dative has committed a breach of, or has failed to duly perform the duties of his office, or if the estate of the Executor Dative have been placed under sequestration as insolvent: Provided always that such removal shall not affect the liability, prior to removal, of such Executor Dative, or of his surety or any security given by him in respect of the estate.

Removal of executor dative.

54. Any Executor Dative may, with the written consent of the Master, resign his office as such, subject to the following provisions:

Resignation of executor dative.

- (a) That he shall pay all expenses caused to the estate by his resignation and the election of another Executor Dative;
- (b) That he shall have duly filed all accounts in connection with the estate up to the date of his resignation;
- (c) That the Master shall be satisfied that another Executor Dative can be obtained to act in his place;
- (d) That the Master may require the prepayment by the Executor Dative of such an amount as he may think sufficient to cover the expenses of any such resignation and fresh election.

DIVISION 8.

OFFENCES AND PENALTIES.

Liability incurred by unauthorised dealings with estate.

55. If before letters of administration have been granted by the Master to him any person shall, without prior sanction of the Court, take upon himself to administer, distribute, or otherwise dispose of any estate, or any part thereof, except in so far as the Court may adjudge the same to have been, or to be absolutely necessary for the safe custody or preservation thereof, or for providing a suitable funeral for the deceased, or for the subsistence of the family left by the deceased, or of any live stock, or, if any Executor Dative, prior to completing his security, shall take upon himself to administer, distribute, or otherwise dispose of the estate, or any part thereof, every such person shall thereupon, and in respect and by reason of such undue administration, distribution, or disposal of any estate, or any part thereof, become and be personally liable to pay to the creditors all debts due by the deceased at the time of his death, or which have thereafter become due by his estate, and all legacies left by the deceased in so far as the property of any such estate shall be insufficient for the full payment thereof.

Provided always :

- (a) That if he shall prove to the satisfaction of the Court before which he shall be sued that the true amount and value of the property which has actually been unduly administered, distributed, or disposed of by him, did not exceed a certain sum, and that his administration, distribution, or disposal of such estate was not fraudulent, then, and in every such case, such person shall be personally liable for the amount of such sum, or such part thereof only as he shall fail to prove has been distributed or disposed of in such manner and for such purposes as by law the same ought to have been distributed or disposed of ; and
- (b) That such person shall be liable to pay the taxed costs incurred in, and concerning such suit by the plaintiff therein, notwithstanding that such person's liability may have been so restricted as aforesaid, unless the Court shall be of opinion that the plaintiff's action was *mala fide*.

Offences.

56. Every person shall be deemed to be guilty of an offence cognizable in the Court of a Magistrate, and, on conviction, be liable to punishment not exceeding what is hereinafter set forth who may do any of the acts hereinafter set forth, viz :—

Refusal to give information.

- (a) Refuse within a reasonable time to give the Master, or any person duly authorised by him to require the same, such information as the Master is entitled to require under this Act, or

wilfully give false information, in which case the punishment may be a fine not exceeding £10 sterling, or, in default of payment, imprisonment for a period not exceeding one month;

- (b) Wilfully refuse or neglect to comply with any order which the Master is entitled to give in terms of this Act, in which case the like punishment may be inflicted; Disobedience
Master's order.
- (c) Wilfully make any false claim against any intestate estate, in which case punishment may be the same as that for the time being in respect of the crime of perjury. False claims.

57. Any wilful contravention of the provisions of this Act in respect of which no punishment is otherwise imposed shall be deemed to be an offence, cognizable in the Court of a Magistrate, and shall be punishable by a fine not exceeding £10, or, in default of payment, by imprisonment for a period not exceeding one month, with or without hard labour. Contraventions
of Act.

DIVISION 9.

MISCELLANEOUS.

58. Where a deceased person dying intestate had his domicile in another country in which his estate is being administered as intestate, and has left movable property in this Colony, then the Executors or Administrators of such intestate duly appointed in the country of domicile shall be entitled to take possession of and administer such movable property in the same way as if it were in the country of domicile, whether Executors Dative have been appointed in this Colony or not, subject to the following provisions:— Administration
by executor
appointed in
country of
domicile.

- (a) Nothing shall be done under this section until such Foreign Executors or Administrators have obtained an order of the Court authorising them to proceed hereunder, and such order shall only be applied for after at least one month's notice of the time and place of application has been given in terms of this Act; Authority of
Court.
- (b) Before acting upon any such order the said Executors or Administrators shall give security from time to time in the same manner as Executors Dative appointed under this Act; such security shall also impose a liability to comply with the provisions of this Act and any orders of Court affecting such estate; Security.
- (c) All persons having claims against the estate of such deceased person shall be entitled to prove the same before the Master at any time during a period to be fixed by the Court either at the time of granting the aforesaid order or subsequently, and such proof shall be made and be admitted or rejected by the Proof of claims.

Master, and be subject to appeal in the same manner, so far as may be, as in the case of other intestate estates administered under this Act ;

- (d) Nothing contained in this section shall affect or prejudice the claims or rights of any person in respect of any property of the said intestate estate in this Colony whether by way of mortgage, hypothec, pledge, lien, charge, lease, or otherwise, which claims or rights may be enforced by the Court in the same way as in the case of other intestate estates administered under this Act ;
- (e) The Court may decline to grant any order under this section if it be not satisfied that such order will be in the interest of such intestate estate as a whole, or that persons resident in Natal and having claims against such intestate estate will be equitably treated and be exempted from unreasonable delay ;
- (f) The Court may, in granting any order under this section, impose such terms and conditions as may be just, and may from time to time confer on such Executors or Administrators such of the powers of this Act as to property in this Colony belonging to such estate as may to the Court seem meet.

Saving of claims on property in the colony.

Order for administration may be refused

or special order made.

Claims of minors, lunatics etc., not having guardian or curator

59. Every Executor appointed under this Act who shall in the course of his duties find that any minor not having a lawful guardian or curator, or any lunatic not having a lawful curator, or any person absent from this Colony not having a lawful representative within the same, has any just and lawful right and claim to the estate of which he is Executor, or any part thereof, shall forthwith transmit in writing to the Master a statement containing the name of such minor, lunatic, or absent person, and specifying the nature and amount of the property to which there is such right or claim as aforesaid.

Transfer of immovable property.

60. The Registrar of Deeds shall not pass transfer of any immovable property which is registered in the name of any deceased intestate person, or his estate, or to which he or it appears to him to be entitled, without leave of the Court or, in cases where the deceased left no will affecting such property, or where the Master is authorized to allow sale or transfer under this Act, without the written sanction of the Master.

Master may require estate to be administered under this Act, and require executors to prove will, etc.

61. The Master shall have power to require the intestate estate of any deceased person to be administered in terms of this Act, and the Executors under the will of any deceased person to prove the same and to take out letters of administration, unless they decline in writing to act, and if his requirements under this section are not complied with the Master may bring the matter before the Court, which shall make such order in the premises as may be just.

62. The Master shall be entitled at all times to demand from Executors Dative appointed, whether before or after this Act, information and accounts of their administration, and he may bring any matter connected with such administration which, in his opinion, requires enquiry or amendment before the Court, which shall make such order in the premises as may be just.

Master's
authority.

63. All notices or advertisements required by this Act may be sufficiently given by the Master or by any Executor Dative by advertisement in the *Natal Government Gazette* and any one newspaper published in Pietermaritzburg and one newspaper published in Durban, unless by the context it appears that notice shall be given in some other manner: Provided always, that the Master may in any case require any such notice to be advertised more frequently or in any other newspapers in the Colony, and in the case of any deceased person who had business in other countries the Master may require publication of notices in such other countries.

Notices, how
given

64. The Master shall be entitled, in order to better carry out the objects of this Act,

Powers of
Master.

(a) To authorise meetings of next of kin and creditors to be held before any Magistrate in lieu of being held at the Master's office, the Magistrate in any such case having the same powers and being subject to the same provisions as the Master;

Meetings.

(b) To authorise any Magistrate or any member of the Natal Police Force to make enquiries or take inventories on his behalf, or to carry into effect any specific order which the Master is entitled to give under this Act;

Enquiries.

(c) To call upon any Executor Dative to carry out the duties of his office, and upon his failure to do so to bring such failure before the Court, whereupon the Court shall make such order as may be just.

Authority
over executors
dative.

65. Any Assistant Master who may be appointed by the Governor shall be entitled to exercise all the powers, and be liable to perform all the duties imposed under this Act upon the Master, or so much of such powers and duties as the Court may by general rule or special order from time to time direct.

Assistant
Master.

66. Any appointment, decision, direction, or action of the Master, Assistant Master, or Magistrate or other person under this Act, shall be subject to appeal or review by the Court at the instance of any aggrieved party.

Appeal.

67. The operation of this Act shall not be affected by any words or expressions in any will or testamentary disposition intended to exclude the Master or Government or officials thereof.

Operation of
Act not to be
excluded by
terms of will.

68. Subject to the provisions of this Act the Court may from time to time make rules and repeal or vary the same with reference to the following matters :—

- (a) The forms to be used in connection with the election of Executors, their accounts, and the administration of estates, and the manner in which claims against such estates are to be presented for proof and admitted or rejected ;
- (b) The duties of the Master or other officers charged with any responsibilities under this Act, the books, registers, and accounts to be kept by them, and the like ;
- (c) Forms of procedure under this Act, and the cases in which matters may be brought before Circuit Courts in lieu of the Supreme Court or a Judge thereof in Chambers ;
- (d) The conditions under which and the times within which reviews and repeals under this Act may be begun or prosecuted, and the manner in which the Master may appear or be represented in Court ;
- (e) The fees of office chargeable by the Master or any officers of the Court in respect of business connected with the carrying into effect of this Act ;
- (f) The remuneration payable to Executors in respect of the performance of their duty, and the forfeiture of any such remuneration for any failure to perform their duty ;
- (g) The carrying into effect fully and completely the provisions of this Act :

Provided always that, until the making of Rules as aforesaid, the existing Rules and practice shall remain in force.

SCHEDULE NO. 1.

REPEAL.

Enactments repealed.

Extent of repeal.

Law 20, 1866.

So much of Section 3 as refers to Executors Dative.

Law No. 16, 1867.

So much of Section 6 as relates to deaths, Schedule C, and so much of the Law as is in conflict with this Act.

Act No. 17, 1894.

Schedule B.

SCHEDULE NO. 2.

19.....

Deaths in the district of.....

When and where.	Name and surname.	Sex.	Age.	Rank or profession.	Causes of death.	Whether any property left.	Signature, description, and residence of informant.	When registered.

I,.....of.....following the occupation of.....do solemnly declare that the foregoing information is true to the best of my knowledge and belief.

(Signature.)

Declared before me this.....day of.....19.....at.....

Registrar for the District of.....
or Justice of the Peace, as the case may be.

	Name of deceased.
	Date of decease.
	Place of decease
	Sex.
	Age.
	Rank or profession.
	Nationality.
	Birthplace.
	Names of parents and their place of abode ; if unknown, name and place of abode of the nearest relative known.
	Whether married or unmarried, or widower, or widow. If married, place of marriage and whether with or without ante-nuptial contract.
	Children, if any, and whether majors or minors. If no children, then the names of brothers and sisters, and whether majors or minors.
	Whether any property left.
	Whether any will.

SCHEDULE NO. 4.

Supreme Court of Natal

Master's Letters of Administration.

In the Intestate (or Testate) Estate of.....

.....

This is to certify that.....

of.....has been appointed Executor Dative to administer this estate in terms of the Law as to intestate administration (or, if there be a Will, "the Will of the deceased, dated.....")

Dated at.....this.....day of.....19.....

Given at Government House, Natal, this Eleventh day of September, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

WALTER HELY-HUTCHINSON,

Governor.



ACT,

“To confer borrowing powers upon the Town Council of Ladysmith, in addition to the powers heretofore given to the Local Board of Ladysmith for the purpose of enabling the Town Council to provide for the improvement and extension of the water supply.”

WHEREAS it is expedient to increase the borrowing powers of the Town Council of the Borough of Ladysmith, to enable the said Town Council to provide for the improvement and extension of the water supply :

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Authority for loan.

1. The Town Council of the Borough of Ladysmith is thereby authorised to borrow from time to time the moneys required for the extension and improvement of the Town Water Supply to an amount not exceeding Twenty Thousand Pounds Sterling.

Application of money.

2. The moneys borrowed under this Act shall be applied to the object mentioned in the last preceding section and no other object.

Lands Clauses Law.

3. “The Lands Clauses Consolidation Law, 1872” (Law No. 16 of 1872), and all the clauses and provisions thereof (save in so far as they shall be expressly varied or excepted by this Act) shall be incorporated with this Act.

Purchase and taking of land.

4. The Town Council of Ladysmith may purchase or take the lands or user of lands required for the purpose of the works and undertakings authorised by this Act.

5. The Town Council of Ladysmith is authorised to issue in the manner provided by the "Ladysmith Loan and Waterworks Law of 1890" (Law No. 15 of 1890) stock for the moneys to be borrowed under this Act, and the stock issued under this Act shall be deemed to be stock issued under the provisions of the said Law No. 15 of 1890, and shall be a charge upon and shall, with the interest thereon, be payable out of the rents, rates, and revenues of the Borough in the same way as the stock issued under the said Law No. 15 of 1890. Stock.
6. Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 of the Ladysmith Loan and Waterworks Law of 1890 shall be deemed to have been incorporated, *mutatis mutandis*, in this Act, and wherever in the said Law the Local Board and the Township of Ladysmith are referred to, such reference shall for the purpose of this Act be deemed to be a reference to the Town Council and the Borough of Ladysmith respectively. Incorporation Law 15, 1890.
7. From and after the taking effect of this Act, there shall be created by the Town Council of Ladysmith a Fund called the "Waterworks Loan Sinking Fund," to which Fund shall be paid by the said Town Council 50 per cent. of the proceeds of all town lands sold until such Fund shall amount to £45,000 sterling. Sinking Fund.
8. In addition to the security created by Law No. 15 of 1890 and by this Act, the said Fund shall be held and reserved specially as a security for all moneys borrowed under the powers conferred by the said Law and this Act. Fund to be a security for loans under Law 15, 1890, and this Act.
9. The interest accruing from any investments of the said Fund may be taken and applied by the said Town Council as part of the General Revenue of the Borough. Interest from investments.
10. The Town Council of Ladysmith is authorised to draw such water as may be required from the Klip River or any other source or sources of supply at any and all point or points below that shown on the plan filed with the Clerk of the Legislative Assembly, and to lead such water through pipes and conduits, and to lay such pipes and conduits within the area shown in the said plan, and to make all necessary dams, reservoirs, and filter beds and service tanks and other works, and with wagons, carts, and vehicles, or otherwise, to have access to the pipe route, dams, reservoirs, filter beds, tanks, and other works, for purposes of construction, examination, or repair, or other purposes of the works, and to distribute such water, and from time to time to do such further and other acts, matters, and things, and to exercise such further powers from time to time as shall be necessary to carry out the objects of this Act. Taking and supply of water
11. If the taking, impounding, diversion, appropriation or conveyance of water under the authority of this Act shall deprive any person of any water or right of water which he may at the time of such taking, impounding, diversion, appropriation, or conveyance of water possess or be entitled to possess and shall thereby cause damage to such person or to his property, such person shall be entitled to recompense or compensation to be settled in case of difference as if the Damage by taking of water

diversion of water constituted a damage to the land within the meaning of the 65th Section of the Lands Clauses Consolidation Law.

12. No person shall be entitled to dispute any water rate or act of the Town Council of Ladysmith or its officers authorised by the said Law No. 15 of 1890, on the ground that the water in respect of which such rate shall be levied or act done, shall in fact have been brought elsewhere than from the Klip River or otherwise than under the said Law No. 15 of 1890, and all water supplied by means of the works authorised by this Act shall, for the purposes of Sections 19, 20, 22, and 24 of Law No. 15 of 1890, be deemed to be water supplied under the said Law No. 15 of 1890.

13. The powers to make by-laws given to Town Councils under Law No. 19, 1872, and any like Law or Act, are extended to the Town Council of Ladysmith for all the purposes of this Act.

14. If any person shall pollute any water led under the authority of this Act, or shall obstruct any person in discharge of his duty in connection with the Waterworks hereby authorised, or shall mischievously do any damage to property connected with the Waterworks, such person, on conviction thereof before the Magistrate having jurisdiction, shall be liable to a penalty for each offence not exceeding £10, to be paid to the Borough Fund, or in default of payment, to imprisonment, with or without hard labour, for a period not exceeding one month, and any person charged with contravening this Act may be prosecuted by any Officer appointed in that behalf by the Ladysmith Town Council.

15. This Act shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this Eleventh day of September, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

Validation of
water rate
under Law 15,
1890.

By-laws.

Offences.

Commencement
of Act.

WALTER HELY-HUTCHINSON,
Governor.



ACT,

“To authorise the Construction of a Railway from Stanger to Kearsney.”

WHEREAS J. L. Hulett & Sons, Limited, of Kearsney, in the County of Victoria, in the Colony of Natal, are desirous of constructing a railway for the conveyance of passengers, goods, and merchandise from a point adjoining the railway line of the Natal-Zululand Railway, Limited, on the Town Lands of the Township of Stanger, in the County of Victoria aforesaid, to a point on, or near, Kearsney Estate in the said County, to be worked by means of steam or other motive power, other than electricity :

AND WHEREAS it is expedient to authorise the said J. L. Hulett & Sons, Limited, to construct such railway :

BE IT THEREFORE ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. This Act may be cited for all purposes as “The Stanger and Kearsney Railway Act, 1899.” Short title of Act.

2. The said J. L. Hulett & Sons, Limited, of Kearsney aforesaid, or their successors, administrators, and assigns (hereinafter called the “Company”), are hereby authorised and empowered to carry on, complete, and maintain the said intended railway, according to the powers, rules, orders, and directions hereinafter set forth and expressed for that purpose, and by that name shall sue and be sued and appear in all Courts of this Colony, and shall have and use a Common Seal with the name of the Company thereon. Authority to construct railway.

Company’s name and seal.

Description of
authorised
railway.

3. The Company shall be and they are hereby authorised and empowered by themselves, their deputies, agents, officers, and workmen to make, complete, and maintain a railway with proper works and conveniences adjoining thereto, or connected therewith, for the passage of wagons and other carriages to be propelled by steam or other motive power other than electricity, from a point adjoining the line of railway of the Natal-Zululand Railway, Limited, on the Town Lands of the township of Stanger, County of Victoria aforesaid, to a point on or near Kearsney Estate, in the said County, as the same is shown on the plans thereof filed with the Clerk of the Legislative Council and the Clerk of the Legislative Assembly.

Taking lands.

4. The Company shall be entitled to enter upon and take possession of so much of the following lands as may be required for the purposes of the said Railway and as shown on the plans before referred to, namely :—

- (a) The Town Lands of Stanger ;
- (b) Lots 13, 14, and 19 ;
- (c) Lots 22, 32, and 28 ; and
- (d) Kirkly Vale, 20 ;

being lands situate and lying between the Rivers Umvoti and Nonoti, within the Lower Tugela Division of the said County of Victoria ; and to erect thereon all buildings, sidings, crossings, railway, telegraph, and the like required in connection with the said Railway. The Company may agree with the Colonial Government for the use of any land forming part of the premises of the North Coast Railway.

Gauge : Rail
level on roads
and streets.

5. The Railway hereby authorised shall be made upon a safe and reasonable gauge, and shall be laid and maintained in such a manner wheresoever it runs across any road or street used for traffic that the uppermost surface of the rails shall be on a level with the surface of the street or road.

Road crossings.

6. If the Railway crosses any public road, whether now existing or which may hereafter be made, or any public right-of-way now existing, the Company upon the request of the Minister of Lands and Works shall :—

- (a) Make and maintain such level crossings or other works as are necessary for the proper use of the road or right-of-way ;
- (b) Erect such fences, creeps, or other appliances as may be necessary to prevent animals using the road from straying on the Railway :

Provided that no such request made by the Minister of Lands and Works shall require more to be done in the way of works and erections than is done on the part of the Railway system of Natal between Verulam and the River Tugela.

Character of
road crossings,
fences, etc.

7. All such works, fences, and other things as aforesaid shall be of such kind, dimensions, and construction as shall be directed by the Chief Engineer of the Public Works Department, and shall be made and maintained to his satis-

- faction. If the Company shall neglect or fail to make and maintain in good order any such work, fence, or other thing, it shall be lawful for the said Engineer, by himself or by any person whom he may authorise, to enter upon the Railway and do anything that may be necessary to make good the default of the Company, and the Company shall be liable to repay to the Government the whole cost of anything so done.
8. The Company shall repair all damage done to a road or right-of-way by or in consequence of any works in connection with the Railway, or by the use thereof. Remedy for Company's default.
9. If any difficulty shall arise respecting the kind, dimensions, or construction of any crossing, fence, or other work in connection with a road or right-of-way, or as to the reasonableness of the requirements of the Chief Engineer of the Public Works Department, the same shall be determined by the Minister of Lands and Works. Injury to roads.
10. The Company shall upon the request of the owners or occupiers of the lands adjoining the Railway, make and maintain the following works for their accommodation— Determination of differences respecting road crossings, etc.
- (a) Such and so many crossings as shall be necessary for making good any interruptions caused by the Railway to the use of the lands ;
 - (b) Sufficient fences for separating the lands taken for the Railway from the adjoining lands and for protecting cattle or other stock from straying upon the Railway : Provided that this section shall not be deemed to abrogate any contract by which any person may have agreed to forego the right to claim any such crossing or fence : Crossings and fences on private lands.
- Provided that no such request made shall require more to be done in the way of works and erections than is done on that part of the Railway system of Natal between Verulam and the river Tugela.
11. If any difference shall arise respecting any matter provided for in the preceding section it shall be determined by arbitration. Arbitration upon cases under Section 10.
12. The said Railway shall not be open for public traffic until the same shall have been certified to be fit for such traffic by an engineer to be appointed by the Governor. Opening railway for traffic.
13. The Company may levy tolls and make charges for the conveyance of passengers, goods, merchandise, and others upon such Railway, such tariff of tolls and charges being subject to the approval of the Governor in Council. Fares.
14. The Company may use on the Railway, authorised by this Act, cars or carriages with flanged or other wheels, suitable to run on the prescribed rails, and subject to the provisions of this Act, the Company shall have the exclusive use of the said Railway for cars or carriages with such wheels as may be suitable to run on the prescribed rails. Flanged wheels.
15. The cars, carriages, trucks, or other vehicles, used on the said Railway may be propelled by animal, steam, or other motive power, other than electricity. Exclusive use of railway by Company.
- Motive power.

Liability for injuries.

16. The Company shall be answerable for all accidents, damages, and injuries happening through their wrongful act or default, or through the wrongful act or default of any person in their employment by reason or in consequence of any of their works or of their engines or carriages, and shall save harmless all road and other authorities, companies, or bodies and their officers and servants from all damages and costs in respect of such accidents, damages, and injuries.

By-laws.

17. The Company may, subject to the approval of the Governor in Council, make by-laws with respect to

The fares chargeable to passengers using the Railway authorised to be constructed under this Act, and for regulating the traffic thereon ;

Frauds by passengers attempting to avoid payment of their fares ;

The interference with or obstruction of any of the works authorised under this Act by any person :

The arrest and detention of offenders against any such by-laws ;

The prohibiting of any person carrying or requiring to be carried on the Railway any goods which may be of a dangerous nature ;

The prohibiting of any person using the Railway or any portion thereof, unless duly authorised by the said Company ;

and to impose such penalties for the breach of any such by-laws, provided that no penalty shall exceed a fine of £5 Sterling, or in default of payment of any such fine, imprisonment with or without hard labour for a period not exceeding one month.

Prosecutions.

18. The Company shall be empowered to prosecute, by any person whom they may appoint, any offenders against such by-laws before the Magistrate of the Division in which such offence is committed.

Incorporation of Lands Clauses Law.

19. The "Lands Clauses Consolidation Law," No. 16 of 1872, is, except when expressly varied by this Act, incorporated with and forms part of this Act.

Power of purchase by Government.

20. The Governor in Council shall be empowered, subject to the approval of Parliament, at any time, after giving not less than six months' notice, to purchase and take the whole of the works authorised by this Act, and the Company shall be required to sell, transfer and hand over to the Colonial Government the works so purchased, and the purchase price shall be paid to the Company.

Terms of purchase.

21. Any such purchase shall be effected according to the provisions of Law No. 16 of 1872 ; Provided

(a) That the purchase price shall be determined according to the value of the works to the Government at the time of purchase without any addition in respect of compulsory purchase, statutory rights, goodwill, or profits, save as provided in Sub-section *b* ; and

(b) That there shall be added to the value ascertained as aforesaid, an amount as interest equal to five per cent. per annum on the capital expended if the works be purchased before completion, or within five years after completion, and if purchased at any time thereafter, an amount equal to ten per centum on the value ascertained as aforesaid.

22. The Governor in Council may from time to time make such regulations as may be expedient for securing the safety of the public from personal injury. Regulations for protection of public.

Given at Government House, Natal, this Eleventh day of September, 1899.

By command of His Excellency the Governor.

CHARLES J. SMYTHE,
Colonial Secretary.

WALTER HELY-HUTCHINSON,
Governor.



“To enable the public service of Gerhardus Marthinus Rudolph, C.M.G., during the years 1855 to 1873 to be reckoned for the purpose of pension.”

WHEREAS Gerhardus Marthinus Rudolph, C.M.G., after having served as a public officer of this Colony, from the 31st July, 1855, resigned office on the 1st December, 1873, and again entered the public service on the 11th June, 1881 :

AND WHEREAS having regard to the special circumstances attending the resignation of the said Gerhardus Marthinus Rudolph and his return to the public service, it is considered desirable that the two periods of his service as aforesaid should for the purpose of pension be reckoned as one continuous service :

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :

1. The service of Gerhardus Marthinus Rudolph, C.M.G., as an officer of the public service of this Colony from the 31st day of July, 1855, to the 1st day of December, 1873, shall for the purpose of the pension to be awarded to him under Law No. 22, 1874, be deemed to be, together with his service from the 11th day of June, 1881, one continuous service, as if the first mentioned period had been a like period of service immediately prior to the 11th day of June, 1881.

Given at Government House, Natal, this Eleventh day of September, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

No. 42, 1899.]

WALTER HELY-HUTCHINSON,
Governor.



“To make provision for the ratification upon certain conditions of a contract for the construction, equipment, maintenance, and working of a Railway between the River Tugela and the Hlabisa Coal Fields in the Province of Zululand.”

WHEREAS by a Memorandum bearing date the Eleventh day of August, 1894, certain general conditions and stipulations were set forth, upon which the Government of the then Territory of Zululand was prepared to grant to James Liege Hulett, David Brown, and Arthur Titren Reynolds, called the Concessionaires, concessionary rights to construct, equip, maintain, and work a line of railway from certain coal fields in the neighbourhood of St. Lucia Bay, in the Hlabisa District of the said Territory of Zululand, to the Tugela River :

AND WHEREAS the terms of said Memorandum were accepted by James Liege Hulett on behalf of himself and the other Concessionaries on the Twenty-first day of August, 1894 :

AND WHEREAS the interest of the Concessionaires in and to the concessionary rights above referred to were on the Fourth day of July, 1895, ceded to Frederic Spence Tatham as Trustee for a Company to be known as the St. Lucia Coal and Railway Company, Limited, and were thereafter, to wit, on the Fourth day of August, 1897, acquired by the said James Liege Hulett from the said Company, and were thereafter, to wit, on the Twenty-ninth day of December, 1897, ceded by the said James Liege Hulett to Albert Saxe Liege Hulett, George Herbert Hulett, William Arthur Hulett, James Inigo Balcomb Hulett, Horace Benjamin Hulett, and Edward Wenham Flashman Hulett, and were on the said Twenty-ninth day of December, 1897, with the consent of

the Governor of Zululand, ceded by the said Albert Saxe Liege Hulett, George Herbert Hulett, William Arthur Hulett, James Inigo Balcomb Hulett, Horace Benjamin Hulett, and Edward Wenham Flashman Hulett to Alfred Lister, and were thereafter, to wit, on the Tenth day of June, 1899, ceded by the said Alfred Lister to Thomas Reynolds, of the City of London, England, Civil Engineer :

AND WHEREAS in the year 1897, a draft contract was prepared for giving effect to the conditions and stipulations contained in the said Memorandum of the Eleventh day of August, 1894, with certain modifications :

AND WHEREAS in the year 1897, application having been made to the Governor of the then Territory of Zululand for an alteration of the terms of the said Memorandum of Eleventh August, 1894, in regard to the purchase of the railway by the Government, the Governor of the said Territory, in view of the approaching annexation thereof to the Colony of Natal, required that an agreement should first be arrived at with the Government of the Colony of Natal as to the terms upon which the said Government might purchase the railway at an earlier date than the ten years appointed by the said Memorandum, and thereafter the terms to which the Government were prepared to agree were embodied in a Memorandum bearing date the Third day of May, 1897, which was communicated to the Concessionaires with notice that the conditions contained in the Memorandum were not to be regarded as in anyway binding until the final agreement had been executed :

AND WHEREAS the Territory of Zululand has since been annexed to and now forms a Province of the Colony of Natal :

AND WHEREAS by the Zululand Annexation Act, 1897, it is provided that all obligations of the Government of the Territory of Zululand shall be transferred to the Government of Natal :

AND WHEREAS the Government of Natal on the Twenty-second day of July, 1898, notified to Alfred Lister, to whom the concessionary rights had been ceded as aforesaid, that the Government were prepared to recommend for the approval of Parliament an agreement in terms of the draft contract hereinbefore referred to, subject to the conditions contained in the Memorandum of Third May, 1897, and to certain other modifications of the terms contained in the said draft contract ; which said offer was accepted on the Twelfth day of December, 1898 :

AND WHEREAS a contract hereinafter more fully referred to, has been provisionally entered into with the said Thomas Reynolds for the construction by him of the said railway and for the working thereof, in which said contract are incorporated with certain modifications, the terms of the aforesaid Memorandum of Eleventh August, 1894, and of the said Memorandum of Third May, 1897, the said contract being

expressed to be subject to ratification by an Act of Parliament :

AND WHEREAS an Act is accordingly required to ratify the said contract, subject to certain conditions, and to authorise the construction and working of the said railway :

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The provisional contract entered into between the Minister of Lands and Works, as representing the Colonial Government of Natal, of the one part, and Thomas Reynolds, of the City of London, Civil Engineer, of the other part, providing for the construction, maintenance, and working of the line of railway hereinafter referred to, and copy of which is annexed hereto in the Schedule, is hereby confirmed, subject to the acceptance of the provisions of this Act by the said Thomas Reynolds. Confirmation of contract.

2. The ratification by this Act of the said contract shall only have effect if the Constructor, within three months from the promulgation of the Act, lodges with the Agent-General of Natal security, either in money or securities approved by the Agent-General, to the extent of £20,000, that he will proceed with the survey and the construction of the line in terms of the contract, and in case of failure in this respect on the part of the Constructor, the money or security so lodged shall be forfeited by the Constructor to the Natal Government. Security to be lodged.

3. The said Thomas Reynolds shall be empowered to construct the line of railway in manner and subject to the provisions of the contract and of this Act. Authority to construct railway.

4. All the necessary powers and authority are hereby conferred upon the Governor in Council, and the Governor, and the Minister for giving full and complete effect to all the terms, undertakings, obligations, and conditions of the contract as set forth in the Schedule to this Act, and all rights, powers, and authority given in the contract to the Constructor shall continue and shall determine as respectively provided in the said contract, and shall pass to and become vested in the Government at the times and for the causes respectively declared in the contract. Powers.

5. The Governor may place at the disposal of the Constructor all lands required for the purposes of the railway, subject to the payment by the Constructor of any compensation payable in terms of the contract, but the title to the lands shall not thereby be transferred to the Constructor, but shall remain in the Crown, and the lands shall, at the expiration of the contract, revert absolutely, as to use and otherwise, to the Crown. Lands.

Materials, etc.,
free from
customs duty.

6. All materials, plant, engines, rolling stock, and other things imported into the Colony from time to time by the Constructor for the construction, maintenance, and equipment of the railway shall, subject to a certificate from the Government Engineer, be free of import duty.

Exemption from
taxes.

7. The Railway and Electric Telegraphs, and all stations, lands, works, property, and things belonging thereto, or held in connection therewith, shall be for ever exempt from all highway, municipal, police, and other local rates and taxes, now or hereafter to be made or imposed.

Working by
N.G. Railway.

8. When and so soon as the railway or any part thereof shall be worked by the Natal Government Railways, the same shall be within the laws in force for the time being for the management and working of the Natal Government Railways.

Approval by
Parliament of
notice to purchase.

9. The Government shall not, without the prior consent of Parliament, give the notice to the Constructor contemplated by the contract that it claims its right of option of purchasing the railway.

Agreement as to
type of rail.

10. Notwithstanding anything to the contrary contained in Clause 30 of the contract, the Minister may agree with the Constructor for laying the railway with such type of rail as the circumstances may appear to the Minister to require.

Branch lines.

11. Nothing herein contained shall prevent the Natal Government from constructing lines of railway branching from the railway the subject of this Act, or from acquiring running powers over the last-named railway for the purposes of the aforesaid branch railways upon such terms as regards such running powers as may be agreed upon between the Government and the Constructor, or, failing agreement, as may be fixed by arbitration.

Short title.

12. This Act may be cited as the "Zululand Railway Act, 1899."

SCHEDULE.

CONTRACT.

THIS CONTRACT, made at Pietermaritzburg, Natal, the Tenth day of June, 1899, between ALBERT HENRY HIME, C.M.G., Lieutenant-Colonel, late Royal Engineers, in his capacity as Minister of Lands and Works, and as such representing the Colonial Government of Natal (and hereinafter called the "The Minister"), of the one part and THOMAS REYNOLDS, of Edgemoor, Frimley, Farnborough, in the County of Hampshire, in England (hereinafter called "The Constructor") of the other part,—

WITNESSETH :—

That in consideration of the stipulations and obligations hereinafter contained, the said Government doth hereby

grant unto the Constructor the right to construct one line of railway between the points hereinafter mentioned as the points of commencement and determination thereof, subject to the covenants, conditions, agreements, and provisions hereinafter contained.

And this Contract further witnesseth that for the consideration aforesaid the Constructor doth hereby for himself, his successors, and permitted assigns, covenant and agree with the said Government, and the said Minister doth hereby covenant and agree with the Constructor, his successors and permitted assigns, as follows, that is to say :—

1. In this contract the following expressions or terms shall have the following meanings respectively :—

Interpretation

- (a) "Zululand" means the Province of Zululand.
- (b) "The Railway" means the railway hereinafter described and to be constructed under this contract, together with all buildings, works, and conveniences to be made in connection therewith.
- (c) "The North Coast Railway" means the railway constructed between Verulam and the Tugela River, in extension of the Natal Government Railway from Durban to Verulam.
- (d) "The Government Engineer" means (1) so far as regards matters and works in the United Kingdom, the Engineer for the time being appointed by the Governor to act in the United Kingdom for the purposes of this contract; and (2) so far as regards matters and works in Zululand, the Engineer-in-Chief of the Natal Government Railways.
- (e) "The Administration" means the Railway administration of the Government of Natal.
- (f) "Month" means calendar month.

2. This Contract shall not take effect unless and until it shall have been confirmed by an Act of Parliament to be passed during the present session of the Parliament, and any reference to the date of this Contract shall be deemed to be a reference to the date of the publication of the Act in the *Natal Government Gazette*.

Confirmation and date of contract.

3. Subject to the provisions of this contract the Constructor may and shall with due diligence and expedition construct to the satisfaction of the Government, and make ready and fit and equipped for being opened for the public carriage of passengers, animals, and goods throughout within the time hereinafter prescribed

Description of the railway.

- (a) A railway, commencing at the south side of the Tugela River by a junction with the North Coast Railway, there and thence proceeding along such route as shall be approved by the Government, and terminating at a point to be

approved by the Government on or near to the coal bearing land known as the Hlabisa Coal Fields in the Province of Zululand.

- (b) All such necessary sidings, passing places, stations, offices, engine houses, goods and cattle depots, turn tables, water supplies, signals, signal cabins, telegraphs and other works as in the opinion of the Government shall be necessary for the due and efficient maintenance and working of the Railway.
- (c) All such necessary under and over bridges and level crossings, accommodation roads, approaches, cattle creeps, water courses, drains, culverts, and other works as may, in the opinion of the Government Engineer, be necessary for the accommodation or protection of the lands intersected by the Railway,

Certificate.

4. A certificate signed by the Minister shall be conclusive evidence of any order, requirement, determination or appointment of the Government, mentioned in such certificate.

Notices and address.

5. All notices to be given to the Constructor for the purposes of this contract shall be in writing under the hand of the Minister or of the Government Engineer, and shall either be delivered to or left for the Constructor with such person and at such convenient place as the Constructor shall from time to time appoint in Natal and London respectively (which appointment the Constructor hereby undertakes to make), or failing such appointment at the address as set forth in the caption of this Contract, or at his principal or last known place of business in Natal, and every such notice shall be deemed to have been given at the time when it shall have been so delivered or left.

Delegation of Government Engineer's powers.

6. The Government Engineer may from time to time delegate to assistants to be named by him such of the powers, rights, authorities and discretions vested in him by this Contract, as he may think fit, and the Constructor shall recognise such assistants on written notice of their appointment and of the powers, rights, authorities and discretions respectively delegated to them, as lawfully exercising for the purposes of this Contract the powers and authorities so delegated.

Engineer's certificates.

7. Every certificate in writing of the Government Engineer, given under his hand, shall be binding on the Government and the Constructor in respect of all matters hereby in effect referred to the decision of such Engineer.

Preliminary survey.

8. The Constructor shall, at his own expense, immediately after the ratification of this Contract proceed with the preliminary survey of a line of railway between the points indicated in Clause 3 (a) hereof, and shall carry it out and complete it with the utmost reasonable despatch, so that the plan, longitudinal section, and cross sections of the ground where it is located on steep side-long ground, may be delivered to the Government Engineer within nine months from the date of this Contract.

9. The plan of this preliminary survey shall be drawn to a scale of 400 feet to the inch, and shall show the information which it is customary to show in connection with such plans on the Natal Government Railways, such as all topographical features of the country through which the line is to be located, such as rivers, streams, prominent hills, forests, swamps, together with the radius of curves, mileage, changes of gradient, 1,000 feet pegs, the 100 feet width of land, extra land required for various purposes, proposed sites for stations, suitable watering stations, roads, tracks, and level crossings, and all other information which may be necessary to convey a general conception of the location of the railway which it is proposed to build.

Plan.

10. The longitudinal section shall be drawn to a horizontal scale of 400 feet to the inch and a vertical scale of 30 or 40 feet to the inch, and shall show the gradients, natural surface of ground, chainage, mileage, maximum depth of cuttings and height of banks, with all the other usual and necessary information which it is customary to show on such sections on the Natal Government Railways. Below it shall be indicated the curves and tangents of the centre line. The surface indications of the nature of the ground to be expected in the cuttings shall be described upon it.

Section.

11. Whenever the lateral slope of the ground exceeds 5 degrees to the horizontal the angle of the natural surface of ground shall be shown above the longitudinal section by a cross section. The points of intersection of tangents of the survey shall be conspicuously marked upon the ground by pegs, cairns of stones, heaps of sods, or other means which shall secure the location of the line until it is finally pegged out.

Cross sections.

Marking intersections.

12. The limiting gradient shall be 1 in 50, and the least radius of curvature 500ft., unless the character of the country to be traversed shall reasonably demand the adoption of steeper grades and sharper curves with the authority of the Government Engineer.

Gradients and curves.

13. All facilities shall be afforded the Government Engineer during the progress of this survey to examine and approve of the location as it proceeds, and the Constructor shall run any trial lines and make surveys of all deviations which the Government Engineer may consider to be necessary to satisfy himself that the most suitable location has been secured.

Location.

14. The Constructor shall also make all borings or trial holes which may be required of him to ascertain the nature of the foundations at sites of bridges, and shall execute such surveys as may be required to ascertain the drainage area of streams and rivers over which bridges and culverts will be built.

Foundations and drainage areas.

15. Clause 35 of this Contract shall equally apply to the granting of extension of time for this preliminary survey as to the construction of the railway.

Extension of time for surveys.

- Copies of plans. 16. Copies of the plans and sections shall be made and deposited with the Government Engineer as and when they are completed and approved.
- Final location. 17. As soon as the whole of the preliminary survey has been approved by the Government Engineer, and copies of the plans and sections of it have been deposited with him, the Constructor shall at his own expense be at liberty to proceed with the final pegging out of the line and the preparation of the working plans and sections, but it shall be competent to the Government Engineer at his discretion to authorise the final pegging out of the line in sections when the preliminary survey is so far advanced as to secure the location against any necessity for revision.
- Working plan. 18. The working plan shall be drawn to a scale of 200ft. to the inch, and the longitudinal section to the same horizontal scale, with a vertical scale of 20ft. to the inch. Cross sections, when the side slope of the ground requires them, shall be drawn to a vertical and horizontal scale of 20 feet to the inch.
- Details of survey. 19. The working plan shall show the lengths and angles of intersection of all tangents, the radius, beginning and end of curves, 1,000-foot pegs, mileage, crossings of rivers, streams, roads and tracks, changes of gradient, widths of lands required, and surveys of such contiguous topographical features as are necessary to explain and identify the location of the railway.
- Working section. 20. The working section shall show the natural surface of ground, all gradients, heights of banks and cuttings, and chainage at every 100ft., mileage, rivers and streams with the size of openings to span them, bench marks, portions which are on tangent or curve, proposed sites for stations and stopping places, and all other information which it is customary to show on such sections on the Natal Government Railways.
- Deposit of plans. 21. Tracings of the working plans and sections shall be deposited with the Government Engineer as soon as they are completed, and his approval of same shall be notified to the Constructor within one month from date of deposit, subject to the Constructor making such alterations and deviations as the Government Engineer may call for or approve, plans and sections of which shall also be immediately made and deposited by the Constructor.
- Waterways. 22. Detailed sections of the crossings of larger streams and rivers, drawn to a scale of 8ft, 10ft., or 20ft. to the inch, as may be necessary to show all particulars of the nature and size of river bed and character of foundations as indicated by probings or trial pits, shall be provided by the Constructor. Upon these sections the general design and character of the proposed bridges shall be shown and submitted for the approval of the Government Engineer as regards width of waterway, depth of foundations, and the general features.
- Works of art. 23. The Constructor shall, within six months of the date of ratification of this agreement, and at his own expense, prepare,

and submit to the Government Engineer for approval plans, sections, type drawings, specifications and full particulars of the works of art, materials, and appliances such as turntables, water columns and tanks, which he proposes to provide for the construction of the railway. These type drawings, designs, and specifications shall be in accordance with the designs and specifications now in use upon the Natal Government Railways for works and materials of a similar character. Particulars of all such designs and specifications shall be supplied to the Constructor by the Government Engineer within thirty days after the date of this agreement, it being understood and agreed by both parties that the type and character, both as to materials and designs, of the works of art and appliances to be provided for this railway shall be as nearly as possible similar to those already in use on the North Coast Railway: Provided that it shall be competent to the Constructor to submit for the approval of the Government Engineer any other design and specification for such works that he may consider to be better and more suitable than the types or designs in use upon the North Coast Railway, but the adoption of such alternative types, designs, or specifications is to rest entirely with the Government Engineer. It is to be regarded as an essential condition of this agreement that all designs and specifications which may be necessary shall, as far as may be, be defined and agreed upon before any construction be commenced. In the case of special structures for which no suitable design or type can be provided by the Government Engineer and which it may be necessary to procure from beyond the Colony, the drawings and specifications shall be submitted for the approval of the Government Engineer in London.

Types.

Special designs

24. The working plans of bridges and buildings and the plans of station yards shall be submitted to the Government Engineer in ample time to secure his approval of them before the construction of them is commenced. The approval of the Government Engineer of any bridge drawings shall not relieve the Constructor of his responsibility for the adequacy of the waterways provided, nor of the sufficiency of the designs in all respects during the period of construction and maintenance.

Approval of designs.

25. Upon the deposit with and approval by the Government Engineer of the plans of the preliminary survey, a formal authority to enter upon the lands shown thereon shall be issued to the Constructor, and he shall thereafter during continuance of this contract be entitled to use and occupy for the purposes of the railway such lands as are herein specified, but subject to the following conditions:—

Entry on lands

- (a) The lands to be so occupied shall not exceed 100ft. throughout the whole course of the railway except where, in the opinion of the Government Engineer, a greater width, or isolated portions of land, may be necessary for the purposes of the construction of the railway

Width of land

- and works, and for stations, quarters, sidings, quarries, ballast pits, borrow pits, sand, and water supplies.
- Extra land. (b) As far as possible the land so required shall be shown upon the plans of the preliminary survey, but at any time during the construction the Government shall, upon the application of the Constructor, authorise the entry upon and occupation of such additional lands as may be required for the purposes of the construction of the railway.
- Compensation. (c) The Constructor shall pay to all owners, tenants, or occupiers of any kraals or lands, and to all other persons who shall in the opinion of the Government Engineer have incurred or sustained any direct loss or damage by reason of the construction of the railway, such sums of money as the Minister may determine to be payable to them as and by way of fair compensation for such loss or damage. All questions arising under or in connection with this section shall be referred to and finally settled by the Government Engineer, and his decision shall be final and binding on all parties.
- Tenure of lands. (d) The said right of user and occupation shall on the expiration or sooner determination by any means of this contract absolutely cease and determine, and the lands so occupied shall thereupon become and be vested absolutely in the Government.
- Constructor to pay cost. 26. The whole of the cost of surveying, staking, and laying out the railway and the lands to be occupied as aforesaid, and the costs of the construction and equipment of the railway, except as to engines and rolling stock required for working the same, and of the maintenance of each section of the railway for a period of six months after the opening thereof for traffic, and of all labour and materials for the same, shall be borne and paid by the Constructor.
- Railways to be property of constructor. 27. The whole of the railway (other than and except the land occupied for the purposes thereof) shall be the absolute property of the Constructor subject as to the accommodation works to the right of user and enjoyment thereof by the persons for whose benefit the same shall be constructed, and subject also to the rights hereby given to the Government in respect of the same.
- Security. 28. The Constructor shall, before commencing the construction of the railway, lodge with the Agent-General of Natal in London, or as he shall direct, security, either in money or in other securities approved by the Agent-General, to the extent of Twenty Thousand Pounds Sterling.
- Condition of security. 29. The condition of such security is that if the Constructor shall promptly commence and with due and reason-

able speed prosecute the construction of the railway, and shall complete the railway within the time hereinafter prescribed, or within any further time which the Government Engineer may allow for the completion thereof, and shall in all respects faithfully perform and observe all the conditions and covenants to be by him performed and observed, the security so deposited as aforesaid, or so much thereof as shall then be in the hands of the Agent-General, shall be returned to the Constructor when the whole of the railway is completed and taken over by the Administration: otherwise it shall be forfeited and paid to the general revenue of the Colony: Provided that when and so soon as the Government Engineer shall certify that the bridge over the River Tugela or any other portion of the railway has been constructed and completed in accordance with this contract, a part of the said security, proportioned to the ratio (as estimated by the Government Engineer) of the cost of the bridge or other portion of the railway to the whole cost of the railway, shall be returned to the Constructor.

Character of
railway.

30. The Constructor will lay out and construct the railway with a single line upon the same gauge as that of the Natal Government Railways. It shall be laid with rails weighing not less than 45lbs. to the yard, and the whole of the permanent way shall be of the same pattern, dimensions, and character as are now in use upon those portions of the North Coast Railway upon which that weight of rail is laid. The bridges shall be designed and built to carry the 20-ton trucks and 45-ton engines now in use upon the Natal Government Railways, and all such permanent way, bridges, and appliances generally, shall be subject in all respects to the approval of the Government Engineer.

Contract time.

31. The whole of the railway shall be completed and equipped in all respects in accordance with this contract before the expiration of four years from the date of this contract.

Inspection.

32. The Government Engineer or his deputy may at all reasonable times during the survey and construction of the railway enter upon and examine the railway and all materials and works pertaining thereto, and the Government Engineer in London or his deputy shall exercise all powers of inspection of materials and appliances which he may deem necessary either in England or elsewhere, and the Constructor, his Agents and Officers, shall afford to the Government Engineer such information as may be within their knowledge and power in all matters inquired into by them, and shall submit to them all plans, specifications, drawings, and documents relating to the materials, construction, repairs or state of repairs of the railway or any portion thereof.

33. The Constructor shall, when required to do so by the Government Engineer, remove from the work any superintendent, workman, or other person employed on the railway, who shall refuse or neglect to obey the instructions of the Government Engineer or his deputy in anything relating to the work, or who shall perform his work in any manner con-

Dismissal of
servants.

trary to the specifications or directions of the Government Engineer, or who shall be deemed by him incompetent. The Constructor shall also, on the demand of the Engineer, discharge from the work any drunken, disorderly, or impracticable person whose presence shall be detrimental to the work, and shall not again employ him on the work without the consent of the Government Engineer.

Liability after inspection,

34. No inspection under this contract, nor anything in this contract contained or done or ordered or omitted to be done, or ordered under or by virtue of the provisions of this contract, shall relieve or be construed to relieve the Constructor of or from any liability or responsibility resting on him by law, either towards the Government or towards any person.

Extension of time,

35. The Government Engineer may from time to time (if in his discretion he thinks fit so to do) on the request in writing of the Constructor extend the time for the construction of any of the works mentioned in Clause 3 hereof for such period as the Government Engineer may allow.

Fencing,

36. The Constructor shall within six months after notice in that behalf from the Government Engineer, at his own costs and charges, erect fences on such parts of the railway and in such manner as the Government Engineer shall require, and the Constructor shall thereafter at his own expense maintain such fences in good state.

Telegraph,

37. The Government may at any time cause lines of telegraph or telephone to be constructed along the railway for the use of the Government, and may for that purpose attach any wires to the posts erected by the Constructor.

Free passes,

38. The Government shall grant to the Constructor and to the principal officers acting under him free passes over the lines of the Natal Government Railways when travelling upon the business of the Constructor during the construction of the railway.

Carriage of materials,

39. All plant and materials *bona fide* required for the purposes of this contract and sent over the Natal Government Railways in connection therewith will be carried at the construction rate of one penny per mile per ton of 2,000lbs.

Certificates of completion,

40. The construction of the railway shall be carried out to the satisfaction of the Government Engineer, and before being taken over by the Administration to be opened for traffic, as hereinafter provided, shall be certified by him as having been completed to his satisfaction: Provided that the Engineer may temporarily certify any portion of the railway as being fit for traffic, to the intent that such portion may be used for traffic in anticipation of the completion of such portion.

Railway to be taken over and worked by Administration,

41. When the railway or any portion thereof shall be completed and certified as ready for traffic, the Administration will take over and work the railway or such portion thereof as if the same formed part of the Natal Government Railway system: Provided that the Administration shall not be required to take over and work any portion which may

be less than about twenty miles in length : Provided also that the taking over the railway or any portion thereof shall not affect the obligation of the Constructor to maintain the same as provided by Clause 46.

42. The ordinary rates and fares to be charged upon goods, passengers, animals, articles, and things upon the railway, that is to say, from any station to any other station on the railway, and to any station on the Natal Government Railways and *vice versa*, shall be in accordance with the tariff of the Natal Government Railways for the time being, and shall be proportionate according to mileage to the corresponding rates in force for the time being upon the Durban-Verulam section of the Natal Government Railways : Provided, however, that no alteration shall be made in the rates at present in force unless the Constructor shall be first heard with reference thereto. Rates of fares.

43. The Administration shall render half-yearly returns terminating on the 30th June and 31st December of each year, and setting forth the revenue derived from the railway, which shall be ascertained and determined as follows :— Revenue returns.

- (a) The receipts derived from all traffic which both arises and terminates upon the railway shall be credited to and reckoned as the revenue of the railway.
- (b) The receipts derived from through traffic passing from the railway to the Natal Government Railways, or *vice versa*, shall be apportioned rateably according to the mileage over which such traffic shall pass on the railway and the Natal Government Railways. Such apportionment shall be according to the rates in force upon the Durban-Verulam section of the Natal Government Railways. The agent or officer appointed by the Constructor for the purpose shall be at liberty to examine all books and documents necessary for the verification of the accounts.

44. The expense of management, working, and maintenance of the railway, including terminal charges, shall be determined by assuming the same in each year to be equal to 54 per cent. of the gross revenue derived from the said railway as in the preceding clause, and the balance of revenue, after deduction of the said amount of 54 per cent., shall be held to be the net earnings of the railway, and shall be paid to the Constructor yearly within two months after the completion of the yearly period set forth in the preceding clause. Working expenses.

45. The Constructor shall for a period of six months after the opening of the railway and the several sections thereof, or any part thereof respectively, maintain and keep the same in good and proper repair, and shall make good any and all defects, deficiencies, and damage which may become Maintenance.

apparent or may occur during that period, and the maintenance shall not be assumed by the Administration until they have been made good to the satisfaction of the Government Engineer.

Option of purchase.

46. The Government shall have the right at any time within twelve months after the date of this contract to give notice to the Constructor that it claims the option of purchasing the railway at any time after the date of the notice, and before the expiration of the period of twenty-five years from the date when the whole of the railway shall have been open for public use. When such notice shall have been given as aforesaid, the Government may, upon giving to the Constructor twelve months' previous notice in writing, expiring at any time before the expiration of twenty-five years from the date when the whole of the railway shall have been opened for public use, of their intention in that behalf, purchase the railway and all the works, telegraphs, telephones plant, machinery, chattels, and things of every description for the time being belonging or appertaining to the railway or used in connection therewith (all which are hereinafter included in the expression, "the Railway"); and on the expiration of twelve months from the date of such notice the railway shall become the absolute property of the Government as the owners thereof by purchase at such a price as hereinafter provided, free of all incumbrances,; and the Government shall thereupon be entitled to, and shall take possession thereof.

Notice to purchase.

Purchase price.

47. The price to be paid under this clause for the railway (hereinafter called "the purchase price of the railway") shall be such a sum as would represent the actual cost of the construction only of the railway and the works pertaining thereto, including the cost of surveys, inspection of materials, engineering supervision and management, by the Constructor, office expenses and rents both in England and in the Colony, compensation to occupiers of lands, maintenance of sections for six months, contracts for supply and delivery of materials, and for the execution of all works in the Colony, day labour, carriage of materials, legal expenses during construction, and all incidental expenditure which the Government Engineer shall certify as being fairly and justly chargeable to the construction of the railway, together with interest at the rate of three per cent. per annum up to the date of the completion of the railway upon the monthly expenditure during the construction of the railway, or of any portion thereof not taken over for working; such monthly expenditure to be calculated according to the monthly average of each of the periods of six months referred to in Clause 49 of this contract, but exclusive of the cost of any financial arrangements which the Constructor may have to make in providing the funds necessary for the carrying out of the undertaking, except such sum by way of discount, at a rate not exceeding five per cent., as shall be shown to have been actually and properly paid by the Constructor in raising the money required for, and certified by the Government Engineer as

chargeable to, the construction of the railway, also bank commission and exchange between London and the Colony or any place from which he may obtain his materials. The first cost of all plant and tools, furniture, &c., which the Constructor may provide, shall be charged against the cost of construction, and the proceeds of sales of the value of any such materials or things, surplus material, or plant retained by the Constructor at the completion of the railway shall be credited to it, but this shall not apply to the tools, plant, &c., of sub-contractors.

48. The Constructor shall deposit with the Government Engineer copies of all contracts entered into by him in relation to the construction of the railway, and the Government Engineer may request the Constructor to give any explanation which he may require in regard to such contracts, and, if such contracts contain provisions which, in the opinion of the Government Engineer, involve expenditure which should not form part of the cost of the railway in accordance with this contract, he may object to such expenditure being included as part of the purchase price. The same shall apply to any extra works which may be performed under any such contracts. The contracts shall be accompanied by copies of the general conditions, specifications, particulars of quantities, weights, and rates upon which they are based.

Copies of contracts.

49. As evidence of the actual cost of the railway, the Constructor shall, on the expiration of every six months, produce to the Government Engineer or to any Auditor or Auditors appointed by the Government for the purpose, all vouchers for payments made under such contracts, supported by details of the measurements or other particulars upon which they are made, vouchers for all incidental expenditure, and a statement of all expenditure incurred within each period of six months. He shall afford to the Government Engineer or the Auditors access to all books and documents, and shall give them all necessary information to enable them to certify to Government the total amount expended upon the railway and works from time to time. The Government Engineer or the Auditors shall retain the copies of all contracts, *ad interim* statements of expenditure, and other documents which they shall consider necessary as a record of the cost of the railway, and they shall adopt such means as they may deem necessary to verify, and record their acceptance of, the vouchers submitted as evidence of expenditure, but the vouchers themselves and all account books shall remain in the custody of the Constructor until the purchase price of the railway shall have been finally determined and agreed upon on the completion of the undertaking, or until the termination of this contract, when, if Government so desires, they shall be surrendered by the Constructor to Government. The Constructor shall faithfully render to Government all information, and afford all the assistance in his power to facilitate the determination, from time to time, of the cost of the railway, and a final agreement as to the purchase price of the undertaking.

Facilities for audit.

Bonus.

50. If the purchase of the railway shall be completed before the expiration of one year after the opening for public traffic of the whole of the railway throughout, a bonus at the rate of 10 per cent. upon the purchase price shall be paid to the Constructor.

Decrease of bonus.

51. If the purchase shall be completed after the expiration of such one year a bonus at such a rate shall be paid to the Constructor as shall be less than 10 per cent. by 1 per cent. for each complete year which shall have elapsed since the opening for public traffic of the whole of the railway throughout and the completion of the purchase, so that in the event of ten years having so elapsed no bonus shall be payable.

Payment of purchase price.

52. The purchase price of the railway shall, on the Government taking possession thereof, be paid by it to the Constructor in Natal or, at the option of the Government, in London: Provided that it shall be lawful for, but not obligatory upon, the Government to retain and satisfy out of such price the amount of all wages for which the Constructor may then be liable.

Guarantee of interest.

53. If the Government shall give notice as aforesaid, claiming option of purchase, then from the date when the railway shall have been opened for public traffic throughout up to the date on which the purchase of the railway by the Government shall be completed, the Government shall pay to the Constructor for each of the railway financial years a subsidy of such a sum, if any, as with the net revenue of the railway in respect of such year or part of a year shall be equal to 3 per cent. for the same year or part of a year on the amount certified as the price in the event of purchase, provided that the amount upon which this subsidy shall be payable shall not include any bonus hereinbefore provided.

Payment of guarantee.

54. Subject to the provisions of this contract, the Administration shall within thirty days after the end of every financial year in respect of which anything shall be payable by way of subsidy under this contract, certify the amount of such subsidy, and the same shall within the next following thirty days be paid to the Constructor on demand, at the office of the Agent-General of Natal in London.

Powers of Government upon failure to construct.

55. If the Constructor, from any cause whatever, fail to construct, complete, and equip except as to engines and rolling stock, the railway in accordance, in all respects, with this contract, and within the time thereby prescribed, or if, in the opinion of the Minister, the Constructor shall fail to proceed with due despatch in the construction of the railway having regard to the time within which the same is to be completed, or in any other respect fail in the due performance or observance of this contract, then and in every or any such case, if the Government Engineer certifies that it is in his judgment proper for the Government so to do, the Government may take possession of the railway undertaking, and of all plant, materials and appliances provided for the same, and may employ such persons or corporations as the Government may think fit, either by contract or otherwise,

as the Government Engineer certifies to be proper, to proceed with and complete the railway on behalf of and at the expense and risk in all things of the Constructor, and in other respects to fulfil the obligations of the Constructor under this contract, and may use for such purposes the plant, materials, and appliances so taken possession of without being liable for any loss or damage thereto; or the Governor in Council at his option may in any such case as aforesaid by notice in writing to the Constructor rescind this contract without prejudice to any remedy then accrued to the Government hereunder, and thereupon all powers and authorities hereby given to the Constructor shall absolutely cease and determine, and the Government may (if in its discretion it thinks fit so to do) by giving notice in writing to the Constructor on at any time within three months after such rescission, become the owner by purchase of so much of the railway undertaking as shall then have been constructed, subject only to the payment of the purchase price of the railway undertaking, which shall be ascertained as nearly as the circumstances will permit in the manner hereinbefore provided in the event of the railway undertaking being purchased by the Government under the power in that behalf contained in Clause 46 of this contract, but without the payment of any such bonus as is provided for in the 50th and 51st Clauses.

56. Subject to the provisions hereinbefore contained this contract shall continue for the term of 50 years from the date hereof, and on the expiration of such term the Government shall become the owners by purchase of the railway undertaking, and shall pay therefor to the Constructor the purchase price of the railway undertaking which would be payable therefor in the event of the same being purchased by the Government under the provision in that behalf contained in Clause 46 hereof, but without the payment of any such bonus as is provided.

Duration of contract.

57. If the Government shall under any of the provisions of this contract become the owners by purchase of the railway undertaking before the expiration of the said term of 50 years, then at all such times during the then residue of the same term as the railway shall be worked by the Government or any persons or body claiming under the Government the rates for the time being charged for the carriage of coals from the Hlabisa Coal Fields over the railway or any part thereof shall not be higher than such rates as could have been charged for such carriage if this contract had not been determined.

Coal rate.

58. The Constructor shall not assign, lease, or otherwise dispose of the benefit of this contract or the railway or any part thereof without the previous consent in writing of the Governor, and such consent may, in the case of an assignee, lessee, or other person or corporation not approved by the Governor, be refused without his being bound to give any reason for such refusal; and the Government shall have the same rights and remedies against any person or corporation claiming under any such assignment, lease, or other disposi-

Assignment

tion made with such consent as aforesaid, and such person or corporation shall have the same rights and remedies against the Government as would have been the case if such person or corporation had been a party hereto instead of the Constructor.

Railway laws.

59. Nothing contained in this contract shall exempt the railway or the Constructor from the provisions of any general Law or Act now in force or hereafter to be passed relating to railways.

Indemnification
of Government
officers.

60. No member or officer of the Government shall be in anywise bound personally for the acts and obligations of the Government under this contract, or answerable for any default or omission in the observance, performance, or fulfilment of the acts, matters, or things which are hereby made obligatory on the Government.

Rights of Crown
and third
parties.

61. Except in so far as is by this contract otherwise expressly provided, nothing herein contained shall in any manner affect the rights of Her Majesty or any person or corporation.

Arbitration.

62. In case and so often as any dispute, difference, or question shall arise between the said parties hereto, or any person, or corporation claiming through or under them respectively, or between any of such persons, or corporations, or between the Government Engineer and the Company concerning or relating to the railway or any part thereof respectively, or the construction, meaning, or effect of this contract or any clause or thing herein contained, or the rights or liabilities of any party hereto, or of any such person or corporation as aforesaid under this contract, then (except in any case and as to any matter for which other provision is hereinbefore made) the subject of every such dispute, difference, or question shall in every case on the demand in writing of either party be referred to the arbitration and award of an umpire, if the parties can agree to an umpire, and in case they cannot so agree, then of three arbitrators, one to be appointed by each party to the reference, and the third by the two arbitrators so appointed. The decision of such umpire or arbitrators, or of any two of such arbitrators as the case may be, shall be final and without appeal and binding upon all parties. If either party to any such dispute, difference, or question make default in appointing an arbitrator within 14 days after the other party has given him or them notice to appoint the same, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference, and his award shall be final and binding on all parties, and all the provisions herein contained with reference to the proceedings of two arbitrators and an umpire shall *mutatis mutandis* be applicable to such sole arbitrator.

Arbitrators'
awards.

63. The arbitrators and umpire shall have full power to make, if they or he think fit, several awards instead of one

award, and every such award though not on the whole matter, shall be final so far as it extends, and as if the matter awarded on were the whole matter referred.

64. The arbitrators and umpire shall have full power to proceed, in the absence of both or either of the parties, after giving to both parties such notice as the arbitrators or umpire may think sufficient of their or his intention to proceed. Notice to arbitrate.

65. The arbitrators and umpire shall have full power to inspect the books, documents, and accounts of both parties, and examine on oath or statutory declaration in lieu of oath the officers, agents, servants, and witnesses of the parties respectively. Evidence.

66. The costs of the reference and the awards shall be in the discretion of the arbitrators and umpire, and such costs may be awarded as between solicitor and client. Costs.

In witness whereof the parties have hereunto set their hands the day and year first above written, and in the presence of the subscribed witnesses.

(Signed) A. H. HIME.

As witnesses to the signature }
of the Minister of Lands }
and Works - }

(Signed) E. M. GREENE.

(„) J. W. F. BIRD.

As witnesses to the } per pro THOMAS REYNOLDS.
signature of } (Sgd.) EDMUND D. REYNOLDS.

(Signed) E. M. GREENE.

(„) J. W. F. BIRD.

Given at Government House, Natal, this Eleventh day of September, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

THE NATAL MINES ACT, 1899.

ARRANGEMENT OF CLAUSES.

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30. Rights under license.
31. Registration of Mining Claims. Fee. Certificate.
32. Payment of license fees.
33. Renewal of license.
34. Payment in advance. Date of license and of its commencement.
35. Abandonment, for arrears, of Mining Claim.
36. Seizure of machinery, metals, etc., for arrears. Sale of seized property. Government hypothec.
37. Disposal of proceeds of sale. Wages.
38. Abandonment of Mining Claim. Disability of former holder.
39. Rights of registered Mining Claim holder.
40. Amalgamation of Mining Claims. Working. Exemption license.
41. Royalty.
42. Application of provisions relative to Crown Lands.
43. Rights of owner.
44. Prospecting by owner. Right to licenses.
45. Prospecting by others than owner.
46. Suspension for one year of licenses without owner's consent.
47. Prospecting claim licenses. Limit of number held. Limit not to apply to holdings by transfer, etc.
48. Suspension after issue of first four licenses. Exclusive rights of owner during suspension. Resumption of issue. Notice to owner of application for license. Objections.
49. Security to be deposited by intending prospector.
50. Notice of entry.
51. Notice to owner of application for registration. Objections.
52. Consideration of application and objections. Adjudication.
53. Service or publication of notices.
54. Limit of number of assistants in prospecting.
55. Restriction as to entry with cattle, etc. Cutting wood.
56. Conditions for obtaining mining claims.
57. Owner entitled to half fees, royalties, etc.
58. Owner liable to pay only half of fees and royalties.

59. Sole right of owner to prospect or mine for coal, etc. Saving as to lands hereafter alienated by Crown.
60. Saving of rights of Crown.
61. Permission to prospect on Trust lands.
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65. Applications for prospecting claims, water rights, etc. Objections.
66. Conditions for obtaining Mining Claims.
67. Application of provisions as to Crown Lands,
68. Rights of holder of claim.
69. Cutting timber.
70. Condition for obtaining water right.
71. License fee.
72. Powers under water right.
73. Exclusion of proprietary right in water.
74. Lapse or transfer of right.
75. Registration,
76. Lapse of right if not properly used.
77. Dams, etc.
78. Publication of applications.
79. Limit of division of water.
80. Distribution of water supply. Order of priority in questions as to water rights.
81. Conditions of grant of machine stands.
82. Extent of area ; license fee.
83. Registration.
84. Limitation of rights conveyed by machine stand.
85. Grant of residential site.
86. Limitation of rights conveyed.
87. Transfer of holding.
88. Endorsement of cession.
89. Fee for registration of cession.
90. Transfer duty on land containing gold, silver, or precious stones.
91. Limit of exemption. Minimum of transfer duty.
92. Lands exempted from operation of Act. Lands dedicated to public purposes. Urban lands. Homestead lands, kraal lands, gardens, etc. Mission buildings and plantations.
93. Exemption forfeited by user.
94. Disabilities of persons not of European birth or descent.
95. Consequences of default of payment of fees, etc.
96. Offence of pegging, etc, without license.
97. Pegging off claim of a higher order on holdings of a lower order.
98. Reservations in the public interest.
99. Transfer of applications. Death of applicant.
100. Records and registers.
101. Beaconing off excessive areas.
102. Other remedies for pegging off excessive areas,
103. Beaconing off claims on excess areas.
104. Placing pegs on another's holding.
105. Responsibility for beacons.
106. Illegal shifting or removal of pegs and beacons.
107. Grazing rights. Wood and water.
108. Reservations in favour of Government. Servitudes of roads, etc. Geological survey.
109. Declaration of find.
110. Fraudulent declarations.
111. "Salting" land.
112. Onus of proof in case of "salting."
113. Returns of operations.
114. Sworn declarations.
115. Search by Commissioner of Mines for coal.
116. Commissioner of Mines may take samples of gold, etc.
117. Special powers of Minister for : Roads, railways, etc. Mining operations. Water. Servitudes. Deputy. Cost. Compensation.
118. Powers to be used for public advantage.
119. Filling up shafts, etc.
120. Death of license holder.
121. Lien for wages.
122. Precedence of lien.
123. Removal of buildings and plant from claim sold or abandoned.
124. Removal by order of Commissioner of Mines.
125. Plans of mining centres.
126. Mineral oils.
127. Protection areas, reward claims, etc.
128. Business and garden stands.
129. Offence of paying in native gold or stones.
130. Offence of trading with other than Europeans in native gold or stones.
131. Offence of dealing in gold, etc., by others than Europeans.

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| <ul style="list-style-type: none"> 132. Bankers and licensed traders. 133. Saving in favour of owners not being Europeans. 134. Unlawful possession of native gold. 135. Arrest and punishment for unlawful possession. 136. Licenses to deal in native gold or stones. 137. Forfeiture of license. 138. Stamps on licenses. 139. Records by bankers and licensed dealers. 140. Regulations. 141. General regulations. 142. Punishment for contraventions. 143. Regulations for safe mining, etc. 144. Compliance not to be restrained. 145. Punishment for contravention of regulations under Section 143. | <ul style="list-style-type: none"> 146. Offences. 147. Jurisdiction of Magistrates. 149. Special jurisdiction of Magistrates in certain cases. 150. Prosecutions in Supreme Court. 151. Enforcement of penalties. 152. Discretion as to penalties. 153. Saving of other prosecutions. 154. Disposal of fines.
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No. 43, 1899.]

WALTER HELY-HUTCHINSON,
Governor



ACT,

“To consolidate and amend the Laws relating to Mining.”

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Part I.

PRELIMINARY.

Short title.

1. This Act may be cited as “The Natal Mines Act, 1899.”

Repeal.

2. Law No. 34 of 1888, entitled “The Natal Mines Law, 1888,” and the Zululand Proclamation No. VII., of 1894, are hereby repealed, but such repeal shall not affect :—

- (a) The past operation of the said Law No. 34 of 1888, and the said Zululand Proclamation No. VII. of 1894, and of any prior Laws, Proclamations, or Regulations.
- (b) Anything lawfully done under or validated by any of the said Laws or Proclamations mentioned in Sub-section (a).
- (c) Any right, title, interest, or privilege acquired (not being inconsistent with this Act), or any liability incurred under any of the said Laws and Proclamations.
- (d) Any penalty, forfeiture, or other punishment incurred in respect of any offence against any of the said Laws and Proclamations.

- (e) Any suit or other proceeding depending in any Court or before any person, which shall be continued and concluded as if this Act had not been passed.
- (f) Any Appointments, Regulations, Orders, or Notices in force at the time of the commencement of this Act, save so far as they may be contrary to or inconsistent with this Act.

3. The holder of, or the person owning the right, title, and interest in any prospecting area, claim, lease, provisional application for lease, water right, dam, machine site, mill site, or other licensed holding of any kind, granted, held, or occupied under or in pursuance of any Laws, Proclamations, regulations, or provisions in force prior to the commencement of this Act, may at any time surrender and yield up the same on payment of all rents, license fees and other moneys due in respect thereof, and upon compliance with all conditions as regards notice or otherwise relating to such holding, and in such case such holder or person shall be entitled to acquire title under the provisions of this Act, and in compliance therewith, to the land so held :

Conversion of existing titles into titles under this Act.

Provided, however, that the Commissioner of Mines in his discretion may in the case of mining or mineral leases held under any previous Law or Proclamation permit such leases to be registered as mining claims under and subject to the provisions of this Act and the Regulations. Provided, however, that the said leases so converted into claims may remain of the form, dimensions, and area as originally beaconed, and the survey and diagrams thereof may be accepted as if made under the provisions of this Act, anything contained in this Act and the regulations in respect of mining claims to the contrary notwithstanding. Provided, further, that the mining claim license fees to be paid in respect of such claims shall be at the rate of thirteen shillings per acre for Metal Mining Claims, and five shillings per acre for Mineral Mining Claims, payable and renewable as in the case of mining claim licenses.

4. In the construction and for the purposes of this Act, the following terms in inverted commas shall have the respective meanings hereby assigned to them, unless there be anything in the subject matter or context repugnant to such construction :—

Interpretation

“Crown Lands.”—All unoccupied unalienated lands of the Crown, except as follows :—

- (a) Lands dedicated to or reserved for any public purpose
- (b) Ordnance lands or other lands of any department of the Imperial Government.

- (c) Lands specially exempted from the operation of this Act, either by the terms of the Act itself or by Notice in the *Natal Government Gazette* by order of the Governor in Council.

“Owner.”—The registered owner of any lands held under freehold or quitrent tenure, the Natal Native Trust, and any trustees in whom the registered ownership of any land is vested.

A person holding lands under a contract of purchase from the Crown shall be deemed the owner, notwithstanding that transfer has not yet been made.

“Mining purposes.”—The purpose of searching for mining and removing minerals, including the erection of machinery, and the construction of works connected with such purposes, and the doing of all lawful acts, incident or conducive thereto.

“Native Gold.”—Includes gold or precious metal in whatever form, although smelted, which is not manufactured or made up into any article suitable for trading purposes. It also includes raw gold or other precious metal and amalgam.

“Precious Stones.”—Shall mean and include diamonds, rubies, sapphires, and emeralds.

“Minerals.”—All substances which can be extracted from the earth by mining operations for the purpose of profit: Provided that the term mineral shall not apply to any stone or clay for use for building, road-making, or kindred purposes, except such as are mentioned in this Act, nor to any minerals which, not being so mentioned, may be excepted from the operation of this Act by Government Notice by order of the Governor in Council.

“Dam” or “Reservoir.”—Any artificial storage or accumulation of water.

“Mine.”—All workings of minerals, including quarrying and other methods of excavation on the surface, and from the surface downwards, and underground, together with all erections and appliances, matters, or things of what nature soever connected therewith or belonging thereto, above and below ground for the purpose of prospecting for or winning minerals.

“Mine Owner.”—Any person, or body of persons, being the immediate holder or lessee of any mine or part thereof, and not being a person or body of persons who merely receive a royalty or rent from a mine, or who is merely the owner of a mine subject to any contract for the working thereof. Where a mine is owned by a Company or Syndicate not registered in this Colony, and having its Board of Directors beyond the Colony, the duly appointed Agent of such Company or Syndicate in the Colony will be considered to be the Mine Owner.

“Owner’s Agent.”—The Representative of the Mine Owner, but who is not necessarily the responsible person under this Act for the control, management, and direction of the mine.

“Manager.”—The person appointed by the Mine Owner or his Agent as responsible under this Act for the control, management, and working of the mine.

“Prospecting Claim.”—A portion of ground of a size fixed by this Act assigned for the purpose of searching for minerals in accordance with the provisions of this Act.

• “Mining Claim.”—A portion of ground of a size fixed by this Act assigned for the purpose of mining for and disposing of minerals in accordance with the provisions of this Act.

“Abandon,” when used in reference to a claim or holding, shall mean to summarily determine the right to and interest in such claim or holding.

“Person.”—Shall include any Company or Syndicate.

“Native.”—Shall mean a Native as defined by Law No. 14, 1888.

“Minister.”—The Minister for the time being charged with the control of the Mines Department.

“Commissioner of Mines.”—The Officer appointed by the Governor in Council as being in charge of the Mines Department in accordance with the provisions of this Act, and who is under the control of the Minister.

“Deputy Commissioner of Mines” or “Deputy Commissioner.”—The District Officer of the Mines Department subordinate to the Commissioner of Mines.

“Magistrate” includes Resident Magistrate.

“Regulations.”—Regulations made by the Governor in Council under this Act.

The singular number shall, unless inconsistent with the context, include the plural, and *vice versa*, and the masculine gender the feminine gender.

Any reference to this Act shall, unless the contrary sense appear, include a reference to the regulations.

5. The Governor in Council shall appoint all such officers as are required for carrying out this Act, and may assign to such officers their respective titles, duties, and districts. In case of necessity arising through the temporary absence or inability to act of any officer, the Minister may appoint a deputy to carry out any or all the duties of such Officer, pending an appointment in due course.

6. The Minister shall have power to create any Board and to appoint or approve of persons as members of any Board that may be necessary for carrying out the provisions

of this Act, and among others for the purpose of appeal, arbitration, assessment of compensation, enquiry, and examination of candidates for certificates or otherwise, and to pay them out of the general revenue of the Colony such remuneration as may be appointed by the regulations or otherwise.

Officers not to hold mining interests.

7. No Officer appointed by the Governor in Council for the purpose of carrying into effect any of the provisions of this Act shall be allowed, either directly or indirectly, to possess any claim or claims, or any interest therein, or to hold any share or shares in a Mining Company or any Syndicate or Partnership relating to mining matters in the Colony of Natal, except such share or shares as such officer may hold at the time of his appointment, and be authorised to continue to hold by the Governor.

Any Officer guilty of a breach of the provisions of this section may be suspended from office or may be dismissed

Classification of claims.

8. Parcels of land to be called claims may be granted under and subject to the provisions of this Act as follows :—

ALLUVIAL CLAIMS of a size not exceeding 100 feet x 100 feet (0.229 acre), granted for the purpose of prospecting or mining for precious stones and alluvial minerals, and all other minerals.

ETAL CLAIMS of a size not exceeding 300 yards x 300 yards (18.595 acres), granted for the purpose of prospecting or mining for gold and other minerals, including coal, but excepting precious stones and alluvial minerals.

MINERAL CLAIMS of a size not exceeding 700 yards x 700 yards (101.239 acres), granted for the purpose of prospecting or mining for coal, limestone, stratified ironstone, slate, soapstone, and such other minerals as may from time to time be included by Government Notice by order of the Governor in Council.

The foregoing Claims may be granted as Prospecting or Mining Claims for the purposes respectively prescribed by this Act, and shall be described as follows :—

Alluvial Prospecting Claims.

Alluvial Mining Claims.

Metal Prospecting Claims.

Metal Mining Claims.

Mineral Prospecting Claims.

Mineral Mining Claims.

Provided, however, that the dimensions and areas above prescribed shall not apply in the case of the conversion of Leases into Claims under Section 3.

Part II.

RIGHTS OF THE CROWN.

9. The right of mining for and disposing of all minerals on lands situated in the Colony of Natal is vested in the Crown, subject to the provisions of this Act, and nothing in this Act regarding the prospecting, mining, or disposal of minerals shall abridge or control the rights and powers of Her Majesty in respect of such minerals, otherwise than is expressly provided in this Act.

Rights of the Crown.

Part III.

CROWN LANDS.

PROSPECTING.

10. It shall be lawful for any person to prospect and search for minerals on any Crown Lands without a license, so long as such prospecting is confined to a general examination of the surface, and that no excavations are made. He may also peg off not more than four claims in accordance with the provisions of this Act, but without a license: Provided that unless he shall, within fourteen days from the date of pegging any such claims, obtain a prospecting claim license or licenses, as hereinafter provided, such claim or claims shall be deemed to be abandoned.

Prospecting.

Pegging off claims.

11. Prospecting Claim licenses may be issued by the proper officer to any person of either sex over the age of 16 years, of European birth or descent: Provided that not more than four such licenses shall be held by any one person at any one time. Application for such license must be in person, unless the applicant is already the holder of a claim license issued by the Officer to whom such application is made.

Prospecting claim licenses.

This section shall not be deemed to prevent one person from holding more than four prospecting claim licenses by transfer in manner provided by this Act, or by the renewal of transferred licenses, or to prevent any person who has duly transferred any prospecting claim licenses registered in his name, or whose claims may have lapsed, from making application as hereinbefore provided for the issue of other similar licenses.

The fee to be paid for every Prospecting Claim License shall be One Shilling for each and every period of three months for which the same is to be in force, payable in advance.

Fee.

Rights under
license.

12. Each prospecting claim license shall entitle the holder to peg, or cause to be pegged, one Prospecting Claim on any Crown Lands in the Colony, which claim he may hold subject to the provisions of this Act and the regulations for the period for which the license was granted or renewed.

Registration of
claim.

13. Such prospecting claim shall be registered, within a time to be fixed by the Regulations, at the Mines Office of the District in which such claim is situated, in a book to be kept for the purpose, and a fee of Five Shillings shall be paid for the registration of each claim, and a certificate of registration to the said claim in the form of Schedule A shall thereupon be issued to the holder by the Deputy Commissioner: Provided that in the event of existing holdings being converted into prospecting claims under this Act a registration fee of Two Shillings and Sixpence shall be payable.

Fee.

Certificate.

Fee on conver-
sion of existing
holdings.

Payment of fees.

14. Prospecting claim license fees shall be payable in advance, at the Mines Office of the District in which claims held in virtue thereof are registered.

Renewal of
license.

15. On payment of the fee for the renewal of a prospecting claim license, a new license shall be issued to the claimholder at the Mines Office of the District where such claim is registered.

Payment in
advance.

16. Prospecting claim and other license fees may at any time be paid in advance for any number of months, not exceeding twelve, but no refund will be made under any circumstances. Such licenses shall be dated as of the date of issue, but may be expressed to run as from a date prior or subsequent to such date of issue.

Date of license
and of its com-
mencement.

Abandonment,
for arrears, of
claim of less
than 12 months'
standing.

17. If the license in respect of any prospecting claim which has been registered for a less period than twelve months be not renewed within fourteen days of its due date, or if any other moneys due in respect of such claim remain unpaid for seven days after payment is due, notice shall be posted at the Mines Office of the District that such claim will be abandoned and open to be re-pegged unless the said license and other moneys be renewed and paid by a given date to be mentioned in the notice, which shall not be less than fourteen days after the posting of such notice, and in default of renewal and payment by the time stated in such notice, the claim may be abandoned by the Deputy Commissioner of Mines, and shall thereupon be open to be re-pegged.

Abandonment,
for arrears, of
claim of twelve
months' stand-
ing.

18. If the license in respect of a prospecting claim which has been continuously registered for a period of twelve months or more, be not renewed within fourteen days of its due date, or if any other moneys due in respect of such claim remain unpaid for fourteen days after payment is due, notice shall be given to the claimholder by delivering the same at, or posting the same to, his registered address, and shall also be published in the *Natal Government Gazette* and in some other

newspaper and posted at the Mines Office of the District, to the effect that such claim will be abandoned, and open to be re-pegged on a date to be fixed, which shall be not less than 21 days from the date of publication of such notice in the *Natal Government Gazette* and one other newspaper, unless the said licenses, and any other moneys due in respect of such claim, together with a fine at the rate of One Pound per claim, be renewed and paid by the said date: Provided, however, that such fine as aforesaid shall not be payable if the said licenses and any other moneys due be renewed and paid, or notice of abandonment of the claim by the claimholder given to the Deputy Commissioner, within twenty-eight days after the date of expiry of such licenses. At the expiration of the term appointed by the notice the Deputy Commissioner may, unless the requirement thereof has been complied with, declare the same to be abandoned and open to be re-pegged.

19. The former owner of any claim abandoned as aforesaid shall not be allowed to re-peg or acquire the same or any part thereof, either directly or indirectly, except on payment of all the license fees and the fine (if any), and all other moneys due in respect of such claim to date, and then only in the discretion of the Commissioner of Mines, and if no application for the said claim shall have been made by any other person.

Disabilities of former owner of abandoned claim.

20. The registered holder of a prospecting claim shall have the right to generally prospect the same, and to carry out such work, erect such buildings, machinery, and do such other acts and things on such claim as may be necessary to the *bona-fide* prospecting and development thereof:

Rights of registered claimholder.

Provided, however, that the sale or other disposal of any mineral extracted from such claim in the course of prospecting or development, and the extraction of any metal from its ore or the mineral containing it by any mechanical or chemical or other process for purposes of profit, shall be and is hereby prohibited, except under the special permission in writing of the Commissioner of Mines.

Saving as to extraction or sale of minerals.

21. Prospecting claims may be amalgamated upon and subject to the conditions contained in the Regulations.

Amalgamation of prospecting claims.

In the case of an amalgamated block of claims, work may be concentrated on one or more points, or distributed over such block in the discretion of the holder or holders.

22. Every prospecting claim or amalgamated block of prospecting claims must be worked in accordance with the regulations, or a license as hereinafter provided, must be obtained, exempting such claims from such work.

Working.

23. An Exemption License in the form of Schedule B will be granted for any claims exempting the same from the working conditions referred to in the last preceding section on payment of a fee of One Pound for each period of three

Exemption License.

months or less per claim payable and renewable as in the case of prospecting claim licenses.

Compulsory
conversion into
Mining Claim.

24. If at any time it shall appear to the Commissioner of Mines to be detrimental to the public interests that any prospecting claim shall continue to be held as such, it shall be lawful for him to give notice to the claimholder to convert his Prospecting Claim into a Mining Claim, and to make the necessary application under the provisions of this Act and regulations by the date stated in such notice, or by such date to show cause to the contrary by personal appearance or by forwarding to the Commissioner of Mines his objections, if any.

Such notice shall also be posted at the Mines Office of the district where such claim is situated. Upon receipt of such objections the Commissioner of Mines may, with the approval of the Minister, accept the same as sufficient, or may reject the same, and shall notify the claimholders accordingly.

In the event of the objections aforesaid being held insufficient and in default of due compliance with such notice, then it shall be lawful for the Commissioner of Mines, with the approval of the Minister, to declare such Prospecting Claim to be abandoned, and all licenses granted in respect thereof to be cancelled.

MINING.

Mining, etc, for
profit.

25. The mining, extraction, and disposal of any mineral for the purposes of profit on or from any Crown lands is prohibited, except on and from ground duly registered as a Mining Claim in accordance with this Act, or otherwise lawfully held for such purposes under the provisions of any previous laws or proclamations.

Mining Claim to
be licensed
before beaconed
off.

26. No Mining Claim shall be beaconed off unless and until a Mining Claim License shall have been first obtained as hereinafter provided.

Prior right of
Prospecting
Claim holder.

27. The registered holder of a Prospecting Claim shall have the prior right to the registration of a Mining Claim on the ground held as such Prospecting Claim.

Mining Claim
licenses.

28. One or more Mineral Mining Claim Licenses, and not more than four Alluvial or Metal Mining Claim Licenses, may be issued by the proper officer to any one person of either sex of European birth or descent over the age of sixteen years. Application for such license must be made in person unless the applicant is already the holder of a claim license issued by the officer to whom such application is made.

This section shall not be deemed to prevent any person who has become the holder by transfer of more than four Prospecting Claim Licenses from obtaining Alluvial or Metal Mining Claim Licenses for so many prospecting

licenses as he holds : Provided that such Mining Claim Licenses shall not authorise the pegging off of Mining Claims upon any land other than that which may be held under such Prospecting Claim Licenses as aforesaid.

This section shall also not be deemed to prevent any person who has duly transferred any Alluvial or Metal Mining Claim Licenses, or whose claims have lapsed, from making application as hereinbefore provided for the issue of other similar licenses.

29. The fee to be paid for every Mining Claim License shall be Two Pounds per month for an Alluvial or Mineral Claim and One Pound per month for a Metal Claim for each month for which the same is to be in force, payable in advance, except in the cases hereinbefore provided for of claims granted in exchange for leases. License Fee.

30. Each Mining Claim License shall entitle the holder to peg or cause to be pegged one Mining Claim of the class mentioned in the license on any Crown Lands, which claim he may hold subject to the provisions of this Act and the Regulations for the period for which the license is granted or renewed. Rights under license

31. Every mining claim shall be registered within the time appointed by the Regulations at the Mines Office of the District in which such claim is situated in a book to be kept for the purpose, and a fee of Ten Shillings shall be paid for such registration, and a Certificate of Title to the said claim in the form of Schedule C, with surveyor's diagrams attached thereto, shall thereupon be issued to the holder, duly signed by the Minister, and upon the issue of such Certificate, the Title to such mining claim shall be indefeasible, but the Certificate of Title shall be issued subject to such reservations as may be inserted under the provisions of this Act in that behalf. Registration of Mining Claims.
Fee.
Certificate.

32. Mining claim licenses shall be payable in advance on the first day of every month, at the Mines Office of the District in which claims held in virtue thereof are registered. Licenses taken out on or before the 15th day of the month shall be payable as for a full month. Licenses taken out after the 15th day of the month shall be payable as for half a month, by half the monthly fee. Payment of license fees.

33. On payment of the fee for renewal of a mining claim license a new license shall be issued to the claimholder by the Deputy Commissioner at the Mines Office of the District where such claim is registered. Renewal of license.

34. Mining claim and other license fees may at any time be paid in advance for any number of months, not more than twelve, but no refund thereof will be made under any circumstances except where otherwise provided in this Act Payment in advance.

Date of license
and of its com-
mencement.

Abandonment,
for arrears, of
Mining Claim.

or the Regulations. Such licenses shall be dated as of the date of issue, but may be expressed to run as from a date prior or subsequent to such date of issue.

35. If any license fees, royalties, dues, fines or other moneys payable in respect of any mining claim or claims shall be in arrear and unpaid for the space of one month after the due date of payment thereof, it shall be lawful for the Commissioner of Mines to cause a demand for payment of such license fees, royalties, or other moneys in arrear and unpaid as aforesaid to be made on the claimholder, such demand being made by registered letter and posted to his registered address or delivered to him personally or left at such registered address, and notice thereof shall be published in the *Natal Government Gazette* and one other newspaper, and posted at the Mines Office of the District where such claim is situated. If payment of the amount so due, together with all license and other fees accruing in the meantime in respect of such claim or claims, together with a fine not exceeding Two Shillings per claim per diem from the date of such demand (if the Minister sees fit to impose the same), be not made by the date fixed in such demand, being not less than one month from the date of publication in the *Natal Government Gazette* and one other newspaper, the Minister may cause such claim or claims to be publicly sold at such time and in such manner as he may decide.

Notice of the sale of such claim or claims shall be published in the *Natal Government Gazette* and one other newspaper, and posted at the Mines Office of the District where such claim is situated, at least fourteen days previous thereto.

Proof of the posting and publication of such notices as aforesaid shall be sufficient, and it shall not be necessary to prove that the same were received by the license holder.

If payment of the amounts due and of all costs be made before the sale, the sale may be withdrawn.

Seizure of
machinery,
metals, etc., for
arrears.

36. In addition to the power of sale in the preceding section provided, and concurrently with or independently of any such sale, it shall be lawful for the Minister, or any person duly authorised by him in that behalf, it any royalties or fines or other moneys due in respect of such claim, lawfully payable to the Government, be in arrear and unpaid for one month from the due date thereof, to enter upon the said claim or claims and to seize the machinery and plant, tools, buildings, or other property or any minerals at grass for the time being, in, under, or upon any part of such mining claim.

Upon making such seizure, the Minister shall cause a demand to be made upon the claimholder for the payment of the amount so due, together with all expenses.

Notice of such demand shall be posted and published, as prescribed in the foregoing section, and shall appoint a

time, not being earlier than a month from the date of publication, within which payment must be made.

If payment be not made within the time so appointed, the Minister, or other person so authorised as aforesaid, may sell the said property and minerals, or any part thereof, by public auction, on such terms and in such manner as the Minister may think fit.

The right of seizure conferred on the Minister as aforesaid shall be a Government hypothec, preferent over any creditors, whether secured or not,

37. From the proceeds of any such sale, or seizure and sale, or both, under the two foregoing Sections, the expenses thereof, together with the amounts due to the Government, and any fine imposed as provided therein shall be first paid, and the balance, if any, shall be payable in discharge of any lien for wages as provided for in this Act, and the disposal of any balance then remaining shall, subject to any Regulations made in that behalf, be paid to the person entitled thereto: Provided, however, that the Government may in its discretion permit that after payment of all expenses the lien for wages be first paid.

38. If any claim offered for sale as aforesaid should prove unsaleable, then the same shall be abandoned and declared open to re-pegging:

Provided, however, that the former holder of such claim shall not be allowed to re-peg, or acquire the same or any part thereof, either directly or indirectly, except on payment of all the fees, royalties, fines, and other moneys due in respect thereof, including liens for wages and all expenses incurred, and then only in the discretion of the Commissioner of Mines, and if no application for the said claim shall have been made by any other approved person.

39. The registered holder of a mining claim shall have the right to carry on mining operations, and erect such machinery, buildings, plant, and generally do all such acts and things in and upon such claim for the purpose of working the same and extracting minerals therefrom, and to turn such minerals to profitable account, subject to the conditions of this Act and the Regulations.

40. Mining claims may be amalgamated into blocks, as may be provided for in the Regulations.

Every mining claim or amalgamated block of mining claims must be worked in accordance with the regulations, or a license as hereinafter provided, must be obtained exempting such claims from such work.

An Exemption License in the form of Schedule B will be granted for any claims exempting the same from the working conditions referred to in this section on payment of a fee of Ten Shillings per month per claim, payable and renewable as in the case of mining claim licenses, and the fee for

Sale of seized property.

Government hypothec.

Disposal of proceeds of sale.

Wages.

Abandonment of Mining Claim.

Disability of former holder.

Rights of registered Mining Claim holder.

Amalgamation of Mining Claims.

Working.

Exemption license.

an Exemption License taken out after the fifteenth day of any month shall be Five Shillings per claim for the remainder of that month.

Royalty

41. There shall be payable on all minerals extracted from Crown Lands, under licenses granted under this Act, a Royalty at the rate of one and one half ($1\frac{1}{2}$) per centum, calculated on the value of such minerals at the mine.

The payment of such royalty shall be made at such times as may be provided in the Regulations.

Part IV.

PRIVATE LANDS.

Application of provisions relative to Crown Lands.

42. The provisions of this Act, and of the Regulations framed thereunder in respect of Crown Lands, shall apply to all Private Lands, save as in this Act otherwise provided.

Rights of owner.

43. Notwithstanding anything to the contrary contained in this Act, an owner of land, not being of European birth or descent, may, in respect of the land owned by him and of any minerals, metals, or precious stones found therein, exercise all the rights and powers conferred by this Act.

Prospecting by owner.

44. Any owner of land, or any person *bona fide* appointed by him, shall be at liberty to prospect for minerals within the boundaries of his own land without taking out a prospecting claim license, but shall not peg off any claim without first taking out the necessary license. An owner may take out as many such licenses in respect of his land as he may require.

Right to licenses

Prospecting by others than owner.

45. No person other than the owner shall be allowed to prospect on private lands unless with the consent of such owner, or as hereinafter provided.

Suspension for one year of licenses without owner's consent.

46. No person shall be granted any claim license for the land of any owner within a period of twelve months after the coming into operation of this Act unless with the written consent of such owner lodged with the Deputy Commissioner of the District wherein such land is situated.

Prospecting claim licenses.

47. After the expiry of such term of twelve months (or prior thereto should the owner consent) it shall be lawful on application in accordance with the next Section, to issue prospecting claim licenses to any person, which shall entitle him to prospect any part of the land of any owner not then held under license by the owner or anyone else, and such license shall specify the land to be prospected and shall be issued subject to all provisions of this Act and the Regulations applicable to Crown Lands, subject nevertheless to the provisions made in respect of Private Lands: Provided that the number of prospecting claim licenses held at any one time by any one person as aforesaid shall not exceed four: Provided, further, that prospectors on private lands, other than the owner of such lands, shall not peg off more than two claims in the same line.

Limit of number held.

Subject always to the provisions of Section 48, this section shall not be deemed to prevent any person from holding more than four such claim licenses by transfer in manner provided in this Act, or by the renewal of transferred licenses, or to prevent any person who has duly transferred such licenses, or whose licenses have lapsed, from making application for the issue of other licenses in place thereof.

Limit not to apply to holdings by transfer etc.

48. Notwithstanding the provisions of the foregoing Section it shall not be lawful without the consent of the owner of the land to issue more than four prospecting claim licenses to any person other than the owner until the expiration of three months after the owner shall have received notice of the first issue of such licenses, which notice the Deputy Commissioner shall be obliged to give within one week from the date of the issue of the first license.

Suspension after issue of first four licenses.

During the term of such three months the owner shall have the exclusive right of taking out licenses, and may take out as many such licenses as he requires.

Exclusive rights of owner during suspension.

At the expiry of such three months the issue of licenses to others may be resumed, but without prejudice to the right of the owner to take out licenses in the same way as any other person may do.

Resumption of issue.

Before any license is issued for prospecting on private lands, notice shall be given by the Deputy Commissioner of Mines to the owner, who shall have the right to lay any objection to such licenses before the Deputy Commissioner of Mines. Any such objections shall be considered by the Deputy Commissioner of Mines, and his decision thereon shall be subject to appeal to the Minister, whose decision shall be final.

Notice to owner of application for license. Objections.

49. Every applicant for such prospecting claim license shall deposit with the Deputy Commissioner of Mines the sum of Two Pounds Ten Shillings for every prospecting claim license issued to him by way of security for the due and proper repair of any surface damage done by him on the land of any owner, subject to any agreement between such person and the owner for the deposit of a lesser sum or otherwise. The deposit thus made shall be returnable to the party paying the same, on satisfactory evidence being given to the Deputy Commissioner that such damage, if any, has been made good upon the abandonment of the claim, or the same shall be returnable upon the conversion of such prospecting claim into a mining claim, or may be returnable at any time providing the consent of the owner is first obtained. On failure of the condition of the deposit the same, or a part thereof in the discretion of the Deputy Commissioner, shall be forfeited and paid to the owner of the land.

Security to be deposited by intending prospector.

50. Any person entering the land of any owner after having obtained a prospecting claim license as herein pro-

Notice of entry.

vided, shall, upon or prior to such entry, give written notice thereof to the owner in the form of Schedule D, and the service of such notice shall be as hereinafter provided.

If such notice be so given, such entry shall not be, or be deemed to be, an act of trespass on the part of such person, his servants or agent.

Notice to owner of application for registration.

51. Upon the application of any holder of a prospecting claim license as aforesaid for the registration of any prospecting claim under the provisions of this Act and the Regulations, the Deputy Commissioner of Mines receiving such application shall thereupon give notice thereof to the owner in form of Schedule E, and cause the same to be served as hereinafter provided.

Objections.

Any objection to such application must be lodged with the Deputy Commissioner in writing on or before the date mentioned in such notice, which shall not be less than fourteen days from the date thereof, or on or before such extended date as the Deputy Commissioner may, under special circumstances, permit. If there are no objections, the Deputy Commissioner shall register the prospecting claim.

Consideration of application and objections.

52. If any objections to the registration of the holding are received, the application and the objections, together with the Deputy Commissioner's report on the matter, shall thereupon be forwarded to the Minister through the Commissioner of Mines, who shall judge whether such objections are fair and reasonable and such as in his opinion should be considered, having regard to the agricultural, industrial, or other operations of the said owner; and the Minister shall, if he think necessary, ascertain and determine whether the locality of the land, the geological features thereof, or any other indications of fact, give reasonable belief that minerals are to be found on such land.

Adjudication

Upon compliance with the conditions of this Act, and the Regulations applicable thereto, the Minister shall grant such application, unless it appear that such application is contrary to this Act, but the grant shall be subject to such conditions, including the payment of compensation, if necessary, as he may think proper in the circumstances.

Service or publication of notices.

53. The notices to be given as aforesaid shall be served on the owner by registered letter, or personally, or left at his residence or place of business within the Colony of Natal, or in the event of the owner's absence from the Colony, then upon the agent, if any, of such owner, and if there be no such agent, or if he cannot be found, then by posting such notice on the land itself, and by publishing it once in the *Natal Government Gazette* and some other newspaper circulating in the district.

Limit of number of assistants in prospecting.

54. No person entering the land of any owner for the purpose of prospecting shall, except with the owner's consent,

be accompanied or assisted by more than two assistants for such prospecting work prior to the registration of any claim or claims beaconed off by him.

55. The rights conferred by any license under this Act shall not include the right of entering private property with draught cattle, entire horses or entire donkeys, and shall in no case confer any rights of grazing or to cut wood, except with the consent of the owner : Provided, however, that a prospector may within the area of his claim or claims collect dead wood for domestic purposes.

Restriction as to entry with cattle, etc. Cutting wood.

56. Any person desiring to obtain a mining claim on the land of any owner must be the registered holder of a prospecting claim on such land, which he shall then be entitled to convert into a mining claim, subject, however, to all the provisions applicable to the application for, and registration of, mining claims on Crown Lands : Provided, however, that it shall not be necessary for an owner to first register a prospecting claim before applying for a mining claim on his own land.

Conditions for obtaining mining claims.

57. One-half of all moneys received by the Government from any person other than the owner, as license fees, royalties, or penalties (other than those imposed for contraventions of this Act and the Regulations), in respect of any licenses, claims, or other licensed holdings granted over private lands, shall be paid by the Government to the owner of such lands. The manner and time of payment of such moneys due to any owner under this section may be determined by the Regulations.

Owner entitled to half fees, royalties, etc.

58. The owner of private lands shall only be required to pay half the license fees and royalties in respect of any claims or other licensed holdings situated on his own land and held by him, under the provisions of this Act.

Owner liable to pay only half of fees and royalties.

59. Anything to the contrary herein contained notwithstanding, no person other than the owner shall be allowed to prospect or mine on the land of such owner, or to peg claims for prospecting or mining therein for coal, limestone, stratified ironstone, slate, soapstone, and such other minerals as may be included by Government Notice by order of the Governor in Council, at any time except with the written consent of the owner : Provided, however, that this section shall only apply and extend to such lands as are already alienated by the Crown, or are in process of alienation at the date of the coming into operation of this Act, and shall not apply to any lands alienated after that date unless so expressed in the deed of title of any such land.

Sole right of owner to prospect or mine for coal, etc.

Saving as to lands hereafter alienated by Crown.

60. Nothing in the preceding section or in this Act contained relating to private lands shall in any way affect or lessen the rights of the Crown, whether declared in this Act or in any document of title, or otherwise.

Saving of rights of Crown.

Part V.**LANDS HELD UNDER PUBLIC TRUSTS.**

Permission to prospect on Trust lands.

61. It shall be lawful for the Natal Native Trust and for the trustees appointed, or to be appointed, hereafter by Her Majesty the Queen, or by the Colonial Government, who may at any time hold any lands in this Colony in trust for Natives, or the trustees of Mission reserve lands, or the trustees of any public trust, to grant from time to time or refuse to grant to any person applying for the same, permission to enter and prospect for minerals in and under any portion of the said Trust Lands.

Application of provisions as to Crown Lands.

62. The provisions of this Act and of the Regulations framed thereunder in respect of Crown Lands, save as is otherwise provided, shall be applicable to any portion or portions of the Trust Lands aforesaid on which permission to prospect may have been granted.

Trust entitled to half fees, royalties, etc.

63. One-half of the amount received by the Government on account of license fees, royalties or penalties (other than those imposed for contraventions of this Act and the Regulations), in respect of any licenses, claims, or other licensed holdings or rights granted on such Trust Lands, shall be paid to the Trustees thereof, at the times and in the manner prescribed by the Regulations.

Permit to prospect.

64. Any person desiring to prospect upon any such Trust Lands shall first obtain a permit in form of Schedule F from the secretary or other proper officer, and take out the prospecting claim licenses as therein permitted, and such person may then enter upon such Trust Lands for the purpose of general prospecting and beaconing off a prospecting claim, or claims, according to the number of licenses held by him.

Applications for prospecting claims, water rights, etc.

65. Upon receipt of an application for registration of a prospecting claim, water right, machine stand, or residence site, the Deputy Commissioner receiving the same shall forward the application to the Commissioner of Mines, who shall give notice to the secretary or other proper officer of the receipt of such application. If no objections are made by the Trust within a period fixed in such notice, which must not be less than fourteen days from the date thereof, the Commissioner of Mines shall direct the Deputy Commissioner to register the claim or other licensed holding. If any objections are made by the Trust within the time specified, the Commissioner of Mines shall instruct the Deputy Commissioner to register the claim or other licensed holding, subject to such reservations and conditions as may meet the objection of the Trust.

Objections.

Conditions for obtaining Mining Claims.

66. Any person desiring to obtain a mining claim, or claims, on any such Trust Lands as aforesaid, must be the registered holder of a prospecting claim, or claims, which he shall then be at liberty to convert into and hold as a mining

claim, or claims, subject to all the provisions applicable to the application for registration and granting of mining claims on Crown Lands

Part VI.

FOREST LANDS.

67. The provisions of this Act in respect to Crown Lands, save as is otherwise provided, shall apply to all Forest Lands unalienated by the Crown. Application of provisions as to Crown Lands.

68. The holder of a claim or other licensed holding registered under this Act situated on unalienated forest lands shall be entitled to exercise the following rights, that is to say :— Rights of holder of claim,

(a) To cut and clear away such brushwood and undergrowth as may be necessary to enable him to conduct and carry out all the operations necessary in connection with such claim or holding : Provided that such holder shall conform to all rules made by order of Government and notified in the *Natal Government Gazette* relating to the cutting and clearing of brushwood and undergrowth, and to the preservation of young trees.

(b) To cut such timber, in order to clear such space as may be necessary for the erection of any buildings, plant and works, as well as the space required for the development, working and use of such licensed holding, provided that the written permission of the Commissioner of Mines be first had and obtained, and that such amount be first deposited as the Surveyor-General or other officer in charge of unalienated forest lands may deem necessary to cover the amount of damage likely to result from the cutting of such timber.

69. Application for permission to cut timber shall be made through the Deputy Commissioner of Mines, who shall, after consulting with the District Forest Officer (if any), forward such application, with his report thereon, to the Commissioner of Mines. Cutting timber.

Part VII.

WATER RIGHTS.

70. Water Rights shall only be granted to the registered holder of a prospecting or mining claim, or machine stand. Condition for obtaining water right.

71. The license fee for each Water Right shall be Ten Shillings per month, payable and renewable as in the case of other licenses. License fee.

Powers under water right.

72. The holder of a water right shall have the right to collect, store, divert, convey, and use for mining purposes and the treatment of minerals, water from any source not exempted as hereinafter provided at the rate, under the conditions, and in the manner provided under this Act and the Regulations.

Exclusion of proprietary right in water.

73. The registered holder of any prospecting or mining claim or machine stand, on or through which any water flows in any river or watercourse, shall have no proprietary right in such water ; he shall only have the right to use the same for mining purposes or the treatment of minerals in accordance with the provisions of this Act and the Regulations.

Lapse or transfer of right.

74. Should the right to any claim or machine stand in connection with which a water right has been granted lapse from any cause, then the water rights so granted shall *ipso facto* also lapse. If such claim or machine stand be transferred, the water right connected therewith shall *ipso facto* also lapse, unless it be also transferred at the same time and to the same person as such claim or machine stand.

Registration.

75. Every water right shall be registered at the Mines Office of the district in which the claim or machine stand with which it is connected is registered, in a book to be kept for the purpose, and a fee of Ten Shillings shall be paid for such registration, and a certificate of title to the said water right in the form of Schedule G, with surveyor's diagram attached thereto, shall thereupon be issued to the holder.

Lapse of right if not properly used.

76. Any water right may, in the discretion of the Commissioner of Mines, be declared to have lapsed if, for the period of one year, proper use is not being made of the water right.

Dams, etc.

77. A portion of ground may, in the discretion of the Commissioner of Mines, be granted for the purpose of being used as a reservoir, dam, or pumping station upon the payment of the fee, and subject to the conditions provided for in the Regulations, compensation therefor being determinable and payable in manner provided by the Lands Clauses Consolidation Law, 1872.

Publication of applications.

78. The Regulations to be made as hereinafter provided in regard to water rights shall, amongst other things, provide for full publicity being given to applications for water rights, and for the hearing and consideration of objections by all persons interested in the use of the water sought to be taken or diverted.

Limit of division of water.

79. In all running rivers and watercourses from which water is diverted for mining purposes, there shall be left running sufficient water for general use, and sufficient water shall always be reserved for the use of owners and occupiers of land through which the rivers or watercourses run, and of their families and stock and cattle, and for the watering of all such gardens and arable lands under cultivation or the

driving of any mill or machinery in existence at the date of any application for a water right on such river or water-course. The quantity of water required for such purposes shall be estimated by some person, other than the Commissioner or Deputy Commissioner of Mines, to be nominated by the Minister for the purpose, at the expense (if any) of the applicant for such water right, and recorded in the Office of the Commissioner of Mines: Provided, however, that any objections of the aforesaid owners and occupiers shall be considered before any decision is arrived at under this section.

80. The distribution of the water supply for mining purposes in any district shall be left to the discretion of the Commissioner of Mines, who shall regulate the same in such manner as he may consider fair and reasonable, having regard to the rights of private owners and as may be advisable in the public interests.

Distribution of water supply.

Subject to the foregoing, and as far as may be practicable, the following order of priority shall be observed in all questions relating to water rights:—

Order of priority in questions as to water rights

1. Water for domestic use.
2. Water for the treatment and washing of minerals already mined.
3. Water for power purposes.
4. Water for ground sluicing or hydraulicing.

Part VIII.

MACHINE STANDS.

81. Any person desirous of erecting machinery or plant for the treatment of minerals in connection with mining operations (or for such other purpose in connection with mining operations as the Commissioner of Mines may permit), or for obtaining a site for the deposit of tailings or refuse, may be granted a site for such purpose, to be called a machine stand, of the size and upon the conditions provided for in this Act and the Regulations. He shall beacon off the site applied for, and lodge his application and diagrams in such manner as may be provided under the Regulations: Provided, however, that any such machinery or plant may be erected, or tailings deposited on any registered mining claim by the holder thereof, without its being necessary for such holder to apply for a machine-stand: Provided, further, that in the case of private lands compensation shall be determined and paid to the owner of any land taken for the purposes of this section, in accordance with the provisions of the Lands Clauses Consolidation Law 1872

Conditions of grant of machine stands.

Extent of area ;
License fee.

82. The area granted as a machine stand shall not exceed five acres, for which a license fee of Ten Shillings per month shall be payable and renewable, as in the case of other license fees.

Registration.

83. Every machine stand shall be registered at the Mines Office of the District in which it is situated, in a book to be kept for the purpose, and a fee of One Pound shall be paid for such registration, and a certificate of title to the said machine stand in the form of Schedule H, with surveyor's diagram attached thereto, shall thereupon be issued to the holder, and signed by the Commissioner of Mines.

Limitation of
rights conveyed
by machine
stand.

84. A machine stand shall only convey a right to the surface of the ground so held, and it shall be lawful for the Commissioner of Mines to grant to any person otherwise duly licensed a license to mine under such stand: Provided that such person shall be liable for any damage caused at the surface which is due to mining underground: Provided, further, that the owner of such stand shall receive notice of any application for such license, and shall himself have the prior right to such license if he applies for the same within one month after the receipt of the aforesaid notice.

Part IX.

RESIDENTIAL SITES.

Grant of resi-
dential site.

85. The registered holder of a prospecting and mining claim or machine stand may be granted a Residential Site on Crown Lands, if there be any such, in proximity to his holding, in accordance with the Regulations, provided the area of such residential site shall not exceed one acre in extent.

Limitation of
rights conveyed,

86. A residential site shall only convey a right to the surface of the ground so held, and shall not debar any person from applying for and obtaining the right to mine under such site, provided that such person shall be liable for any damage caused at the surface which is due to mining underground.

Part X.

TRANSFERS.

Transfer of
holding.

87. The holder of a licensed holding registered under this Act may cede and transfer the same, and the right, title, and interest therein, by cession duly executed in the form of Schedule L., or other legal document, but no cession of any such registered holding shall be recognised by the Commissioner of Mines unless and until it has been duly filed in the Mines office of the district in which such licensed holding is situate, and registered in a book to be kept for

the purpose : Provided that the cession of any licensed holding may carry with it the transfer of all the licenses then current relating to the same.

88. Upon the registration of any such cession as aforesaid, the Deputy Commissioner of Mines shall endorse such cession upon the certificate of title or of registration of such licensed holding in the form of Schedule J, and further shall endorse the said transfer of the said licenses in form of Schedule K.

Endorsement of cession.

89. The fee for the registration of every document of cession as aforesaid shall be the sum of One Pound whether the same includes the cession of one or more licensed holdings, and the fee for the endorsement on each certificate of title or of registration shall be the sum of Two Shillings and Sixpence for every such endorsement.

Fee for registration of cession.

90. ~~Whenever any land owned by any person is sold, and the price paid or to be paid for such land includes a value put upon any gold, silver, or precious stones supposed to be in or upon the said land, no transfer duty shall be charged or exacted by the Registrar of Deeds or other receiver of transfer duty in respect of the price or value of such gold, silver, or precious stones, anything contained in Laws No. 5, 1860, and No. 19, 1883, to the contrary notwithstanding.~~

Transfer duty on land containing gold, silver, or precious stones.

91. ~~Such exemption from the payment of transfer duty shall be claimable only in respect of such portion of the purchase price as represents the estimated value put upon the gold, silver, or precious stones by the declaration on oath of a sworn appraiser appointed by the Registrar of Deeds for the purpose of making such valuation : Provided that in every case transfer duty shall be payable on the value of the land, estimated at an amount of not less than the upset price per acre of Crown Lands at the date when the sale took place.~~

Limit of exemption.

Minimum of transfer duty.

Part XI.

MISCELLANEOUS PROVISIONS.

92. The following lands are exempted from the operation of this Act, except in so far as is otherwise specially provided :—

Lands exempted from operation of Act.

- (a) All lands upon which any public squares, streets, roads, railways, burial grounds, graves, or gardens exist, and all other lands which shall have been, or hereafter shall be, reserved or dedicated for any public use or purpose : Provided that it shall be lawful for the Governor in Council to declare the ground underlying such lands to be under the operation of this Act, under such circumstances,

Lands dedicated to public purposes.

for such purposes, and to such extent, and subject to such conditions, limitations, and restrictions as he may consider expedient, and as shall be consistent with the proper use of the overlying land.

Urban lands

(b) Lands within any borough or township established under Laws 19, 1872, or 11, 1881, respectively, or any like Act; lands within any township established by Proclamation in Zululand before the annexation of that territory to Natal; and the lands of any town or village, which may by Proclamation be brought within the operation of this subsection: Provided that any Town Council or Local Board or other town or village authority, which may hereafter be lawfully constituted, may with the consent of the Governor in Council, and subject to such conditions as he may impose, by public competition grant the privilege of digging and working any mines or minerals on any public lands of the borough, township, town, or village.

Homestead lands, kraal lands, gardens, etc.

(c) All land within a distance of 150 yards from any building, including native kraals, which building is in the opinion of the Deputy Commissioner in actual use or occupation, as also all water furrows, fenced gardens, orchards, or cultivated lands, or plantations: Provided, however, that the owner of any such land so exempted as aforesaid may in consideration of compensation waive all claim to such exemption.

Mission buildings and plantations.

(d) Mission buildings and any plantations or cultivated lands adjacent thereto.

Exemption forfeited by user.

93. If any of the lands mentioned in sub-sections (b), (c), and (d), shall be used by the owner, or as otherwise above provided, for the purpose of mining, they shall to that extent be excluded from the exemption given by this section.

Disabilities of persons not of European birth or descent

94. No person not being of European birth or descent shall be entitled to hold any license, or to peg out or to be engaged in work on any licensed holding, otherwise than in the service and under the supervision of a duly licensed person, except as is otherwise in this Act provided.

Consequences of default in payment of fees, etc.

95. The Commissioner of Mines or any Deputy Commissioner may in his discretion decline to issue or to renew any claim license or other license, or to register any claim or other licensed holding for which any person may apply if any fines, fees, or other payments due by him to the Govern-

ment under this Act or the Regulations are in arrear and unpaid at the date of such application.

96. Any person who shall peg a prospecting or mining claim without a license, except as provided for in Section 10, or who may mine or in any other way obtain, win, or remove any minerals from any land except under the provisions of this Act, shall be liable to a fine of not exceeding Fifty Pounds for each offence, or on failure to pay such fine, to imprisonment with or without hard labour for any period not exceeding one year.

Offence of
pegging, etc.,
without license.

97. If at any time it shall come to the knowledge of the Commissioner of Mines (a) that there exist, or are likely to exist, alluvial minerals or precious stones on any claim already registered as a Mineral Claim, or (b) that there exist, or are likely to exist, on any registered Mineral Claim, minerals such as would require for their prospecting or working that a Metal Claim or Claims should be pegged under the provisions of this Act, then in any such case it shall be lawful for the Commissioner of Mines in his discretion, if he considers it in the public interest so to do, to grant permission to any licensed person or persons to peg one or more Alluvial or Metal Claims, as the case may be, upon such Mineral Claims, and cause the same to be registered upon payment of the fees and in compliance with the conditions thereto applying : Provided always that before granting or refusing such permission, the Commissioner of Mines shall ascertain to what extent, if any, the *bona fide* operations of the original claimholder are likely to be interfered with, and moreover may, upon such registration, impose such conditions for the protection of the original claimholder, or otherwise, as he may think necessary.

Pegging off
claim of a higher
order on hold-
ings of a lower
order.

98. All rights granted under this Act shall be subject to such reservations, consistent with the general objects of this Act, as the Minister may see fit to impose in the public interests, or for the protection of any other existing rights in relation to the land over which such rights are granted, and such reservations, if any, shall be inserted in the certificate of title or of registration or other document of title issued in respect of the rights so granted.

Reservations in
the public
interest.

99. An applicant for any licensed holding may, with the approval of the Commissioner of Mines and subject to any regulations affecting the same, transfer his interest in his application to any person. In the event of the death of an applicant for a licensed holding the same may be granted in the name of his lawful representative.

Transfer of
applications.

Death of
applicant

100. Every officer appointed under this Act for the issue of licenses or the granting and registering of claims or other rights, shall keep a proper record and register thereof, which shall be open to the inspection of the public.

Records and
registers.

For each inspection by any person a fee of One Shilling shall be charged. Such officer shall at the end of every month forward to the Commissioner of Mines a true extract of all such records and registers representing all licenses issued and claims or other rights granted, registered, or otherwise during such month.

Beaconing off excessive areas

101. Any person beaconing off a larger claim than he is entitled to shall be liable to have the surplus ground cut off on any or all sides, at the option of the Deputy Commissioner of Mines, and the pegs adjusted accordingly.

Other remedies for pegging off excessive areas

102. It shall also be competent for the Commissioner of Mines in his discretion to demand as fine from the holder an amount not exceeding double claim license for the period during which the claim has been registered over and above the claim license paid ; and in the event of the excess ground pegged by any person as aforesaid, being equal to or exceeding in area a full claim of the same class as that pegged, the Commissioner of Mines shall have power to abandon the whole claim, including the ground wrongfully so pegged, in addition to imposing the said fine. Upon default of payment of the said fine in any case within fourteen days of its demand, the whole claim, including the excess, may be abandoned.

Beaconing off claims on excess area.

103. Any person desiring to beacon off a claim on the ground so pegged in excess may apply to the Deputy Commissioner of Mines, who shall note his application, and such applicant shall have the prior right to beacon off such excess ground against any other person upon its being cut off or abandoned under the preceding section.

Placing pegs on another's holding.

104. Any person who, in beaconing off a claim, shall place his pegs on the claim or other licensed holding of another, shall upon notice from the Deputy Commissioner immediately remove and adjust the pegs so wrongfully placed, and it shall be competent for the Deputy Commissioner, should he consider that such wrongful pegging has not occurred through inadvertence, to report the case to the Commissioner of Mines, who may impose a fine on such offender not exceeding the sum of Five Pounds for each peg so wrongfully placed, and in default of the payment of such fine, or of compliance with the said notice, the Commissioner of Mines may instruct the Deputy Commissioner to declare such claim to be forfeited, and the same shall be abandoned accordingly.

Responsibility for beacons.

105. Every claimholder shall be responsible for the beacons of his claim being continuously maintained in accordance with the Regulations, and if at any time the Deputy Commissioner shall find any claim or amalgamated block of claims not properly beaconed in accordance with

the Regulations, he shall report the matter to the Commissioner of Mines, who shall have the power to inflict a fine of not exceeding One Pound per claim for each offence.

106. Any person guilty of illegally altering, shifting, or removing the beacons or pegs of any prospecting or mining claim or other licensed holding, or in connection with any lawful application for a licensed holding, shall be punished by a penalty not exceeding One Hundred Pounds Sterling, and in default of payment shall be liable to imprisonment with or without hard labour for a period not exceeding three years.

Illegal shifting or removal of pegs and beacons.

107. Any licensed holder shall, save as is otherwise provided in regard to Private Lands, have such reasonable rights of grazing for horses, cattle, and live stock, and the use of such wood and water as the Deputy Commissioner of Mines of the District in his discretion may see fit to grant.

Grazing rights.

Wood and water

108. All prospecting or mining claims or other license holdings granted under this Act shall be subject to the following reservations, without any compensation being claimable in respect thereof, save so far as injury may be caused to buildings or works : —

Reservations in favour of Government.

- (a) The right of the Government to make, construct and use roads and railways, dams and reservoirs, and to have any telegraphs, telephones, pipes, conduits, watercourses, or any other appliances for the conveyance of water, made over or under or across any part of the land ; also to lay pipes and erect railway, telegraph, and telephone stations, and all works of a like character with the foregoing, for the public use, by order of the Minister over any part of the land, with the right to any person duly authorised by the Government to enter upon such land for the purpose of constructing, repairing, inspecting, and using and maintaining any such roads, railways, dams, reservoirs, telegraphs, telephones, pipes, conduits and watercourses, railway, telephone, and telegraph stations, and all works of a like character with the foregoing, without hindrance by the licensed holders.
- (b) The right of the Government to prospect and bore for the purposes of geological survey.

Servitudes of roads, etc.

Geological survey.

109. It shall be the duty of every claimholder, before taking any steps to turn to profitable account any discovery or find of any mineral which may have been made on his claim, to at once make a sworn declaration in form of Schedule L of the finding of the same, and to lodge such

Declaration of find.

declaration, accompanied by specimens of the mineral declared, with the Deputy Commissioner of Mines, and any person who shall fail so to do shall be liable upon conviction to pay a fine not exceeding Fifty Pounds Sterling, and in default of payment to be imprisoned, with or without hard labour, for any period not exceeding six months.

Fraudulent
declarations.

110. Any person who shall make such declaration whilst prospecting or otherwise knowing that the mineral declared to have been found was, by himself or some other person, placed or deposited in or on the spot, or in the soil or material dug out or removed from the spot in which such declarant was prospecting, or in which the discovery of such mineral is declared as aforesaid to have been made, and was not naturally situated in or on the spot, or in the soil or material in which they were declared to have been found or discovered, or knowing that the said mineral was not found or discovered in or on the place where it was declared to have been found or discovered, shall, upon conviction, be punished by imprisonment with hard labour for a term not exceeding five years.

Salting" land.

111. Any person who shall wilfully place or deposit, or be accessory to the wilfully placing or depositing of any mineral in any spot or place for the purpose of inducing any person to make such solemn declaration as aforesaid, or for the purpose of misleading the Government or the public or any person as to the payable nature of a spot or place where minerals have been declared to have been found, shall be guilty of contravening the provisions of this Act, and shall, upon conviction thereof, be punished by imprisonment with hard labour for a term not exceeding three years.

Onus of proof
in case of
"salting."

112. In any proceedings taken for the contravention of the last preceding section, if the accused person shall be proved to have placed or deposited, or to have been accessory to the placing or depositing of any mineral in any place where the finding thereof would be likely to lead any person to make a declaration of the finding of the same, or would tend to mislead the Government or any person, he shall be taken to have so deposited or placed such mineral in contravention of the last preceding section, unless he shall satisfy the Court to the contrary.

Returns of
operations

113. The owner of any property, or holder of any claim or other licensed holding where prospecting, mining, or milling operations, or any of them, or other operations of what nature soever in connection with the treatment of minerals are being carried on, shall furnish, or cause to be furnished, to the Deputy Commissioner of Mines, a true and correct return of such operations, at such times and in such form as may be provided for in the Regulations.

Sworn declara-
tions.

114. The Commissioner of Mines shall also have the power to demand that a sworn declaration be made by

the owner of any mine, or by the holder of any claim or other licensed holding, or the person in charge thereof, concerning all such information as he may deem necessary in the interests of the Government, or otherwise to ascertain the correctness or otherwise of any return, accounts, and statements sent in to him, with full power to examine into and have access to all documents, books, and papers which he may consider it necessary and requisite to examine for that purpose.

115. The Commissioner of Mines or any person deputed by him or appointed for that purpose may, upon giving not less than fourteen days' notice to the registered proprietor, if resident within the Colony, or the occupier, if any, enter upon any lands for the purpose of prospecting and of probing and boring for the discovery of coal, and may do all acts necessary for the purposes of such prospecting, probing, or boring for the discovery of coal as aforesaid: Provided that any such notice shall not hold good for more than six months, and provided that compensation shall be made to the owner or occupier of any such lands for any damage thereby occasioned: Provided, further, that the rights conferred by this section shall not include the right of entry upon such lands with draught cattle or entire horses or entire donkeys.

Search by Commissioner of Mines for coal.

The amount of such compensation shall be decided by the Magistrate of the Division or District, after due notice by the claimant to the Commissioner of Mines or his Deputy or other person, as aforesaid.

The Magistrate may after such enquiry determine the amount of compensation to be paid in respect of any such damage, and may award the amount of costs incidental to such enquiry, and determine by whom such costs shall be paid, and any sums which may be so awarded against the Colonial Government shall be a charge upon and be defrayed out of the general revenue.

116. The Commissioner of Mines or other person deputed by him shall be empowered to enter upon all lands within the Colony in which he has any reason to believe that gold or precious stones or other minerals may be found, or may be then prospected for, or upon which prospecting or mining is then being carried on, and to make any inspections of the land and of the work there being carried on, and to take such samples from such land as he may deem fit.

Commissioner of Mines may take samples of gold, etc.

117. The Minister shall have the power on the application of any licensed claimholder or any person engaged in mining:—

Special powers of Minister for

- (a) To enter upon and lay out a line of road upon Crown lands or upon the lands of any person, which road may be made and maintained and

Roads, railways, etc.

used by such persons upon such line and in such direction and with such fencing and for such period as the Minister may determine. A railway or tramway may be laid down and constructed (or authorised to be laid down and constructed) upon any such line of road, and be worked with locomotive engines or other motive power, or by agreement with the Natal Government Railways ; and in the latter case the railway shall for the purposes of this Act be deemed to be part of the general railway system of the Colony.

Mining operations.

(b) To enter upon Crown lands or the lands owned by any person, and to authorise the construction thereon and therein of pits, shafts, levels, drives, tunnels, excavations, and to allow all and every kind of mining operation to be carried on.

Water.

(c) To enter upon Crown lands or the lands owned by any person, and to authorise the cutting, constructing, and using of drains thereon, and of water races, dams, and reservoirs, and the taking or diverting water from any spring, pool, or stream situate in or flowing through such lands, and in order to use such water for mining purposes.

Servitudes.

(d) To exercise and authorise the exercise of any rights of the nature of servitudes in connection with mining operations upon or over Crown lands and lands owned or occupied by any person whomsoever.

Deputy.

The Minister may appoint a deputy for the purpose of entry and for carrying out any of the works mentioned in this section.

Cost.

All expenses of making and maintaining any such rail-road or road, of constructing any pit, shaft, level, drive, excavation, or other kind of mining operation, of constructing water races, dams, and reservoirs, and of exercising any rights of the nature of servitudes in connection with mining operations, shall in each case be borne by the applicant.

Compensation.

If anything done or proposed to be done under the aforesaid powers shall be calculated to be, or shall be, prejudicial to the owner or occupier of any land, such owner or occupier shall be entitled to full compensation for any loss thereby sustained, or to be sustained, by him in respect of such land, from the person or persons applying to the Commissioner of Mines and doing, or proposing to do, such act ; such compensation shall be determined in the manner provided by the Lands Clauses Consolidation Law, 1872.

118. The Minister shall only exercise the powers conferred upon him by the foregoing section in such cases as he may consider it to be of advantage to the public interest that facilities and servitudes as aforesaid should be allowed to any such licensed claimholder or persons so engaged in mining.

Powers to be used for public advantage.

119. Any person who may relinquish his claim, shall be required to fill up to the satisfaction of the Commissioner or Deputy Commissioner of Mines, all shafts, pits, holes, and excavations in a manner so as to prevent persons or cattle inadvertently entering the same. It shall be competent for the Deputy Commissioner to refuse to register a new claim in the name of such person until the provisions of this section have been complied with.

Filling up shafts etc.

120. In the event of the decease of any person possessed of any licensed holding or rights granted under this Act, the same shall upon application of his lawful representative, be registered in the name of such representative acting in such capacity: Provided such application be made within three months of the appointment of such representative, and upon payment of all fees and other moneys due at that date in respect of such licensed holding or rights, and in compliance with the provisions of this Act.

Death of license holder.

121. Any servant working upon a claim or other holding, whose wages are in arrear, shall have a lien upon the claim or other licensed holding, and upon any buildings, plant, and the like thereon, to the extent of the wages due to him, but not exceeding three months' wages. Such lien may be registered in the Mines Office of the District, and thereupon the servant shall be deemed to be in full possession of the said claim or other licensed holding until such wages are paid and the lien fully satisfied.

Lien for wages.

122. No sale or transfer or other disposal of any claim or other licensed holding, and no other encumbrance or lien of any kind shall take precedence of the lien for wages defined by the preceding section; and such lien shall be preferred to any claim of the Government and shall be exercised in such manner as may be determined by the Regulations.

Precedence of lien.

123. The buildings, machinery, tools, materials, mining plant, and the like upon any claim or licensed holding, sold for default of payment of any moneys due to the Government, or that may have been abandoned under the provisions of this Act, shall be removed within six months of such abandonment, subject to any authorised lien thereon, and subject to the payment of all fees, fines, and other moneys that may be due to the Government in respect of such claim: Provided however that there shall not be removed or destroyed, any timber used in and supporting the shafts, drives, galleries, and adits in the mine, or anything removed

Removal of buildings and plant from claim sold or abandoned.

from such claim that would render unsafe or dangerous any workings thereon.

Removal by order of Commissioner of Mines.

124. If the buildings, machinery, tools, materials, mining plant, and the like, be not removed within six months as aforesaid, the Commissioner of Mines may order the removal or sale thereof, subject to the rights of any creditors: Provided, that no such buildings, machinery, and others shall be removed unless and until the provisions of Section 119 shall have been complied with.

Plans of mining centres.

125. The Commissioner of Mines may, whenever one hundred or more Prospecting Claims, or fifty or more Mining Claims, are pegged in close proximity and duly registered, cause a plan or map of the same, and of the immediate neighbourhood, to be prepared at the expense of the Government. Such plan or map shall include all licensed holdings and rights granted in connection with such claims and otherwise as may be practicable, but shall be for purposes of information only, and shall not be regarded as evidence of any particulars appearing therein.

Mineral oils.

126. In the event of the discovery of mineral oil or oils in this Colony, the Governor in Council shall have the power to make, promulgate and enforce such regulations for the proper working of the wells as from time to time shall be deemed necessary.

Protection areas, reward claims, etc.

127. It shall be lawful for the Governor in Council from time to time to grant Protection Areas, Reward Claims and the like under such circumstances and subject to such conditions as may be deemed necessary.

Business and garden stands.

128. It shall be lawful for the Governor in Council to grant on Crown Lands to any person of European birth or descent, business and garden stands subject to regulations made in that behalf from time to time.

Offence of paying in native gold or stones.

129. Any person paying his servant in native gold or precious stones shall be guilty of an offence, and on conviction thereof shall be liable to a fine not exceeding Five Hundred Pounds Sterling, and in default of payment to imprisonment with or without hard labour, for a term not exceeding three years.

Offence of trading with other than Europeans in native gold or stones.

130. Any person ~~purchasing, trading, or receiving~~ native gold or precious stones from anyone except a person of European birth or descent within the limits of the Colony shall be guilty of an offence, and shall be liable, on conviction, to a fine not exceeding One Thousand Pounds Sterling, ~~and in default of payment to imprisonment, with hard labour, for a period not exceeding five years.~~

Offence of dealing in gold, etc., by others than Europeans

131. ~~Save as is otherwise provided in this Act, anyone, except a person of European birth or descent, selling, bartering, or receiving, or disposing of native gold, shall be guilty of an offence, and shall be punished by imprisonment with hard labour for a term not exceeding three years.~~

132. It shall not be lawful to sell or barter native gold or precious stones to any person or persons other than bankers, or persons licensed as hereinafter provided, to trade in gold and precious stones.

Bankers and licensed traders

133. Nothing in this Act contained shall be held to prevent the sale by any person not being of European birth or descent, and who may be entitled to the benefits of this Act in terms of Section 43 hereof of any minerals, metals, or precious stones, to any licensed dealer, or to the purchase by any licensed dealer of any minerals, metals, or precious stones from any such person.

Saving in favour of owners not being Europeans.

134. It shall not be lawful for any person other than a banker, licensed digger, claimholder, or licensed dealer to be in possession of native gold other than in such small quantities as may be reasonably held for scientific purposes, or as mineral specimens.

Unlawful possession of native gold.

135. Any person found unlawfully in possession of native gold or precious stones shall be liable to summary arrest by any police officer or any licensed claimholder, and shall, on conviction before a Magistrate, be liable to a fine not exceeding Two Hundred and Fifty Pounds Sterling, and in default of payment, to imprisonment with hard labour for a period not exceeding eighteen months.

Arrest and punishment for unlawful possession.

136. Licenses to be in possession of, and deal in, native gold and precious stones, in the form of Schedule M, shall be issued by the Commissioner of Mines, who shall have absolute discretion to grant or refuse any such license and every such license shall expire on the 31st December next following the day of its issue. *Provided... S. 3 Act 22/47.*

Licenses to deal in native gold or stones.

137. Every such license shall contain a condition of forfeiture for any breach of the Law and Regulations relative to the possession of and dealing with native gold and precious stones.

Forfeiture of license.

138. Each such license shall bear revenue or postage stamps of the value of Five Pounds Sterling: Provided that the stamps upon any license taken out on or after the 1st day of July in any year shall be Two Pounds Ten Shillings for the remainder of such year.

Stamps on licenses.

139. ~~Bankers and persons licensed to deal in native gold shall keep a faithful record of their purchases, setting forth the name of the seller, quantity bought, and date of transaction, and shall forward to the Commissioner of Mines a copy of such record on the 30th June and 31st December of each year. Any such person failing to comply with the provisions of this section shall be guilty of an offence.~~

Records by bankers and licensed dealers.

Subst. by S. 4 Act 22/47.

Part XII. REGULATIONS.

140. The Governor in Council may from time to time by Proclamation make, alter, and revoke regulations for carrying into effect the provisions of this Act.

Regulations.

141. Such regulations may amongst other things provide for any of the following purposes :—

- (a) For prescribing the mode, times, and places for the issue of all licenses and notices under this Act, and for dealing with objections to the issue of such licenses.
- (b) For prescribing the mode and conditions of working claims and amalgamated claims, and for the exemption from time to time from labour conditions.
- (c) For providing for the mode and conditions of amalgamation of claims and water rights.
- (d) For prescribing the form and position of claims.
- (e) For prescribing the manner in which any race, lam, or reservoir, or any water diverted, or any machine, business, residence or garden site shall be held, occupied, used, worked, or enjoyed.
- (f) For prescribing the manner in which all claims, water rights, and other licensed holdings shall be beaconed off and registered.
- (g) For the management and administration of the affairs of mining centres or districts under this Act.
- (h) For regulating the construction, maintenance, and use of roads, railways, and tramways, electrical conductors, water races, dams, reservoirs, and the like.
- (i) For prescribing the mode in which all surveys, diagrams, and plans shall be prepared, and the amount of fees payable, and the manner of payment of the same.
- (j) For prescribing the mode in and the terms and conditions subject to which a stream or river or any portion of a stream or river, may be diverted from its natural course for mining purposes.
- (k) For enforcing and regulating the drainage of claims and other licensed holdings, and apportioning the cost of same as between the holders of adjoining claims affected thereby.
- (l) For preventing the defiling and wasting of water used for domestic purposes, and for the setting apart of springs, streams, and other depositories of water, or any portion thereof, for domestic purposes.

- (m) For prescribing the character and structure of the buildings to be provided for mine employés, and for compelling the erection and proper maintenance of sufficient, suitable, and healthy dwellings for the different classes of employés.
- (n) For ensuring the supply to employés of proper, sufficient, and wholesome food and water, and of proper latrine accommodation.
- (o) For ensuring proper medical attendance and medicines for Native and Indian employés, and proper treatment of the sick.
- (p) For ensuring the due protection of the interests of employés, for regulating the hours of labour and the age below which persons may not be employed in the several classes of labour, and for providing out of the earnings of employés, or otherwise, for the creating of insurance and other funds for the benefit and relief of employés in cases of sickness, accident, and the like : Provided that no person shall be required against his will to participate in or contribute to any such fund.
- (q) For regulating and maintaining the sanitary condition, drainage, and ventilation of all mines and mine premises and buildings in connection with any mining operations and the like.
- (r) For the inspection of all quarters occupied or used by employés, and of the premises generally.
- (s) For regulating the filling up of shafts, pits, holes, and excavations, and fencing the same.
- (t) For fencing and protecting any mines, shafts, reservoirs, or other works.
- (u) For establishing registers for registering all rights, titles, and interests held under or created by this Act, and all assignments and transfers thereof, and all encumbrances and liens thereon and discharges thereof.
- (v) For regulating the granting, beaconing off, and registration of protection areas, reward claims, and the like, and for the granting of business or garden sands, and for prescribing the area, form, and position of the same, and the terms and conditions under which the same may be obtained, held, and enjoyed.
- (w) For fixing the amount and manner of payment of license and other fees payable under this

Act and the Regulations not otherwise provided for.

- (x) The conditions upon which the owner of any property may acquire any works that may have been abandoned.
- (y) And generally for facilitating and more effectually carrying into execution the objects of this Act, especially in cases in which no provision, or no sufficient provision, is made for the same.

Punishment for contraventions.

142. Any person contravening any Regulation made under the foregoing section may be punished by a fine not exceeding Twenty-five Pounds Sterling, or by imprisonment with or without hard labour for a period not exceeding three months, or by both such fine and such imprisonment, and also by imprisonment in default of the payment of any fine imposed.

Regulations for safe mining, etc

143. The Governor in Council may also from time to time, by Proclamation, make, alter, and revoke, Regulations for any of the following purposes : -

- (a) For the safe and proper working, regulation and conduct of all mines and mining operations.
- (b) For prescribing and ensuring the due observance of all precautions and rules for the protection of life and limb, and prevention of accidents, the procedure in case of accidents, the holding of departmental or other enquiries in cases of accident, and the mode of taking evidence thereon, and generally for the preservation of public health and safety.
- (c) For regulating the constitution, appointment, powers, duties, and the like, of all Boards, Prospectors' or Mining Committees or other Associations of the kind created in pursuance of this Act.
- (d) For securing efficient and competent management and control of all mines and mining operations and machinery, for the granting, withdrawal, suspension, or cancellation, of managers' or other certificates of competency, and the like.
- (e) For prescribing the mode of inspection of all mines and mine workings, and the powers and duties to be exercised by the persons authorised to act as Inspectors in that behalf.
- (f) For the protection of the surface, and of railways, tramways, streets, roads, occupied buildings and other surface objects, which it is necessary to protect in the interest of personal safety or public traffic.

- (g) For prescribing the manner and ensuring the keeping of registers of employéés and any records generally relating to any mine and mining operations, and for the making and rendering of full and correct returns and information relating to the same, and as to the quantity and value of all minerals extracted from any mine from time to time.
- (h) For providing upon whom the onus of proof shall lie in certain cases of accident, and under what circumstances the occurrence of an accident may be *prima facie* evidence of neglect and the like, and for providing upon whom responsibility shall rest in certain cases.
- (i) For the making of mine surveys, and the preparing, keeping, and furnishing of mine plans and the like, whether in relation to existing or abandoned mines and workings.
- (j) For the making and observance of special rules for the maintenance of order, discipline, and the prevention of accidents in connection with mines and any mining operations, and to make provision for such special rules having the same force and effect as regulations made under this Act.

And generally for all purposes whatsoever necessary or conducive to the safety and healthiness of mines.

144. No person shall be precluded by any agreement from doing such acts as may be necessary in order to comply with the foregoing section, nor shall any person be liable under any contract to any penalty or forfeiture for doing such acts as may be necessary in order to comply with the said section.

Compliance not to be restrained

145. Any person contravening any Regulation made under Section 143 of this Act may be punished by a fine not exceeding Fifty Pounds Sterling, or by imprisonment with or without hard labour for a period not exceeding six months, or by both such fine and such imprisonment, and also by imprisonment in default of payment of any fine imposed.

Punishment for contravention of regulations under Sec. 143

Part XIII.

CONTRAVENTIONS AND LEGAL PROCEEDINGS.

146. The contravention, infringement, or wilful disregard of any obligation or prohibition imposed by this Act or by the Regulations shall be deemed an offence.

Offences.

Jurisdiction of Magistrates.

147. All offences for which no greater punishment than a fine of Fifty Pounds, or imprisonment with or without hard labour for one year is appointed, shall be cognisable in the Courts of Magistrates.

148. All offences for which no special punishment is appointed shall be cognisable in the Courts of Magistrates, and punishable according to the ordinary criminal jurisdiction thereof.

Special jurisdiction of Magistrates in certain cases.

149. If any offence under this Act has been committed which would not be cognisable by a Magistrate by reason of the punishment to which the same is subject, a certificate may be presented to any Magistrate signed by the Attorney-General, to the effect that such Officer is content that such offence or act shall be prosecuted before the Court of such Magistrate, and in such case it shall be competent to such Magistrate to take cognisance of such offence or act, and to award in respect thereof so much of the punishment assigned thereto as he is empowered under the Laws defining the powers and jurisdiction of Magistrates to award: Provided that no offender shall be deprived of the right competent to defendant or prisoner under Section 5 of Law No. 16 of 1861, or of any similar Act.

Prosecutions in Supreme Court.

150. All contraventions of this Act, other than those cognisable in the Courts of Magistrates shall be prosecuted by the Attorney-General before the Supreme Court or any Circuit Court, and in the latter case it shall not be necessary for the prosecutor to show, nor shall it be material whether the contravention charged was committed within the jurisdiction of such Circuit Court: Provided, however, that it appear that such contravention occurred within the jurisdiction of the Supreme Court.

Enforcement of penalties.

151. Any money penalties imposed by this Act, or by the Regulations, may be enforced by criminal prosecution in any competent Court, or any such penalties may be sued for by a civil action at the instance of the Commissioner of Mines.

Discretion as to penalties.

152. The Commissioner of Mines may, with the permission of the Minister, waive proceedings against any person liable to a money penalty under this Act, or may demand, accept, or sue for the whole of such penalty, or any part thereof, at his discretion.

Saving of other prosecutions.

153. Nothing in this Act shall prevent any prosecution to which any person would but for this Act be liable: Provided that no person be twice punished for the same act.

Disposal of fines.

154. All fines imposed by this Act shall be paid to the general revenue.

SCHEDULE A.

No..... Natal Mines Act, 1899.

CERTIFICATE OF REGISTRATION OF PROSPECTING CLAIM.

Office of Issue.....

This is to certify that of
is the registered holder of the Prospecting Claim under-
mentioned :—

Registered No.....

Date of Registration

*Class of Claim

Name of Claim (if any).....

†Lands whereon Claim is situated.....

Precise Locality and District.....

Special Conditions and Reservations (if any)

Registration fee paid, 10s

Dated this.....day of.....1.....

.....
Deputy Commissioner of Mines

SCHEDULE B.

No..... Natal Mines Act, 1899.

EXEMPTION LICENSE

issued under and subject to the provisions of the Natal
Mines Act, 1899, and the Regulations framed thereunder.

Office of Issue.....

License is hereby granted to
of..... exempting the.....
.....†Claim registered No.....from working condi-
tions for.....months from..... to
and for which has been paid in advance the sum of £

Dated this.....day of....., 1.....

.....
Deputy Commissioner of Mines.

Any transfer of this License must be endorsed hereon in form of
Schedule K.

* Alluvial, Metal, or Mineral,

† Crown, Trust, or Private Lands.

Any cession of this claim must be endorsed hereon in form of
Schedule J.

† Prospecting or Mining, as the case may be.

SCHEDULE C.

Regd. No...

Natal Mines Act, 1899.

COLONY OF NATAL.



CERTIFICATE OF TITLE.

.....Mining Claim.

Know all men that I..... Minister of....., and acting herein on behalf of and representing the Colonial Government of Natal, do hereby grant unto.....of....., his executors, administrators, and assigns, the.....Mining Claim particularly described hereunder, and indicated on the diagram hereto attached, under and subject to the provisions of the Natal Mines Act, 1899, and Regulations framed thereunder.

Locality and District
 Lands whereon claim is situated
 Description (dimensions, area, boundaries, &c.)
 Special conditions and reservations (if any).....

Dated at.....this..... day of..... 1

.....
 Minister.....

Witness :

.....

Registered by me at.....this.....day of..... 1
 Registered No. of Claim.....

It is a condition of this Certificate that the claim license under which the claim is held shall be renewed from time to time, and that the provisions of the Act and of the Regulations thereunder shall otherwise be complied with.

.....
 Deputy Commissioner of Mines.

(NOTE.—Any cession of this claim must be endorsed hereon in the form of Schedule J.)

SCHEDULE D.

Natal Mines Act, 1899.

NOTICE OF ENTRY.

To.....I .

You are notified that I have been granted.....
 Prospecting Claim License , giving me the right to enter
 and prospect on the....., known as
, and that I propose to
 enter and prospect thereon in pursuance of such License.

Dated this.....day of.....I .

Signature of License Holder.....

SCHEDULE E.

Natal Mines Act, 1899.

NOTICE OF APPLICATION FOR REGISTRATION OF
PROSPECTING CLAIM.

OfficeI .

To.....

Take notice that application has been made to me by
for the registration in his name of a
 Prospecting Claim as follows :—

Any objections to the registration of such claim must
 be lodged with me in writing, on or before theday of
, 1...

.....
 Deputy Commissioner of Mines

SCHEDULE F.

No..... Natal Mines Act, 1899.

PERMIT TO OBTAIN PROSPECTING CLAIM LICENSE FOR
TRUST LANDS.

(Issued under and subject to the provisions of the Natal
 Mines Act, 1899, and the Regulations framed thereunder).

Permission is hereby granted to.....to apply
 for and obtain.....Prospecting Claim Licenses

applicable to the.....Trust Lands belonging to
 in the (*Division or District*) of.....

Secretary to the Trust.

LICENSES ISSUED IN VIRTUE OF THIS PERMIT.

No. of License.	Date of Issue.	Office of Issue.	Signature of Officer Issuing License.

SCHEDULE G.

Reg. No....

Natal Mines Act, 1899.

CERTIFICATE OF TITLE TO WATER RIGHT.

A Water Right as herein mentioned and indicated in diagram attached is hereby granted to... ..
 of.....under and subject to the provisions of the Natal Mines Act, 1899, and the Regulations framed thereunder.

Reg. No. and class of claim in connection with which Water Right is granted }
 Precise Locality and District of Water Right }
 Description of lands over which it is applied for }
 Amount of water authorised to be diverted }
 Position and dimensions of Dam, Reservoir, or Pumping Station }
 Special conditions and reservations (if any)

Dated this.....day of.....l .

.....
 Commissioner of Mines.

Water Right Registered atthis.....
 day of.....1 . Under No.....

.....
 Deputy Commissioner of Mines.

Any cession of this Water Right must be endorsed hereon
 in form of Schedule J.

SCHEDULE H.

No ...

Natal Mines Act, 1899.

CERTIFICATE OF TITLE TO MACHINE STAND.

A Machine Stand as hereunder mentioned and indicated
 in diagram attached is hereby granted to.....
 of.....under and subject to the provisions of
 the Natal Mines Act, 1899, and the Regulations framed
 thereunder.

Reg. No. and class of claim (if any) in }
 connection with which Machine }
 Stand is granted. }

District and Precise Locality of Machine }
 Stand }
 Description (dimensions, area, boundaries }
 &c.) }

Special conditions and reservations (if any).....
 Dated this.....day of.....1 .

.....
 Commissioner of Mines.

Machine Stand registered at.....this.....
 day of.....
 Reg. No.....

.....
 Deputy Commissioner of Mines.

Any cession of this Machine Stand must be endorsed hereon
 in Form of Schedule J.

SCHEDULE I.

Regd. No...

Natal Mines Act, 1899.

FORM OF CESSION OF LICENSED HOLDING.

I...of..being the registered
 holder of.....registered numbers.....in the

(*Division or District*) of
do hereby cede and transfer the said.....and my right,
title, and interest therein to.....of.....his
heirs and assigns, subject to all and singular the terms and
conditions under which the said.....has been held by
me and I the said.....hereby accept the cession and
transfer of the said.....subject to the terms and con-
ditions aforesaid.

Dated at.....this.....day of.....1...
.....Transferor.
.....Transferee.

Witness to signatures
.....

Registered by me at.....this.....day of.....
1... under No.....
Fee paid 10s.

.....
Deputy Commissioner of Mines.

SCHEDULE J.

*To be endorsed on Certificate of Title or Certificate of
Registration of Licensed Holding transferred.*

Natal Mines Act, 1899.

ENDORSEMENT OF CESSION OF LICENSED HOLDING.

The within.....Regd. No.....was on the
..... day of.....duly ceded and transferred by
.....to.....who is now the registered holder
thereof.

Reg. No. of Cession.....

Dated this.....day of.....1.....

Fee paid 2s. 6d.

.....
Deputy Commissioner of Mines.

SCHEDULE K.

To be Endorsed on License.

Natal Mines Act, 1899.

TRANSFER OF LICENSE.

The rights in this License are transferred to.....
of.....

Dated this.....day of.....18.....

.....
Deputy Commissioner of Mines.

SCHEDULE L.

Natal Mines Act, 1899.

DECLARATION OF DISCOVERY.

I, the undersigned, do hereby solemnly declare that I did on the.....day of..... discover..... particulars whereof are as follows :—

Precise Locality of discovery.....

Registered 'No. of Claim (if any).....

Description of Mineral discovered.....

Nature and other particulars of Deposit.....

And I declare the above statement to be true in every particular to the best of my knowledge.

The samples markedforwarded herewith were found and taken by me from the place of discovery in above declaration mentioned, and truly represent the nature of the mineral deposit there found.

Declared before me this.....day of..... at.....

..... Discoverer.

..... No. of Claim License.

Resident Magistrate or Justice of the Peace.

SCHEDULE M.

Natal Mines Act, 1899.

LICENSE TO DEAL IN NATIVE GOLD AND PRECIOUS STONES.

License is hereby granted to to buy and sell, deal in, and to be in possession of native gold and precious stones during the period from..... to 31st December, 1..... for which license he has paid the sum of £

This license is held subject to forfeiture for any breach of the Law and Regulations relative to the possession of and dealing with Native gold and precious stones.

STAMP.

.....
Commissioner of Mines.

Office of Commissioner of Mines,

Natal.....1.....

Given at Government House, Natal, this Twenty-third day of November, 1899.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.



COLONY OF NATAL.

ACTS

OF THE

PARLIAMENT OF THE COLONY OF NATAL,

PASSED IN THE

FOURTH SESSION

OF THE

SECOND COLONIAL PARLIAMENT,

1900.

NATAL
WILLIAM WATSON, GOVERNMENT PRINTER, PIETERMARITZBURG

MDCCCC.

COLONY OF NATAL.

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WALTER HELY-HUTCHINSON,
Governor.



“To amend the ‘Indian Immigration Law, 1891.’”

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The Governor in Council may from time to time make and alter rules prescribing any conditions to be observed by Indian Immigrants desirous of going to the Protector of Indian Immigrants for the purpose of laying their complaints before him, and any Indian Immigrant failing to comply with such rules shall not be exempt from arrest under Section 30 of Law No. 25, 1891, merely by reason that he is on his way to make such complaint.

Governor in Council may make rules regarding visits of Immigrants to Protector to make complaints.

2. It shall be lawful for the Protector of Indian Immigrants, or in his absence the Assistant Protector of Indian Immigrants, or any Magistrate, to cause any Indian Immigrant who shall have made his complaint as provided in Section 30 of Law No. 25, 1891, to be taken back to his employer by a messenger, and the cost of such messenger shall in the first instance be paid by the employer, and shall be borne by the employer unless the Protector, Assistant Protector, or Magistrate shall be of opinion that the complaint made was frivolous and unfounded, or otherwise that the Indian Immigrant was not justified in leaving his employer’s premises without permission, and shall then so inform the employer, in which case the employer is hereby authorised to deduct from the wages of the Indian Immigrant the cost incurred in providing for his safe return to his employer, as provided in Section 30 of Law No. 25, 1891; and, further,

How Immigrants to be taken back to their employers and at whose cost.

Immigrants absent without justification, punishment of.

Immigrant
refusing to
return
punishment of.

the Indian Immigrant shall be liable in such case to be punished for illegal absence, as provided in Section 35 of the said Law No. 25, 1891.

Joint
construction
of Laws.]

3. Should any Indian Immigrant decline to return to his employer when so directed, as provided in the preceding section, he shall be deemed guilty of contravening Section 31 of Law No. 25, 1891, and shall be dealt with accordingly, and every subsequent refusal shall render him liable to further punishment under the same section.

4. This Act shall be read and construed together as one Act with the said Law No. 25, 1891, and with any other Law or Act amending the same.

Given at Government House, Natal, this Fifth day of February, 1900.

By command of His Excellency the Governor.

CHARLES J. SMYTHE,
Colonial Secretary.

WALTER HELY-HUTCHINSON,
Governor.

V.



R.

ACT,

“To continue the operation of Law No. 9, 1882, entitled Law ‘To continue with certain amendments, the Law No. 25, 1880,’ entitled Law ‘To provide for the Management and Working of the Natal Government Railways.’”

WHEREAS by Act No. 15, 1899, provision is made for the continuance in force and operation until the 31st day of December, 1900, of the Law No. 9, 1882:

AND WHEREAS the said Act No. 15, 1899, will expire on the 31st day of December, 1900:

AND WHEREAS it is expedient that the said Law No. 9, 1882, should be continued in force and operation until the 31st day of December, 1901:

BE IT THEREFORE ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. The Law No. 9, 1882, entitled Law “To continue with certain amendments, the Law No. 25, 1880,” entitled Law “To provide for the management and working of the Natal Government Railways,” shall be and remain in force and operation from and after the 31st day of December, 1900, until the 31st day of December, 1901.

Continuation of Law 9, 1882, to 31-t December, 1901,

2. The words “Natal Government Railways,” whenever used in the said Law No. 9, 1882, shall include all Government Railways, now or hereafter to be constructed, and all Railways worked by the Natal Government Railways.

Interpretation of terms.

Given at Government House, Natal, this Twenty-third day of June, 1900.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,

Colonial Secretary.

No. 3, 1900.]

WALTER HELY-HUTCHINSON,
Governor.



ACT,

“To amend the ‘Magistrates’ Courts Act, 1896.’”

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The words

“Prosecutions for crimes and offences may be instituted and conducted by the Clerk of the Peace, or any other prosecutor duly authorised,” occurring in Section 31 of the “Magistrates’ Courts Act, 1896,” shall be expunged, and in lieu thereof the following words shall be substituted :—

“Prosecutions for crimes and offences may be instituted and conducted by the Clerk of the Peace, or any other prosecutor duly authorised, and may be instituted by a Clerk of the Peace or duly authorised prosecutor and conducted by any other Clerk of the Peace or duly authorised prosecutor, and proceedings commenced by a Clerk of the Peace may be continued by any other duly authorised person.”

Given at Government House, Natal, this Twenty-third day of June, 1900.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

No. 4, 1900.]

WALTER HELY-HUTCHINSON,
Governor.



“For empowering the Governor to raise a Loan for certain Public Works.”

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The Governor may borrow the sum of One Million Pounds (£1,000,000) Sterling, in accordance with the provisions of the General Loan Law, 1882.

Loan of
£1,000,000
authorised in
accordance with
Law 10, 1882.

2. The money so raised shall be applied to the payment in whole or in part of such sums as may be required for any

Application of
Moneys.

Railways, and their equipment ;

Harbour Works ;

Telegraphs ; or other public works of a permanent character,

which by any Act of Supply or other Act may be authorised to be paid for from loan funds.

3. The interest upon the principal moneys borrowed under this Act shall be payable at the office of the Agent-General in London, or at such other place as may be agreed.

Interest when
payable.

4. Wherever in the General Loan Law of 1882 the “ Crown Agents for the Colonies ” are referred to, such reference shall for the purpose of this Act be deemed to be a reference to the Agent-General for the Colony of Natal.

Authority for borrowing sums not exceeding £500,000, repayable from moneys raised under the principal loan,

5. The Governor in Council may borrow from time to time in anticipation of the raising of any portion of the loan authorised by this Act any sum or sums not exceeding at any one time in the whole the sum of Five Hundred Thousand Pounds (£500,000) Sterling, in such manner as may be most convenient for the public service, and shall repay the moneys so borrowed out of the principal moneys to be raised under the provisions of this Act.

The raising of any moneys under this Section, or any part thereof, shall not *pro tanto* exhaust the borrowing powers conferred by this Act.

The interest upon any sum borrowed under this Section shall be and is hereby charged upon and made payable out of the general revenue of Natal, and shall in no case form a charge against the loan authorised by this Act.

Short Title,

6. This Act may be known as "The Public Works Loan Act of 1900."

Given at Government House, Natal, this Twenty-third day of June, 1900.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

WALTER HELL-HUTCHINSON,
Governor.

V.



R.

ACT,

“To make further provision for taking a Census of the Colony.”

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The Governor may at any time by Proclamation order a census to be taken of the population of the Colony, and the provisions of Law No. 34, 1880, entitled Law “To provide for taking a Census of the Population of the Colony of Natal,” shall *mutatis mutandis* apply to any census so ordered.

Governor may order census of population to be taken.

2. Any census so ordered may, in addition to providing for a census of the population, also direct a census to be taken of the lands, live stock, and produce of the Colony, or of any one or more of such particulars.

Census may include lands, live stock, and produce.

3. The Governor may by the aforesaid Proclamation, or by any rule or order made in reference thereto, issue instructions regarding the particulars required and the mode in which the census of the Native population of the Colony shall be taken.

Particulars required and mode in which census of Native population to be taken.

Given at Government House, Natal, this Twenty-ninth day of June, 1900.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary

No. 9, 1900.]

WALTER HELY-HUTCHINSON,
Governor.



ACT,

“To increase the borrowing powers of the Town Council of Pietermaritzburg.”

WHEREAS the Corporation of the Borough of Pietermaritzburg are desirous of augmenting the Water Supply of the Borough of Pietermaritzburg and extending the Water Supply Area at an estimated cost of £100,000, and also of constructing Tramways and otherwise developing the Corporation lands within the said Borough at an estimated cost of £75,000 :

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal as follows :—

Short title,

1. The short title of this Act shall be “The Pietermaritzburg Consolidated Stock Act, 1900.”

Town Council of Pietermaritzburg authorised to borrow £175,000.

2. The Town Council of Pietermaritzburg are authorised to borrow up to, but not exceeding a total sum of One Hundred and Seventy-five Thousand Pounds (£175,000) Sterling to be used for augmenting the Water Supply of the Borough of Pietermaritzburg and the extension of the Water Supply Area, and for the construction of Tramways, and otherwise for developing the Corporation lands within the said Borough.

Issue of Consolidated Stock repayable out of rents, rates, and general revenue.

3. The Town Council are authorised to issue, in the manner provided by Law No. 20 of 1888, new Consolidated Stock for the moneys borrowed under this Act, and the Stock issued under this Act shall bear interest at a rate not exceeding four per cent. per annum, and shall be deemed to be Consolidated Stock within the meaning of the said Law No.

20 of 1888, and shall be a charge upon, and shall with the interest thereon, be payable out of the rents, rates, and general revenue of the Borough in the same way as if the Stock issued under this Act had been issued under the said Law No. 20 of 1888.

4. Nothing in this Act, and nothing done under the provisions of this Act, shall take away, abridge, or prejudicially affect any right or interest, by way of priority or otherwise, of any person in or to the rates, rents, or general revenue of the Borough.

Reservation of
rights of persons
in rates, &c.

Given at Government House, Natal, this Twenty-ninth day of June, 1900.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

WALTER HELY-HUTCHINSON,
Governor.



“To authorise and empower the Mayor and Councillors of the City and Borough of Pietermaritzburg to transfer to themselves the *Public Outspan No. 6*, in the said Borough at present held by them in trust inalienable as an outspan or grazing ground for the use of travellers and the Burgesses of the said Borough, free from all trusts and servitudes at present affecting the same, and to declare the said piece of land to be a portion of the Town Lands of the said Borough, and in lieu thereof to allocate a certain piece of land in extent 200 acres 0 roods 3 perches, more or less, being a certain portion of the said Town Lands to be known as Outspan No: 6A.”

WHEREAS by Deed of Trust, bearing date the 20th day of February, 1879, a certain portion of the Town Lands of the said Borough, in extent 200 acres 0 roods and 3 perches, more or less, marked No. 6 on the General Plan of the said City, has been reserved in favour of the Mayor and Councillors of the said City and Borough, and their successors in office, in trust inalienable as an outspan or grazing ground for the use of travellers and the burgesses of the said City:

AND WHEREAS the said piece of land is not now necessary for the purposes for which it was originally reserved :

AND WHEREAS the said Mayor and Councillors are desirous of transferring the said piece of land to themselves free from all trusts and servitudes at present affecting the same :

AND WHEREAS a plan of the said piece of land has been lodged in the office of the Clerk of the Legislative Council, and in the office of the Clerk of the Legislative Assembly :

AND WHEREAS it is desirable to sell or otherwise alienate the lands composing the said Outspan or portions thereof, and to invest the proceeds of the sale of the lands of the said

Outspan, or any portion thereof, as a sinking fund for the repayment of Corporation Consolidated Stock :

BE IT THEREFORE ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Natal, as follows :—

1. It shall and may be lawful for the Mayor and Councillors of the City and Borough of Pietermaritzburg, with the consent in writing of the Governor, to transfer to themselves the before-mentioned Outspan No. 6, containing 200 acres 0 roods 3 perches more or less, and bounded N.W. by Town Lands, N.E. by Lot 266 and Town Lands, S.E. by Town Lands, and S.W. by Lot 223 and Town Lands, free from all trusts and servitudes at present affecting the same ; and the said piece of land so to be transferred shall form a portion of the Town Lands of the City and Borough of Pietermaritzburg : Provided, however, that in exchange therefor the Mayor and Councillors of the said Borough shall transfer to themselves in trust inalienable as an Outspan or grazing ground for the use of travellers and the burgesses of the said Borough, a portion of the Town Lands of the said Borough, marked " B " on the plans lodged with the Clerk of the Legislative Council and the Clerk of the Legislative Assembly, containing 200 acres 0 roods 3 perches, more or less, and bounded N.W. by Lots 494 and 493, E. by Durban Road, W. by Lot 16 and old Durban Road, and S. by Town Lands, and to be known as Outspan No. 6A.

Corporation of Pietermaritzburg authorised to exchange Outspan No. 6 for an adjacent piece of Town Lands of equal area.

2. The Registrar of Deeds is hereby empowered to transfer the said Outspan No. 6 and the portion of land to be given in exchange therefor to the Mayor and Councillors of the said City and Borough free of Transfer Duty thereon.

Exemption from Transfer Duty,

3. It shall and may be lawful for the said Mayor and Councillors to sell or otherwise alienate the said Outspan No. 6, or any portion thereof, and to invest or cause to be invested the proceeds of such sales as a Sinking Fund for the repayment of Corporation Consolidated Stock, on first mortgages on immovable property in Natal, in the re-purchase of their own Debentures, or Stock, or in the Public Funds of Great Britain and its Dependencies, and may invest or cause to be invested the dividends, interest, or annual proceeds arising from such investment in the same manner as aforesaid, so that the same may be accumulated by way of compound interest.

Sale of Outspan No. 6 and investment of proceeds of Sale,

4. This Act shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of Act.

Given at Government House, Natal, this Twenty-ninth day of June, 1900.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

No. 11, 1900.]

WALTER HELY-HUTCHINSON,
Governor.



“To authorise and empower the Colonial Government of Natal and the Town Council of the Borough of Durban to contract for the erection of a Sea Pier.”

WHEREAS Robert Dixon Sykes, of Durban, in the Colony of Natal, being desirous, either by himself or by a Company to be promoted by him, of constructing a Promenade or Sea-pier, starting from a point opposite to, or near the spot, where the extension of West Street in the Borough of Durban opens on to the shore of the Indian Ocean at the spot commonly known as the “Back Beach,” within the said Borough, and extending across the Admiralty Reserve into the Indian Ocean, has approached the Colonial Government of Natal, and the Town Council of the Borough of Durban, with a view of obtaining permission to erect such Sea-pier, and to use such Pier as a Public Promenade Pier or Pleasure Resort, and to erect and carry on on such Pier, shops, stalls, refreshment bars, tea-rooms, bathing stages and the like :

AND WHEREAS the said Borough of Durban is, at the present time, without any Promenade Pier or Pleasure Resort of the kind above specified, and the erection and opening and carrying on of such a Pier as aforesaid will afford recreation to a large number of the inhabitants of Durban and others, and will add to the attractions of the said Borough as a watering place :

AND WHEREAS it is necessary that the said Government and Town Council, before contracting with the said Robert Dixon Sykes, or any Company as aforesaid, should be properly authorised to so contract :

AND WHEREAS it is desirable that such power to contract should be conferred upon the said Government and Town Council:

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of the Colony of Natal, as follows:—

1. The Colonial Government and the Town Council of the Borough of Durban are hereby authorised to contract with Robert Dixon Sykes, or any Joint Stock Company as aforesaid (which may be promoted by the said Robert Dixon Sykes for the erection and working of the said pier), for granting to the said Robert Dixon Sykes, or such Company as aforesaid, the right, whether upon lease or grant, of erecting a Sea-pier from a point opposite to, or near the spot, where the extension of West Street opens on to the shore of the Indian Ocean (commonly known as the Back Beach), within the Borough of Durban, and extending across the Admiralty Reserve into the Indian Ocean, with the right to use such Pier as a Public Promenade Pier or Pleasure Resort, and to erect and carry on on such Pier, shops, stalls, refreshment bars, tea-rooms, bathing stages and the like, with further power to insert in any such contract, lease or grant, conditions as may be mutually agreed upon with reference to the right of the said Town Council or Colonial Government, or both, to acquire either before, or at the expiration of such contract, lease or grant, the said Pier, with all its appurtenances, and also conditions with reference to the security, if any, to be given by the said Robert Dixon Sykes, or any such Company as aforesaid, for the completion of the said Pier, and with reference to the approaches to the said Pier and to the Beach, and retaining walls in connection therewith, and as to provision against sand drift, access for the public along the Beach under the Pier, and with reference to the forfeiture of the rights of the said Robert Dixon Sykes, or any Company as aforesaid, in case of his or their failure to observe the conditions of any such agreement as aforesaid, and generally such conditions as may be agreed upon with reference to the erection, working, and control of the said Pier, and further, such conditions as may be agreed upon with reference to the times and manner in which said Pier shall be conducted and used, and the prices of admission thereto, and as to the use and occupation, and terms of hiring of any such shops, stalls, refreshment bars, tea-rooms, bathing stages, and the like: Provided always, that in no case shall the period of the lease or grant extend for a greater period of time than fifty (50) years from the date of completion of the said Pier.

Colonial Government and Durban Corporation authorised to contract with Robert Dixon Sykes or a Company for erection of a Sea-pier on Back Beach, with certain rights and conditions.

2. In the event of any contract being entered into between the said Colonial Government and the Town Council of the Borough of Durban of the one part, and the said Robert Dixon Sykes, or any Company as aforesaid, of the other part, relative to the erection and

Tariff of Charges for persons using, &c., the Pier.

working of the said Pier, then the said Robert Dixon Sykes, or any Company as aforesaid (subject to the approval of the Colonial Government and the Town Council of the Borough of Durban), may from time to time frame tariffs of charges to be paid by persons visiting, using, or frequenting the said Pier, and he, or the said Company, as the case may be, shall have power to collect and enforce any such tariff of charges when so approved.

Power to make By-laws for protection, control, and management of Pier.

3. The said Robert Dixon Sykes, or any such Company as aforesaid (subject to the sanction of the Governor in Council and the approval of the Town Council of the Borough of Durban as aforesaid), shall have power to frame and promulgate Bye-laws providing for the better protection, control and management of the said Pier and use thereof, by persons visiting or using the same, and making provisions for penalties to be exacted for any infringement of such Bye-laws; any such penalties may be sued for and recovered in any competent Magistrate's Court at the instance of the said Robert Dixon Sykes or any company as aforesaid.

Power to sell or dispose of rights of erecting and working Pier.

4. The said Robert Dixon Sykes, or any company as aforesaid, shall have power and authority (subject only to the consent of the Governor in Council and the Town Council of the Borough of Durban) to sell, dispose of, or sublet the rights of erecting and working any such Pier as aforesaid, but the purchaser from the said Robert Dixon Sykes shall not be entitled to sell, dispose of, or sublet such rights.

Pier to be deemed within the Borough of Durban for purposes of certain Municipal Laws and Bye-laws.

5. For all purposes of rating, licensing under the Liquor and Trade Licensing Laws in force in the Borough of Durban, Police, Sanitary, Building and other Municipal Bye-laws, the said Pier and appurtenances shall be deemed to be within the boundaries of such Borough and subject thereto: Provided, however, that in assessing the rates to be paid upon the Pier, the Borough Valuers shall have regard only to the actual value of the materials of the Pier and the labour of constructing the Pier, with a due allowance for depreciation from time to time.

Right of Corporation to carry water pipes along Pier

6. The Town Council of the Borough of Durban shall have the right, free of any charge, to place and maintain two pipes along the Pier, not exceeding twelve inches in diameter each, for the purpose of obtaining a supply of sea water for the public baths in the town and other purposes.

Reservation of rights of Her Majesty and the Colonial Government in the Sea-shore and Admiralty Reserve

7. Nothing in this Act or in any contract made thereunder shall be deemed to affect or take away the rights of Her Majesty or of the Colonial Government of Natal in relation to the sea-shore and the strip of land known as the Admiralty Reserve, or to take away the private or public rights in the fore-shore: Provided that so far as any buildings, erections, enclosures, or other works, contemplated by this Act, in so far as they shall have been erected in accordance with a contract entered into by the Colonial Government under the authority of this Act, and in so far as they do not interfere with the reasonable use of the said sea-shore or fore-shore, or Admiralty Reserve, for purposes of free passage

from one place to another with or without vehicles or animals, or with the enjoyment of the rights of the Crown and of the public and owners of adjoining properties to the use of the shore or reserve on both sides of such works, such buildings, erections, enclosures, or other works, shall not be deemed to infringe or injuriously affect any such rights of the Crown or of the public or others as aforesaid : but provided also that in the event of any such buildings, erections, enclosures, for other works being removed, destroyed, or injured by the orders of Her Majesty's Imperial or Colonial Governments for any purpose of public defence, or for other public purposes, no payment or compensation shall be due or claimable in respect of any such removal, destruction, or injury.

8. Should the said Robert Dixon Sykes, or any Joint Stock Company as aforesaid, fail, within the period of one year from the taking effect of this Act, to conclude an agreement with the said Colonial Government and the Town Council of the Borough of Durban, or, having concluded such agreement as is contemplated by this Act, shall fail within the time limited by such agreement to construct such Sea Pier as is by this Act contemplated, then, and in any such case, all rights (if any) of the said Robert Dixon Sykes, or of any Joint Stock Company as aforesaid, acquired under this Act shall *ipso facto* cease and determine, and this Act shall, anything herein contained to the contrary notwithstanding, be deemed to be and shall be an authority to the said Colonial Government and the Town Council of the Borough of Durban to contract for the erection of such Sea Pier with any other person or with any other joint stock company in the same manner, and as if such other person or joint stock company had been actually named herein.

9. This Act may be known as the "Durban Pier Act of 1900."

Given at Government House, Natal, this Twenty-ninth day of June, 1900.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

Rights of Robert Dixon Sykes or Company to cease on failure to conclude agreement or fulfil conditions thereof.

No. 12, 1900.]

WALTER HELY-HUTCHINSON,
Governor.

V.



R.

ACT,

“To provide for the appropriation of certain of the lands forming portion of the Commonage of Weenen, and for their irrigation and sale in small allotments.”

WHEREAS certain lands forming portion of the Commonage of Weenen are suitable, if irrigated, for being divided into small allotments and sold for agricultural purposes :

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The Governor in Council is hereby empowered to resume possession of a portion of the lands reserved as a Commonage for the Village of Weenen, not exceeding three thousand acres in extent.

2. The Government shall suitably irrigate the lands so resumed by the construction of a water furrow or furrows leading from the Bushman's River, and by the construction, laying and erecting of the necessary water courses, water pipes, sluices, dams, reservoirs, and drains required to distribute the water over the lands.

3. For the purpose of constructing the furrow or furrows the Government may enter upon and use the lands of any private owner.

Resumption by Governor in Council of lands reserved as Commonage for Village of Weenen.

Construction of works for irrigation of such lands.

Entry and use of private lands.

4. The site of the intake of the water furrow or furrows shall be at a point upon the Bushman's River to be selected by the Government, and any private owner whose lands are traversed by the furrow or furrows shall be entitled to compensation for any injury or damage caused to his lands by the construction of the furrows, as though the same were an "undertaking" within the meaning of the Lands Clauses Consolidation Law, No. 16 of 1872.

Site of intake and compensation for damage to lands traversed.

5. So soon as provision has been made for irrigating the lands resumed, they shall be put up to public auction in separate blocks of suitable extent, and shall be sold subject to such conditions as the Government shall think fit to impose, either with regard to alienation, the amount of the upset price, or the terms of payment of purchase price, or the up-keep of the irrigation works, or the mode of occupation of the land, or otherwise, and generally for ensuring the use and occupation of the land in accordance with the intent and purpose of this Act; and such conditions shall be published in the *Natal Government Gazette*.

Sale of lands resumed in blocks and subject to conditions.

6. The main water furrows and all other works connected with the irrigation scheme shall be maintained in proper repair by the Government, which shall have the sole control and management and regulation of the works, and of the distribution of the water, but so that each block holder shall be required to keep in repair the pipes or works or watercourse, not being a main water furrow, situated upon his block.

Management and control of works, &c.

7. The Governor in Council shall from time to time make, repeal, and alter By-laws regulating the supply of water to each block holder, and such By-laws may provide for :—

By-laws.

- (a) Limiting the number of blocks that may be owned by any one person.
- (b) The times when water shall be available for any or all of the blocks.
- (c) The quantity of water to be allowed to each block holder.
- (d) The use of the water by other than block holders.
- (e) The upkeep by each block holder of the pipes and watercourses, and other works not being the main furrow upon his land.
- (f) The right of the Government to enter by its officers upon any block for purposes connected with the maintenance and upkeep of the irrigation works.
- (g) The imposition of penalties for unlawfully damaging the irrigation works, or any portion thereof, or for unlawfully diverting or interfering with the supply of water to any block holder.

- (h) The levying a tax upon block holders to provide funds for the maintenance, renewal, and upkeep of the works.
- (i) Generally carrying into better effect the purposes of this Act.

Penalties for
Contraventions
of By-laws.

8. Any person contravening any By-law framed under this Act shall be liable to a penalty not exceeding Twenty Pounds Sterling, and in default of payment may be imprisoned, with or without hard labour, for any period not exceeding three months.

No compensa-
tion in con-
sequence of the
resumption of
lands.

9. No person shall be entitled to any compensation whatsoever in consequence of the Government resuming possession and disposing of the lands mentioned in the first section of this Act.

Compensation to
persons de-
prived of water
or right thereto.

10. If the conveyance of water under the authority of this Act shall deprive any person of any water or right of water which he may, at the time of such conveyance of water, possess or be entitled to possess, and shall thereby cause damage to such person or to his property, such person shall be entitled to recompense or compensation to be settled in case of difference, as if the diversion of water constituted a damage to the land within the meaning of the 65th Section of the Lands Clauses Consolidation Law, No. 16 of 1872.

Given at Government House, Natal, this Twenty-ninth day of June, 1900.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

WALTER HELY-HUTCHINSON,
Governor.



ACT,

“To enable the Town Council of the Borough of Pietermaritzburg to supplement the Supply of Water to the said Borough with Water from the Inkwalini Spruit and the River Umsindusi.”

WHEREAS it is expedient to enable the Town Council of the Borough of Pietermaritzburg to supplement the Water Supply to the said Borough with water from the Inkwalini Spruit and the River Umsindusi :

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Natal, as follows :—

1. This Act may be cited as the “Pietermaritzburg Corporation Waterworks Act of 1900.” Short title.

2. The Lands Clauses Consolidation Law, 1872, and all the clauses and provisions thereof (save in so far as they shall be expressly varied or excepted by this Act) shall be incorporated with this Act. Incorporation of Lands Clause Law.

3. The Town Council of the Borough of Pietermaritzburg may purchase or take the lands or user of lands required for the purpose of the works and undertakings authorised by this Act, viz., Lots 300, 301, 339, 247, 304, 246, 245, 272, 306a, 306b, 266, and 305 of the Farm “Welverdiend,” in the County of Pietermaritzburg, lands originally granted to the Edendale Trustees, a portion of the lands belonging to the Natal Native Trust in the Zwaartkop Location, a portion of the Market Square, Edendale, a portion of the said Farm “Welverdiend,” presently belonging to the Edendale Trustees, and may agree with the War Department to take portions of the Ordnance Lands belonging to the War Department, or the user of such lands. Power to purchase and take lands.

4. If the taking, impounding, diversion, appropriation, or conveyance of water under the authority of this Act shall Compensation for damage.

deprive any person of any water or right of water which he may at the time of such taking, impounding, diversion, appropriation, or conveyance of water possess, or be entitled to possess, and shall thereby cause damage to such person or to his property, or if in the carrying out of the works authorised to be executed by this Act it shall be necessary to acquire any servitude or right of way over the land of any person, or to trespass on the property of any person, such person shall be entitled to recompense or compensation to be settled in case of difference as if the diversion of water, or the acquisition of the servitude or trespass, constituted a damage to the land within the meaning of the 65th Section of the Land Clauses Consolidation Law.

Authority to draw water from Inkwalini Spruit and Umsindusi River and to construct necessary works.

5. The Town Council of the Borough of Pietermaritzburg are hereby authorised to draw water for the Borough of Pietermaritzburg from the Inkwalini Spruit and from the Umsindusi River, at any and all the point or points of intake shown on the plans filed with the Clerks of the Legislative Council and of the Legislative Assembly of Natal, and to lead such water through pipes and conduits, and to lay such pipes and conduits along the pipe-routes shown in the said plans, and to make all necessary dams, reservoirs, and filter beds and service tanks and other works, and with wagons, carts, and vehicles, or otherwise to have access to the pipe-routes, dams, reservoirs, filter beds, service tanks, and other works for the purposes of construction, examination, or repair, or other purposes of the works, and to distribute such water in Pietermaritzburg, and to do such further and other acts, matters, and things, and to exercise such further powers as may be necessary to carry out the objects of this Act.

Penalty for polluting water or damaging works, &c.

6. If any person shall wilfully or negligently pollute the waters of the Inkwalini Spruit or of the Umsindusi River above any intake authorised by this Act, or any water led from the said rivers under the authority of this Act, or shall obstruct any person in discharge of his duty in connection with the Waterworks hereby authorised, or shall mischievously do any damage to property connected with the said Waterworks, such person upon conviction thereof before the Magistrate having jurisdiction, shall be liable to a penalty for each offence not exceeding Ten Pounds to be paid to the Borough Fund, or in default of payment to imprisonment with or without hard labour for a period not exceeding one month, and any person charged with contravening this Act may be prosecuted by any officer appointed on that behalf by the Town Council of the Borough of Pietermaritzburg

Joint construction of laws.

7. For the purposes of the water rates authorised by this Act, Chapter XII (consisting of 20 clauses, numbered from 106 to 125 inclusive) of Law No. 19 of 1872, shall be construed conjointly with this Act.

Levy of water rate authorised.

8. For the purpose of raising funds to pay the annual interest, claims and other expenses arising from water supply, the Town Council is hereby empowered to impose, levy, and collect an annual rate or assessment to be called "The Water Rate," in addition to the general Municipal Rate, upon any portion of the immovable property situated within the Borough

which is liable to be rated under the Municipal Corporations Law No. 19, 1872, and which portion shall be brought within 220 yards of the water service, and every rate or assessment so imposed or levied shall be of the same force and effect, and be levied and recoverable in the same manner as rates or assessments under the Municipal Corporations Law No. 19 of 1872: Provided always, that such water rate shall not exceed one-halfpenny in the pound sterling on the freehold value of property as set forth in the Valuation Roll in force for the time being: and provided further that nothing in this Act contained shall interfere with the levy and collection of such water rates as were due and payable prior to the passing of this Act, which rates shall be levied and recoverable in the same manner as rates and assessments under the Municipal Corporations Law of 1872.

9. The said Council is hereby further empowered from time to time to make and frame a tariff of charges by which the supply of water from the water mains for other than ordinary household or domestic purposes shall be regulated, and to enforce and collect the same. And the Council is hereby invested with full powers to regulate and control the manner and quantity of such water supply and to divert or stop the same when necessary.

Tariff of charges for water supplied for special purposes.

10. It shall be lawful for the said Council, at any Meeting at which a majority of two-thirds of the members shall be present, to make and frame, from time to time, such Bye-laws as shall be deemed necessary for giving effect to the provisions of this Act, and such Bye-laws shall be submitted for the approval of the Governor as provided in Section 75 of Law No. 19 of 1872, and upon receiving the sanction of the Governor, shall have the force and effect of Law.

By-laws.

11. It shall be lawful, and the said Council is hereby empowered to make and enter into special contracts for the supply of water for household and other purposes to properties situate outside the boundaries of the said Borough, on such terms as may be agreed upon between the parties, but so that those paying water rates within the Borough are not thereby injured.

Contracts for supply of water to properties outside the Borough.

12. In the event of the total amount authorised to be raised under Sections 8, 9, and 11 hereof, being insufficient to pay the interest, claims, and expenses arising from the water supply, the estimated balance, if any, required shall be provided out of the general Municipal rates and revenues.

Payment of interest, claims and expenses.

13. Sections 1 to 5 inclusive of the Law No. 47 of 1884, shall be and the same are hereby repealed.

Repeal of Sections 1 to 5 of Law 47, 1884.

14. This Act shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of Act.

Given at Government House, Natal, this Twenty-ninth day of June, 1900.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,

Colonial Secretary.

No. 14, 1900.]

WALTER HELY-HUTCHINSON,
Governor.



“To make provision for the better and more speedy trial of persons accused of treason, and for the appointment of acting Judges of the Supreme Court.”

WHEREAS it is expedient to make provision for the better and more speedy trial of persons accused of treason, and for the appointment of Acting Judges of the Supreme Court :

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Definitions.

1. In this Act, unless the context otherwise requires, the following expressions shall bear or include the meanings assigned to them by this Section, namely :—

“Appeal” shall include review.

“Judgment” shall mean order, sentence, or decree.

“Jurisdiction” shall include every power and authority capable of being exercised by the tribunal or person said to have jurisdiction.

“Native High Court” shall mean the Native High Court as defined by Act No. 49, 1898.

“President” shall mean the President of the Special Court appointed in terms of Section 4 of this Act.

“Registrar” shall include any Deputy or Assistant Registrar.

“Sheriff” shall include any Deputy or Assistant Sheriff.

“Special Commissioner” or “Commissioner” shall mean any one of the Commissioners appointed by the Governor in terms of Section 2 of this Act.

“Supreme Court” shall mean the Supreme Court of the Colony of Natal.

“Treason” shall include :—

- (a) *Crimen perduellionis.*
- (b) *Crimen laesae majestatis.*
- (c) Offences under Law 3 of 1868.
- (d) Sedition.
- (e) Every attempt to commit, and every solicitation to commit, and every kind of criminal participation in, treason.

But treason shall not under this Act include faction fighting by natives as defined by Act No. 11, 1896, or Riot or Public Violence committed by Natives when charged as such.

“Zululand High Court” shall include both the High Court of Zululand and the Court of the Chief Magistrate of Zululand.

2. The Governor shall appoint three persons to be Special Commissioners who shall constitute the Special Court, and each Commissioner shall be a person either qualified to be appointed a Judge of the Supreme Court, or a Judge of one of the Superior Courts of any of Her Majesty's Colonies. One at least of such Commissioners shall be a Judge of the Supreme Court.

Appointment of Special Commissioners to constitute Special Court.

3. The Special Commissioners shall hold office during good behaviour, or until the Special Court is dissolved in terms of this Act.

Tenure of office

4. The Governor shall appoint one of the Special Commissioners to be President of the Court.

President.

5. The Special Commissioners shall be paid out of the Consolidated Revenue Fund of the Colony from the dates of their appointment, the following salaries, namely, the President at the rate of One Thousand Five Hundred Pounds per annum, and the other two Commissioners each at the rate of One Thousand Pounds per annum.

Salaries.

6. Section 31 of the Supreme Court Act No. 39 of 1896 shall not apply to any Judge of the Supreme Court who may be a Special Commissioner.

Non-application of Section 31 of Supreme Court Act.

7. A Judge of the Supreme Court who is a Special Commissioner under this Act may also perform his duties as such Judge, but he shall not be entitled to draw any Judge's salary so long as he is a Commissioner.

Powers of Judge when appointed a Special Commissioner.

8. Any vacancy, whether temporary or permanent, amongst the Commissioners, and, whether due to death, resignation, incapacity, or absence from the Colony, shall be filled up as soon as may be by the Governor in terms of this Act, according to the nature of the vacancy, and the person

Filling of Vacancies.

appointed to such vacancy shall thereupon become, for the term of his appointment, a Commissioner under this Act.

Constitution of
Special Court.

9. The Special Court shall consist of the three Commissioners, and shall be a Court of Record.

Jurisdiction of
Special Court.

10. All cases of treason, whether committed before or after the coming into force of this Act, shall be tried by the Special Court without a Jury, and all the jurisdiction of the Supreme Court, the Native High Court, and the Zululand High Court with reference to persons accused of treason, their examination, prosecution, trial, and punishment, and to any other matter connected with cases of treason, shall be vested in, transferred to, and exercised by the Special Court, subject to the following provisions:—

(a) The Attorney-General may remit any case of treason for trial by a Magistrate without a Jury in the same way as if treason were not excepted from the Magistrate's jurisdiction under Act No. 22, 1896.

(b) Any case of treason pending in a competent Court when this Act comes into force shall be concluded in the same manner as if this Act had not been passed, but any such Court may, before plea, direct the case to be removed to, and tried by the Special Court.

Appeals from
Magistrates' Courts.

11. All proceedings and judgments in Magistrates' Courts in cases of treason shall be subject to appeal to the Special Court.

Application of
Law as administered by
Supreme Court.

12. The Court shall adjudicate upon and determine all matters within its jurisdiction in accordance with the law administered by the Supreme Court, save so far as expressly varied by this Act.

No appeal from
judgments of
Special Court.

13. The judgments of the Special Court shall not be subject to appeal to any other Court within the Colony.

Supreme Court and other
Courts ousted in
matters within
jurisdiction of
Special Court.

14. Neither the Supreme Court nor any other Court or tribunal within this Colony shall, until the dissolution of the Special Court, have or exercise jurisdiction in any matter within the jurisdiction of the Special Court: Provided that this Section shall not prejudice the trial by Magistrates of cases duly remitted to them under Section 10 of this Act.

References to
Supreme Court, &c., to be
deemed references to
Special Court.

15. Save so far as may be inconsistent with the provisions of this Act, a reference in any proclamation, ordinance, law, or act, to the Supreme Court, Native High Court, or Zululand High Court, shall be deemed to be a reference to the Special Court in respect of all matters within the jurisdiction of the Special Court.

Revival of jurisdiction of
Supreme Court, &c., on dissolution of
Special Court.

16. Upon the dissolution of the Special Court, the jurisdiction of the Supreme Court, Native High Court, Zululand High Court, or any other tribunal which by this Act had been vested in or transferred to the Special Court, shall revive.

17. In all proceedings or cases before the Special Court, other than matters within the jurisdiction of a Special Commissioner in Chambers, the three Commissioners shall sit, and in the event of any difference of opinion amongst them, the decision of a majority shall be deemed and taken to be the decision of the Court. Decision of the Court.

18. Any Commissioner shall be entitled to exercise in Chambers the jurisdiction of the Special Court in all matters relating to treason, except trials, appeals, the making of rules or regulations, and excepting also all such matters as may by rule be reserved for the decision of the full Court, but the judgment of any Commissioner in Chambers shall be subject to appeal to the full Court. Jurisdiction of a Commissioner in Chambers.

19. Subject to the provisions of this Act, and to any Rules of Court, the pleadings and proceedings in the Special Court shall be carried on, and the judgments thereof pronounced and executed, and witnesses summoned and remunerated, in the same manner as in the Supreme Court. Procedure.

20. Accused persons may be represented by such Counsel as can appear in the Supreme Court. Appearance of Counsel.

21. Notwithstanding the provisions of Ordinance No. 18, 1845, no prisoner or accused person shall be entitled to be liberated before the dissolution of the Special Court merely by reason of his not having been brought to trial as therein provided, but the Court may require all keepers of gaols in this Colony to make returns to it of all persons accused of treason or committed to trial for treason, and may, upon application, or *ex proprio motu*, liberate any such person either with or without bail: Provided however that no such liberation shall be any bar to the person so liberated being brought to trial in any competent Court for the offence of which he was accused or for any other offence. No limitation of time for bringing accused persons to trial.

22. Upon an indictment for treason an accused person may be found guilty of either the *crimen perduellionis* or the *crimen laesae majestatis*, or of an offence under Law No. 3, 1868, and punished accordingly: Provided that it shall be necessary to a conviction for the *crimen perduellionis* that the facts alleged in the indictment shall disclose such crime, and that this Section shall not prevent a simple judgment of guilty being pronounced upon an indictment for treason. Indictment and Verdict.

23. Where a person is accused of treason and other crimes or offences are alleged to have been committed by him at the same time and place, and being connected with, or forming part of the treason so charged, then such person may either alternatively, or in addition to the charge of treason, be indicted in the same indictment for such crimes and offences, and the Special Court shall have jurisdiction in respect of all crimes or offences included in such indictment in the same way as if they were treason. Inclusion of alternative or additional charges.

24. Prosecutions for treason shall, in the Special Court, be in the name of Her Majesty the Queen, upon the indictment of and by the Attorney-General, and in the Magistrates' Courts in the name of Her Majesty the Queen upon the indictment or summons of and by the Clerk of the Prosecutions to be in name of Her Majesty.

Peace of the appropriate Magisterial Division : Provided always that the Attorney-General shall have the same power to depute any other person to appear and act for him in the Special Court and to appear and act for the Clerk of the Peace in the Magistrate's Court as he now has.

Appointment of a Sheriff and Registrar.

25. The Governor shall from time to time appoint such fit and proper persons as he may think fit to be Sheriff and Registrar of the Special Court, and to fill such other offices in connection with the Court as he may deem necessary.

Powers and duties of Sheriff.

26. The Sheriff of the Special Court shall have, with respect to the Court and matters within its jurisdiction, the same relative powers, duties, responsibilities and position as the Sheriff of the Supreme Court.

Power to make rules, orders, and regulations.

27. Subject to the provisions of this Act, the Special Court may, in its discretion, from time to time, make rules, orders, and regulations touching any of the following matters, and may repeal and vary the same, namely :—

- (a) The carrying into effect fully and completely the provisions of this Act.
- (b) The time and place of holding sessions of the Court.
- (c) The forms of pleadings, indictments, summonses, and of all other documents or processes, and the practice and procedure in trials and all other matters within the jurisdiction of the Court.
- (d) The form, use, and custody of the Seal of the Court, if any.
- (e) The manner of recording or noting evidence and the proceedings of the Court.
- (f) The duties and proceedings of the Sheriff, Registrar, and other officers of the Court.
- (g) The fees and charges to be lawfully demanded by and to be payable to the Sheriff, Registrar, or other officers of the Court, and the Advocates, Attorneys or Solicitors practising therein.
- (h) The taking and granting of bail.
- (i) All such other matters as may be necessary or advisable for the proper conduct of the business of the Court.

Appointment of Acting Judges of the Supreme Court.

- 28.** (1) It shall be lawful for the Governor upon the request of the Chief Justice, from time to time, to appoint as an Acting Judge of the Supreme Court any person qualified to be a Judge thereof under the Supreme Court Act, 1896, and such acting Judge shall, whilst so acting, possess and exercise all the jurisdiction of a Judge of the Supreme Court, and shall hold office and receive salary in like manner as if he had been appointed to act as a Judge under Section 32 of the Supreme Court Act.

- (2) Not more than two such Acting Judges may be appointed to hold office at the same time.
- (3) The appointment of every such Acting Judge shall state the term or period for which he is to hold office, and such term shall not be for a less period than one month.
- (4) Such Acting Judge may also be a Commissioner under this Act, but he shall not whilst a Commissioner draw any salary as an Acting Judge.
- (5) Every appointment of an Acting Judge of the Supreme Court shall be notified forthwith in the *Natal Government Gazette*, and the notice shall state the term or period for which the appointment shall be made.
- (6) The Supreme Court shall from time to time determine the *rota* of Judges to sit from time to time in the Supreme or Circuit Courts, but so that not more than three Judges shall sit in the Supreme Court at any one time.
- (7) Notwithstanding anything contained in this Section, the power of appointing Acting Judges thereunder, and the office of any Acting Judge so appointed shall cease and determine upon the dissolution of the Special Court: Provided, however, that any such Acting Judge shall be entitled to complete the hearing and determination of any matter upon which he has entered.

29. The Commissioners shall take the oath of allegiance, and of office, and the judicial oath, before the Governor. Oaths.

30. This Act shall come into force upon such date as the Governor shall notify by proclamation in the *Natal Government Gazette*. Commencement of Act.

31. The Special Court shall be dissolved, and the Special Commissioners thereupon cease to hold office, upon such date as the Governor shall notify by proclamation in the *Natal Government Gazette*; but such dissolution or proclamation shall not affect the validity or effect of any act or judgment of the Special Court or the Special Commissioners made prior to such date, and any matters pending at such date in the Special Court shall be transferred to and determined by the Court or tribunal which would have jurisdiction if this Act had not been passed. Dissolution of Special Court.

32. The Governor may at any time, appoint three Special Commissioners to form a Second Special Court, similar in all respects to the Special Court herein provided for, and thereupon all and each of the provisions herein contained shall apply in like manner *mutatis mutandis*, to such Second Special Court. Appointment of a Second Special Court.

Given at Government House, Natal, this Twenty-ninth day of June, 1900.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,

Colonial Secretary.

No. 15, 1900.]

WALTER HELY-HUTCHINSON,
Governor.



“To indemnify the Governor of the Colony, and the Officer Commanding Her Majesty’s Forces in Natal, and all persons acting under their authority and in good faith in regard to acts during the existence of Martial Law.”

WHEREAS a state of war has recently existed, and is still existing, between Her Majesty’s Government and the Government of the South African Republic, and between Her Majesty’s Government and the Government of the Orange Free State :

AND WHEREAS, by reason of the existence of such state of war, it became necessary for the preservation of good order and for the protection of Her Majesty’s subjects in this Colony for His Excellency the Governor, on the 15th day of October, 1899, to proclaim and make known that the Magisterial Divisions of Newcastle, Dundee, Umsinga, Klip River, and Upper Tugela, in this Colony, should be placed under Martial Law :

AND WHEREAS on the 23rd day of October, 1899, it became further necessary for His Excellency to proclaim and make known that the whole of this Colony, including the Province of Zululand, should be placed under Martial Law :

AND WHEREAS military operations have been necessarily carried on in this Colony during the existence of such state of war as aforesaid, and for the proper carrying out of such operations and for the maintenance of good order and government, His Excellency the Governor and the Officer for the time being commanding Her Majesty’s Forces in this Colony, and the Military, Volunteer, and Civil authorities of this Colony, may be responsible in person or purse for acts done by them in good faith in pursuance of such objects as aforesaid :

AND WHEREAS it is expedient that all persons whosoever, who in good faith have acted whether before, after, or during the existence of such Martial Law, for the suppression of hostilities and the maintenance of good order and government, should be indemnified and kept harmless :

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. All actions, indictments, and legal proceedings, civil, criminal, or mixed, against His Excellency the Honourable Sir Walter Francis Hely-Hutchinson, G.C.M.G., Governor of Natal, or the Officer for the time being commanding Her Majesty's Forces in Natal, or against any such authorities or officers, Civil, Military, or Volunteer, or other persons acting as aforesaid, for or by reason of any matter or thing commanded, ordered, directed, or done for the suppression of hostilities or the maintenance of good order and government, or for the public safety, whether done before, during, or after the existence of Martial Law, but in furtherance of the objects for which it became necessary to proclaim Martial Law, shall be discharged and become and be made void ; and every person by whom such act, matter, or thing shall have been advised, commanded, ordered, directed, or done for the purposes aforesaid, whether before, during, or after the existence of such Martial Law, shall be freed, acquitted, discharged, released and indemnified against all and every person and persons whomsoever in respect thereof.

Indemnification of the Governor and other authorities and persons from proceedings in respect of certain acts.

2. All officers and other persons who have acted under the authority of His Excellency the Honourable Sir Walter Francis Hely-Hutchinson, G.C.M.G., as Governor of this Colony or as Supreme Chief of the Native population, or any officer acting under him, or under the authority of the General Officer Commanding Her Majesty's Forces in Natal, or who have acted *bonâ fide* for the purposes and during the time aforesaid, are hereby indemnified in respect of all acts, matters, and things done in the suppression of hostilities and the maintenance of good order and government and the public safety ; and such acts so done are hereby made and declared to be lawful and are confirmed.

Indemnification of persons who have acted under authority of the Governor etc., or who have acted *bonâ fide* in the suppression of hostilities or maintenance of order.

3. All sentences passed by any Court Martial or by any Court or person exercising judicial functions under the authority of the General Officer Commanding Her Majesty's Forces in Natal, or of any officer of Her Majesty's Forces purporting to exercise authority in that behalf, since the date of the aforesaid Proclamation of 15th October, 1899, which sentences have been passed upon persons not ordinarily subject to Military Law in respect of acts, crimes, or offences committed during the existence of Martial Law as aforesaid, are hereby confirmed and approved, and in so far as the same shall not have been already carried into effect, shall be

Sentences of Courts Martial and military tribunals.

deemed to be sentences passed by duly and legally constituted Courts of this Colony, and shall be and remain in force and shall be carried out in the same manner as the sentences of the Courts of Law of this Colony.

Governor's certificate as to acts done under authority or *bonâ fide*.

4. His Excellency the Governor at any time, in order to prevent or remove any doubt which might exist or may arise whether any act alleged to have been done under the authority of the Governor or of the Supreme Chief, or under the authority of the General Officer Commanding Her Majesty's Forces in Natal, or to have been done *bonâ fide* for any of the purposes aforesaid, was so done, may by a certificate in writing under his hand declare such acts to have been done, either under such authority or *bonâ fide* for the purposes aforesaid: and any such certificate under the hand of the Governor for the time being, shall in all cases be conclusive evidence that such acts were so done respectively.

Suspension of Acts of Parliament.

5. Any order heretofore made by His Excellency the Governor, or under his authority, since the date of the before-recited Proclamation of 23rd October, 1899, for suspending the operation of any Act of Parliament, or of any part thereof is hereby confirmed, and shall be of legal force until the same shall be revoked by order of His Excellency the Governor.

Indemnity for payments made from revenue.

6. His Excellency the Governor and the Colonial Treasurer of Natal and all other persons concerned shall be indemnified and kept harmless in respect of any payments which have been made by the Colonial Treasurer from the Consolidated Revenue Fund for meeting expenses occasioned by the state of war heretofore subsisting, but which have not been authorised by an Act of Supply.

Given at Government House, Natal, this Thirtieth day of June, 1900.

By command of His Excellency the Governor,

CHARLES. J. SMYTHE,
Colonial Secretary.



COLONY OF NATAL.

ACTS

OF THE

PARLIAMENT OF THE COLONY OF NATAL,

PASSED IN THE

FIFTH SESSION

OF THE

SECOND COLONIAL PARLIAMENT,

1901.

NATAL :

“TIMES” PRINTING AND PUBLISHING CO., LTD.

1901.

COLONY OF NATAL.

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[No. 1, 1901.]

WALTER HELY-HUTCHINSON,
Governor.



“To amend the Code of Native Law.”

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Any question which shall arise as to who shall be deemed to be the general heir (as defined in Section 98 of the Schedule to Law 19, 1891) of a deceased chief in charge of a tribe, whether hereditary or otherwise, shall be decided by the Supreme Chief, whose decision shall be final.

2. Before deciding any such question, the Supreme Chief shall cause enquiry to be made by three advisers, to be appointed by the Governor-in-Council, who shall report to the Supreme Chief through the Secretary for Native Affairs. Such advisers shall be selected for their knowledge of the customs, language, and laws of the Natives of this Colony.

3. No action shall be brought in any court for deciding any question or dispute as to such heirship as aforesaid.

4. Any provisions of the Courts Act, 1898, or any other Act which shall be in conflict with this Act, shall be and are hereby repealed.

Given at Government House, Natal, this Eighth day of January, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

No. 4, 1901.]

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“To amend Law No. 11, 1862, entitled Law ‘To make better provision relative to the Importation, Registration, and Sale of Firearms.’”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Contraventions of Law No. 11, 1862, shall be cognizable in the Courts of Magistrates, who may impose in respect thereof a fine not exceeding Fifty Pounds Sterling, or imprisonment with or without hard labour for any term not exceeding six months; but nothing in this Act shall be deemed to prevent a prosecution by indictment as provided in the said law.

2. Law No 11, 1862, and this Act shall be read together as one Act.

Given at Government House, Natal, this Thirtieth day of July, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

E.



R.

ACT,

“To fix the Salaries of the Chief Justice and other Judges of the Supreme Court.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. Law No. 11, 1876, and Law No. 2, 1892, are hereby repealed.

2. The Chief Justice and the Puisne Judges of the Supreme Court shall be paid out of the revenues of the Colony the yearly Salaries assigned to their respective offices in the Schedule hereunto annexed.

3. This Act shall come into force from and after the first day of July, 1901.

SCHEDULE OF YEARLY SALARIES.

Chief Justice	...	...	£1,750
First Puisne Judge	...	...	£1,500
Second Puisne Judge	...	...	£1,500

Given at Government House, Natal, this Thirtieth day of July, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

E.



R.

ACT,

“To continue the operation of Law No. 9, 1882, entitled Law ‘To continue with certain amendments, the Law No. 25, 1880,’ entitled Law ‘To provide for the Management and Working of the Natal Government Railways.’”

WHEREAS by Act No. 2, 1900, provision is made for the continuance in force and operation until the 31st day of December, 1901, of the Law No. 9, 1882 :

AND WHEREAS the said Act No. 2, 1900, will expire on the 31st day of December, 1901 :

AND WHEREAS it is expedient that the said Law No. 9, 1882, should be continued in force and operation until the 31st day of December, 1902 :

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The Law No. 9, 1882, entitled Law “To continue with certain amendments, the Law No. 25, 1880,” entitled Law “To provide for the management and working of the Natal Government Railways,” shall be and remain in force and operation from and after the 31st day of December, 1901, until the 31st day of December, 1902.

2. The words “Natal Government Railways,” whenever used in the said Law No. 9, 1882, shall include all Government Railways, now or hereafter to be constructed, and all Railways worked by the Natal Government Railways.

Given at Government House, Natal, this Thirtieth day of July, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

No. 7, 1901.]

HENRY McCALLUM,
Governor.



“To extend the provisions of the Leprosy Law, 1890.”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. Notwithstanding anything contained in Section 18 of the Zululand Annexation Act, 1897, it shall be lawful for the Governor in Council to take and set apart for the purposes authorised by Section 1 of the Leprosy Law, 1890, a certain piece of Crown Land, in extent approximately seven thousand acres, near the mouth of the Amatikulu River, in the Umlalazi District of the Province of Zululand.

Appropriation of land in Umlalazi District for a leper location.

2. All Natives lawfully occupying any portion of the said land at the date of the passing of this Act shall be required to remove therefrom, and shall be placed upon other suitable land by the Government.

Removal of Natives from the land.

3. All Natives required to remove in terms of the preceding section shall receive full compensation for any loss or damage suffered by them in consequence of their removal, and it shall be the duty of the Secretary for Native Affairs to superintend their removal and the granting of any compensation.

Compensation to Natives removed.

4. When any Natives shall have been compulsorily placed in a leper location or hospital under the provisions of the Leprosy Law, 1890, the wives, daughters, and other persons whom such Natives would by Law be required to maintain shall be deemed to be wards of the Supreme Chief, who shall cause suitable provision to be made, at the public expense if need be, and irrespective of the proviso to Section 27 of the said Law of 1890, for the support and care of such

Provision for maintenance of families of Natives placed in leper location.

persons so long as they may be in need of such support and care, and have not passed under the authority of some person responsible at Law for their maintenance.

5. So long as Law No. 16, 1890, shall be in force, Section 241 of the Schedule to Law No. 19, 1891, shall not be deemed to apply to the disease of leprosy.

6. Law No. 16, 1890, Acts Nos. 15, 1894, and 24, 1895, and this Act shall be construed together as one Act, and may be jointly referred to as the Leprosy Acts, 1890-1901.

Given at Government House, Natal, this Thirtieth day of July, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,

Colonial Secretary.

Exclusion of
leprosy from
operation of
S. 241 of Native
Code.

Joint construc-
tion of laws.

No. 8, 1901.]

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“To extend the Law and Acts relating to Indian Immigration to the Province of Zululand.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The Law and Acts enumerated in the Schedule to this Act shall extend to, and be of force in, the Province of Zululand, subject to the provisions of Section 7 of Act No. 17 of 1898.

Indian Immigration Laws and Acts extended to Zululand.

2. This Act shall take effect from such date after the promulgation thereof as shall be appointed by Proclamation in the *Natal Government Gazette*.

Commencement of Act.

SCHEDULE.

No. of Law or Act.	Title.
Law No. 25, 1891,	“The Indian Immigration Law, 1891.”
Act No. 36, 1894,	“To extend the powers of the Indian Immigration Trust Board.”
Act No. 37, 1894,	“To amend the Indian Immigration Trust Board Law, 1874.”
Act No. 17, 1895,	“The Indian Immigration Amendment Act, 1895.”
Act No. 34, 1895,	“To amend the Indian Immigration Trust Board Law, 1874.”
Act No. 7, 1896,	“The Indian Immigration Amendment Act, 1896.”
Act No. 14, 1897,	“To amend the ‘Indian Immigration Amendment Act, 1895.’”

- Act No. 28, 1897, "To protect uncovenanted Indians from arrest in mistake for absconding indentured Indian servants."
- Act. No. 19, 1898, "To amend Act No. 28, 1897, entitled Act 'To protect uncovenanted Indians from arrest in mistake for absconding indentured Indian servants.'"
- Act No. 21, 1898, "To amend Act No. 34, 1895, entitled Act 'To amend the Indian Immigration Trust Board Law, 1874.'"
- Act No. 1, 1900, "To amend the 'Indian Immigration Law, 1891.'"

Given at Government House, Natal, this Thirtieth day of July, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 9 1901.]

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“To extend the provisions of Law No. 6, 1889, entitled Law ‘To amend the Law No. 39, 1887,’ entitled Law ‘To consolidate and amend the Laws relating to Gaols in the Colony of Natal.’”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The provisions of Law No. 6, 1889, shall extend to the Central Gaol at Eshowe, in the Province of Zululand, and to any other Central Gaol which the Governor may, by Proclamation, bring within the provisions of the said Law.

Given at Government House, Natal, this Thirtieth day of July, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,

Colonial Secretary.

No. 10, 1901.]

HENRY MCCALLUM,
Governor.

E.



R.

ACT,

“To extend the Registry of Deeds of Natal to the Province of Zululand.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Commencement of Act.

1. This Act shall take effect upon the first day of July, 1901, and may be cited as “The Registry of Deeds (Zululand) Act, 1901.”

Partial repeal of Zululand Proclamation No. 1 of 1892 and No. 12 of 1896.

2. The Zululand Proclamation No. 1 of 1892, and so much of Schedule C of the Zululand Proclamation, No. 12 of 1896, as relates to transfers and mortgage bonds passed in the Registry of Deeds, and to office fees for the transaction of business in the said office, and to the annual licenses of conveyancers, are hereby repealed, without prejudice to the validity or effect of anything done thereunder.

Registry of Deeds laws of Natal to apply to Zululand.

3. The Laws of the Colony of Natal relative to the Registry of Deeds shall apply to and be of force in the Province of Zululand.

Abolition of Registry of Deeds for Zululand.

4. The office of Registrar of Deeds for the Province of Zululand is hereby abolished.

Extension of office of Registrar of Deeds for Natal to the Province.

5. The powers, authority, and jurisdiction of the Registrar of Deeds for the Colony of Natal shall extend to the Province of Zululand, and he shall be charged with the registration of such deeds relating to the said Province as are proper for registration in the office of the Registrar of Deeds, and shall also have the custody of the records heretofore in the keeping of the Registrar of Deeds for the said Province.

6. The expression, "the Province," as used in the succeeding part of this Act, means the Province of Zululand. Meaning of expression "the Province."

7. All deeds of transfer, mortgage bonds, and other deeds relating to the Province, which by Law are required to be executed before the Registrar of Deeds, shall be subject to the provisions of the License and Stamp Act of 1898, and of any Acts amending the same; and all fees for registrations and other business transacted in the office of the Registrar of Deeds in Natal shall apply without distinction to business relating to the Province. Stamps and fees.

8. All conveyancers practising in the Province shall be required to take out annual licenses under the provisions of the License and Stamp Act of 1898, and of any Acts amending the same: Provided that this section shall not apply to any such conveyancer during the currency of a license taken out in the Province before the commencement of this Act. Conveyancers' licenses.

9. The Governor in Council may from time to time make regulations for the better carrying into effect of the objects of this Act. Regulations.

Given at Government House, Natal, this Thirtieth day of July, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 11, 1901.]

HENRY McCALLUM,

Governor.



“To extend the provisions of Section 11 of the ‘Customs Union and Customs Duties Act, 1898.’”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The words “four years” are hereby substituted for the words “three years” occurring in Section 11 and in Class V of the Second Schedule of the “Customs Union and Customs Duties Act, 1898.”

Given at Government House, Natal, this Thirtieth day of July, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,

Colonial Secretary.

[No. 12, 1901.]

HENRY McCALLUM,
Governor.

E.



R.

ACT

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

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Upon every Angora ram or ewe exported from this Colony, after the taking effect of this Act, except as hereinafter provided, there shall be payable to the officer appointed to receive the same, a duty of One Hundred Pounds : Provided, however, that no such duty shall be payable on the export of any such ram or ewe to any South African State, Territory, or Colony which shall by its own Legislature have imposed a duty on the export of Angora rams and ewes not less than the amount imposed by this Act.

Export Duty on
Angora Rams
and Ewes.

2. Every person who shall contravene the provisions of this Act by exporting any Angora ram or ewe (except as hereinbefore excepted) without payment of the duty imposed by this Act, shall, on conviction, be liable to a fine of not less than Twenty-five Pounds, nor exceeding One Hundred Pounds, for every such ram or ewe so exported, or in default of payment to imprisonment, with or without hard labour, for any term not being less than one month, nor more than six months, unless such fine be sooner paid.

Penalty for
evasion.

3. All penalties under this Act may be recovered and enforced in the Court of the Magistrate of the Division in which the offence was committed.

Recovery of
penalties.

4. It shall be lawful for the Governor from time to time to make such rules and regulations as he may deem fit for carrying out the provisions of this Act.

Regulations.

Commencement
of Act

5. This Act shall take effect from a date to be fixed by a Proclamation, which shall not be made until the Governor shall have ascertained that the Governments of the Colony of the Cape of Good Hope and of the Province of Mozambique have made similar provision for prohibiting or restraining the export of Angora rams and ewes.

Short title.

6. This Act may be cited for all purposes as "The Angora Export Duty Act, 1901."

Given at Government House, Natal, this Thirtieth day of July, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

HENRY McCALLUM,
Governor.



“To amend The Magistrates’ Courts Act, 1896.”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Section 45 of the Magistrates’ Courts Act, 1896, is hereby repealed, and in lieu thereof the following is enacted :

If a complaint verified by sworn deposition is made to a Magistrate by the father or guardian of a ward, or by anyone claiming to be entitled to the custody or services of a ward, that any person is harbouring or keeping such ward, the Magistrate shall, if satisfied that such complaint is well founded, direct the Clerk of the Court to issue a notice to the accused, and shall appoint a day for the hearing: Provided that if the person against whom the complaint is made consents to a summary hearing, such notice may be dispensed with.

Powers of Magistrate to deal with complaints regarding the custody of children and unmarried native women.

Upon the day fixed for the hearing of such complaint, the same shall be enquired into and determined in like manner as suits in the Magistrates’ Courts.

The Magistrate may thereupon grant an order for the return of the ward by the person harbouring or keeping such ward to the parent, guardian, or other person making the complaint, or may make an order for access by such person, and may cancel any contract or agreement made

with the ward, and may make any order regarding the custody of the ward, or any such other order as to the Magistrate shall seem meet, including, in his discretion, an order for costs.

Provided always that in making orders in such cases the Magistrate shall have regard to the welfare and interests of the ward, and to the conduct of the parents or guardian, or other person entitled to the custody or services of the ward, and to the wishes of the mother as well as of the father.

The expression "Ward," as used herein, shall mean any unmarried person under the age of twenty-one years, and any unmarried female native.

Given at Government House, Natal, this Thirtieth day of July, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 14, 1901.]

HENRY McCALLUM,
Governor.



E.

R.

ACT,

“To amend Act No. 29, 1897, entitled Act ‘To make provision for the old age of certain persons in the public employ.’”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Section 1 of Act No. 29, 1897, is hereby amended by expunging therefrom the words “ Provided that the liability of the Government shall not exceed £2,000 per annum; save as is mentioned in Section No. 19.”

2. Section 19 of the said Act is amended by expunging therefrom the words “ In case of any such incorporation, the liability of the Government as limited by Section 1 of this Act may be extended to the extent of the liability of the Government under the Police Act of 1894, and to the Railway Superannuation Fund.”

Given at Government House, Natal, this Nineteenth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 15, 1901].

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“To amend Law No. 5, 1859, entitled Law ‘For preventing the Sale of Gunpowder and Firearms to, and prohibiting the possession of the same by Natives.’”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Notwithstanding anything contained in Section 2 of Law No. 5, 1859, or in Section 11 of Law No. 12, 1862, it shall be lawful for a Magistrate, with the approval of the Secretary for Native Affairs, to grant to any Native Chief living in his Division, and having the written permission of the Governor to keep a gun as provided by Law No. 5, 1859, one or more permits to purchase gunpowder in quantities not exceeding two pounds in any one year.

Given at Government House, Natal, this Nineteenth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 16, 1901.]

HENRY McCALLUM,
Governor.



ACT,

“To amend and declare the Law relating to Telegraphs.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. This Act may be cited as the “Telegraphs Act, 1901.” Short title.
2. Law No. 11, 1863, entitled Law “For the Construction and Regulation of Electric Telegraphs,” Law No. 6, 1864, entitled Law “For securing precedence to Public Telegrams,” and Law No. 5, 1874, “The Telegraph Law, 1873,” are hereby repealed, but such repeal shall be without prejudice to anything done, or any right acquired, or liability incurred thereunder. Repeal of Laws.
3. In this Act—

“Telegraph” means, according to the context, Interpretation.

(a) Electric telegraph, telephone, or any other mode of conveying signs or signals by electricity or magnetism or electro-magnetism, or by pneumatic agency, or by any agency of a like nature or producing the like effect with any such agency as aforesaid :

(b) Any wire used for telegraphic purposes, and any casing, coating, tube or pipe enclosing the same; also any cable, pneumatic or other tube or pipe, and any apparatus, thing, or means whatsoever used in connection with or for the purposes of the transmission of telegraphic messages or the maintenance of telegraphic communication.

“Telegraphic” has reference to anything included in the word “telegraph.”

“Telegram” means any message or other communication transmitted or intended for transmission by telegraph.

“Person” includes a corporation, company, or partnership.

“Undertaking,” in reference to a telegraph, includes all the rights, powers, privileges, works and other property of the person owning the telegraph, for the transmission of telegrams in this Colony for money or other consideration.

Colonial Government invested with the sole right of receiving and transmitting telegrams.

4. The Colonial Government shall, from and after the passing of this Act, have the sole right and exclusive privilege of transmitting telegrams within the Colony of Natal, and of performing the incidental services of receiving, collecting or delivering telegrams, except as hereinafter provided, and saving the authority of any department of His Majesty's Imperial Government.

Certain telegrams excepted

5. There shall be excepted from the said exclusive privileges of the Colonial Government all telegrams of the following descriptions, that is to say:—

(a) Telegrams transmitted by a telegraph licensed as hereinafter provided and maintained for the exclusive private use of any person, and in respect of which telegrams, or of the collection, receipt, transmission or delivery of which no money or valuable consideration shall be, or promised to be, made or given.

(b) Telegrams transmitted by any person empowered by any special Act in force at the time of the passing of this Act to transmit telegrams and to charge therefor.

(c) Telegrams transmitted by sea, to or from any place outside the Colony.

Penalty for unauthorised transmission of telegrams.

6. Any person who, contrary to the provisions of this Act, shall transmit any telegram, or shall receive, collect, or deliver any telegram, or shall aid or be concerned in any such act as aforesaid, shall for every such offence be liable to a penalty not exceeding Five Pounds Sterling; and where any person offending against this Act is a servant or person hired to do the act complained of, the employer shall be subject to a like penalty.

Exercise of the powers of Government.

7. All the powers and authority vested by the succeeding clauses of this Act in the Colonial Government for the construction of telegraphs, and for purposes incidental thereto may, subject to any necessary vote of supply, be exercised by order of the Governor in Council without any special Act being passed in that behalf, and all such powers and authority may, in respect of the maintenance, repair, and upkeep of Government telegraphs, be at any time exercised by the Postmaster-General.

Incorporation of Lands Clauses Law.

8. Save as is otherwise specially provided in this Act, the Lands Clauses Consolidation Law, 1872, is incorporated with this Act.

9. Whenever the construction of a line of telegraph shall have been authorised by the Governor in Council, it shall be lawful for the Government, by its servants, to enter upon any lands within this Colony belonging to private persons, or to companies or corporations, including streets or other lands set aside for public purposes, for the purpose of constructing telegraphs, and carrying out any work incidental or relative thereto, and to erect, set up, and maintain all necessary masts or poles, and lay down all cables, pipes, tubes, or other apparatus necessary for the proper working of such telegraphs, and, except in the case of streets or other lands within a town or village, to take therefrom any stone or other materials, and to take any lands required for other purposes connected therewith.

Entry on lands for construction of telegraph.

10. The powers conferred upon the Colonial Government for the taking and using of land for the construction of telegraphs shall not, except by consent, be exercised until one month's notice shall have been given to the person over whose lands the telegraph is to be erected, or from whom the land is required to be taken.

Notice of entry.

Every such notice shall set forth that the construction of the telegraph has been authorised by the Governor in Council.

11. Nothing in this Act contained shall be deemed to give any person the right to compensation because of the construction or maintenance of a telegraph over his land, or because of the taking of his land when the right to construct telegraphs and take land is carried out within the terms of any reservation contained in the title deed of such land.

In certain cases compensation not payable.

The Government shall not be liable to give compensation for the taking or user of streets and other public places of a town or village for the erection of telegraphs and telegraph poles therein, save so far as actual injury may be caused to any work or property :

Provided, however, that the construction of such telegraphs shall be carried out so as to avoid, as far as possible, all inconvenience to the owners of property, or to the public, and that all streets and other lands shall be properly levelled and left in good order and condition.

12. It shall be lawful for any authorised officer of the Postal Department of this Colony, without compensation to the owner or occupier, to enter at any time on lands over which a line of telegraph may run, for the purpose of inspecting the said line, and to cut away bush or timber obstructing or likely to obstruct the same, and to remove any impediment to the proper working of the telegraph.

Entry on land for up-keep of line.

13. Where any fence renders it inconvenient or impossible for the officers of the Postal Department to obtain ready access to any land, the Department shall provide the necessary gates, and duplicate keys shall be handed over to the owners of the lands. All such gates shall be kept locked, and any omission on the part of an officer of the Postal Department to lock the gates shall be deemed to be an offence under this Act.

Gates to be put up by Postal Department where required.

Regulations.

14. It shall be lawful for the Governor in Council to make, alter, and repeal regulations defining and fixing the charges to be demanded and received for the collection, transmission, and delivery of telegrams, and generally for the management, working, and maintenance of Government telegraphs, and for carrying out the objects of this Act, and such regulations may appoint penalties not exceeding Ten Pounds Sterling for any breach thereof, recoverable by civil or criminal suit in a Magistrate's Court.

Licenses for private telegraphs.

15. It shall be lawful for the Minister having charge of the Postal Department (hereinafter called the Minister) to grant to any person a license to construct and maintain a line of telegraph to be used for the transmission of such telegrams only as are excepted by Sub-section (a) of Section 5 of this Act from the exclusive rights of Government.

Such telegraph is referred to in this Act as a private telegraph.

Applications for licenses.

16. Every application for a license to construct a private telegraph shall be addressed to the Postmaster-General, and shall set forth the route proposed to be taken by the telegraph, the names of the owners of the lands along the proposed line of route, and the nature of their properties and shall contain a declaration that the consent of all persons owning or occupying the land to be traversed has been obtained to the construction of the telegraph.

Report on application.

17. The Postmaster-General shall report upon every application to the Minister, who shall have the discretion to grant or refuse a license.

Conditions of license.

18. Every license shall contain such provision as the Minister may consider necessary for the protection of any other telegraphs, and for the prevention of injury to the public.

Term of license :
Renewal.

19. Every license shall specify the period for which it shall endure, which period shall not exceed seven years ; but any such license may be renewed from time to time, subject to any proper and reasonable conditions.

If the renewal of a license be refused, the applicant shall have the right of appeal to the Governor in Council, whose decision shall be final.

Transfer of license.

20. The Minister may give permission in writing for the transfer of a license.

Cancellation of license.

21. It shall be lawful for the Minister to cancel and determine a license if, after notice has been given by the Postmaster-General to the licensee of any breach of the conditions of the license, or of any defect in any part of the telegraph likely to cause injury to person or property, the licensee fails to make good such breach or defect within the time appointed by the notice, which shall not be less than ten days from the date of service of the notice.

There shall be a right of appeal to the Governor in Council from any direction of the Minister cancelling a license, and the decision of the Governor in Council shall be final.

22. Licensees shall be answerable for all damages, accidents, and injuries happening through their act or default, or through the act or default of any person in their employ, by reason of any of their works or telegraphs, or by the escape of electricity or the like.

Liabilities of licensees.

23. At any time after the passing of this Act it shall be lawful for the Colonial Government, upon three months' notice in writing, to purchase the whole or any part of the undertaking of any licensee, and it shall be lawful for such licensee, and he is hereby required, to sell and convey his undertaking.

Expropriation of private telegraphs.

24. In the event of the proprietor or proprietors of any telegraph line and the Colonial Government being unable to agree with respect to the amount of compensation to be paid to them for their undertaking, the parties may have such amount settled in manner provided by The Lands Clauses Consolidation Law, 1872; and in every case in which the proprietor or proprietors of any telegraph line shall neglect or fail to assure, or to procure all other necessary and proper parties to concur in assuring, to the Colonial Government, free from all mortgage and other debts, any undertaking which shall have been purchased by the said Colonial Government under the provisions of this Act, it shall be lawful for the Colonial Government to deposit the purchase money which shall have been agreed or awarded to be paid in respect of such undertaking in the hands of the Master of the Supreme Court to the credit of such proprietor or proprietors, and thereupon such undertaking shall absolutely vest in the Colonial Government, free from all mortgage or other debts of such former proprietor or proprietors, and the moneys so deposited shall be dealt with in manner provided by the Lands Clauses Consolidation Law aforesaid.

Assessment and allocation of purchase money.

25. The Postmaster-General may, by direction of the Minister, construct, let, and maintain telegraphs for private use, upon such terms as to charges for use and otherwise as the Minister may approve.

Lease of telegraphs for private use.

26. Save as hereinafter provided, telegrams for transmission by a Government telegraph shall be transmitted for all persons in regular succession, without delay, favour, or preference; and no persons shall be permitted to occupy any telegraph by sending messages or communications of unreasonable length, so as to impede the speedy transmission of other messages or communications.

Order of transmission of telegrams.

27. The Governor may nominate the officers who shall be empowered to send telegrams on the public service.

Officers who may send telegrams on public service.

28. Telegrams on the public service shall have priority over all other messages: Provided always that no private messages shall be suspended when in course of transmission except when specially directed by the officer requiring the said official message to be transmitted.

Priority of public service telegrams

29. If any owner of land shall prove to the satisfaction of the Postmaster-General that he is obstructed in the free use of his land by reason of the insufficient height or depth of any Government telegraph, the General Manager

Obstruction of use of land by telegraphs.

of Telegraphs shall take such steps as he may deem necessary for giving relief to the said owner.

Penalty for injury, etc., to telegraph

30. Any person who shall wilfully in any way injure, disturb, obstruct, or interrupt the free use or working of any telegraph, or any works incidental thereto, or connected therewith, or shall wilfully attach any string, wire, or any conductor or other thing to any line of communication, or any part thereof, without the authority of the person in charge of such telegraph, or shall wrongfully and maliciously obstruct, hinder, or prevent the forming, constructing, completing, or maintaining any such line of communication, or any part thereof, shall, upon conviction, be liable to a penalty not exceeding Fifty Pounds Sterling, or to imprisonment, with or without hard labour, for any term not exceeding six months.

Obstructing telegraph officers, trespassing, etc.

31. Any person who shall, without permission, enter a telegraph office, and refuse to quit the same when requested by the person in charge of such office, or shall wilfully obstruct or impede any officer or servant employed on any line of telegraph in the discharge of his or her duty, shall be liable to a fine not exceeding Five Pounds Sterling, or to imprisonment, with or without hard labour, for any term not exceeding one month.

Punishment for fraudulent conduct regarding telegrams.

32. Any clerk or messenger who shall be employed in the working of any telegraph other than a private telegraph as hereinbefore defined, who shall fraudulently or maliciously secrete, make away with, alter, or omit to transmit any message which he may have received for transmission or delivery; or, not being a witness in a Court, shall divulge the contents of any message or despatch transmitted or conveyed or to be transmitted or conveyed, without the consent of the person sending or receiving such message or despatch, shall, upon conviction, be liable to a fine not exceeding One Hundred Pounds Sterling, or to be imprisoned, with or without hard labour, for any term not exceeding six months, or to both such fine and imprisonment.

Divulging contents of telegram.

Nothing in this section shall be deemed to require or authorise the disclosure by a witness in a Court of the contents of any telegram which would otherwise be the subject of any exemption or privilege on public grounds.

Fraudulent or false telegrams.

33. Any person who shall fraudulently or maliciously transmit, or cause to be transmitted any message or intelligence which he knows to be false, shall, upon conviction, be liable to a fine not exceeding One Hundred Pounds Sterling, or to be imprisoned, with or without hard labour, for any period not exceeding six months, or to both such fine and imprisonment.

Damage to telegraphs by carelessness.

34. Any person who shall by carelessness cause any damage to a telegraph shall, in addition to the value of such damage, be liable to a penalty not exceeding Ten Pounds Sterling.

35. All offences under this Act shall be cognizable in the Courts of Magistrates, or, in the discretion of the Attorney-General, may be tried upon indictment in the Supreme Court, or any penalty may be sued for by a civil action.

Trial of offences
Suit for penalties.

No fine or penalty imposed by a Magistrate shall exceed Twenty Pounds Sterling.

36. No person shall by reason of a prosecution or suit for a penalty under this Act be exempt from any civil claim to which he would otherwise be liable.

Saving of other
liabilities.

37. No person shall make, have, or use any envelope or other printed paper or stationery form so made, printed, or marked as to be a colourable imitation of or to resemble or pass for any of the envelopes or forms used by the Telegraph Department.

Use of forms
similar to those
of the Depart-
ment prohibited

Every offence under this section shall be punishable by a fine not exceeding Five Pounds Sterling.

38. The Public Department of Telegraphs shall be incorporated with and form a branch of the Postal Department of this Colony. The Postmaster-General shall exercise all the powers and authority heretofore vested in the General Manager of Telegraphs. This section shall not be deemed to affect the validity of any regulations under Section 1 of Law No. 8, 1890.

Incorporation of
Telegraph De-
partment with
Postal Depart-
ment.

Given at Government House, Natal, this Nineteenth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 17, 1901.]

HENRY McCALLUM,
Governor.



“To Amend the Fisheries Law, No. 21, 1884.”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

License to gather oysters.

1. No person shall gather oysters, for the purposes of trade, without first obtaining from the Magistrate a license for that purpose : Provided that this prohibition shall not apply to persons gathering oysters merely for their own consumption.

Magistrate’s discretion to refuse license.

2. The Magistrate may, in his discretion, but subject to an appeal to the Ministerial Head of his Department, refuse a license for any reason which he may consider sufficient, and no person shall be entitled as of right to obtain a license.

Stamping and duration of license.

3. Every license shall bear stamps to the value of One Pound Ten Shillings Sterling, and shall expire at the commencement of the next close season for oysters, and shall not be made use of during any part of a close season.

Rights under license : Cancellation for breach.

4. The rights under a license shall be exercised in conformity with the regulations under this Act, and any license may be cancelled by the Magistrate on proof of any breach of its conditions or of the law or regulations relating to oysters.

Limit of persons employed.

5. No person shall be allowed to employ more than four persons for the purpose of gathering oysters under one license ; but this shall not be deemed to prevent a person from taking out more than one license.

Protection of spat, spawn, and cultch.

6. No person shall injure or remove oyster spat, spawn, or cultch.

Regulations.

7. The Governor may from time to time, by Proclamation, make regulations for the purposes of Law No. 21, 1884, and of this Act : Such regulations may, amongst other things, provide for any of the following purposes :—

- (a) All matters relative to licenses under Section 7 of Law No. 21, 1884.
- (b) The form and conditions of oyster licenses.
- (c) The protection of oysters and oyster beds, and of spat, spawn, and cultch.
- (d) The mode to be observed, and the means to be used in the taking of oysters, the age, and sizes of oysters which may be taken, whether for private consumption or trade or otherwise, or offered or exposed for sale.

8. Any person having in his possession oysters, the taking of which is forbidden, shall be deemed to be guilty of a contravention of this Act. Unlawful possession of oysters.

9. If any person shall be charged with having fish or oysters in his possession contrary to the provisions of Section 16 of Law No. 21, 1884, or of this Act, or of the regulations, the burden of proving that such fish or oysters were lawfully taken shall rest with him. Burden of proof of lawful possession of fish or oysters.

10. This Act and Law No. 21, 1884, shall be construed as one Act, and the word "fish" in Section 22 of the said Law shall be deemed to include oysters. Joint construction of Acts.

Given at Government House, Natal, this Nineteenth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.



“To amend Law No. 15, 1862, entitled Law ‘To declare Public Holidays, and the Law in relation to Bills of Exchange and Promissory Notes becoming payable upon Holidays.’”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Section 1 of Law No. 15, 1862, is hereby repealed, and the following is enacted in lieu thereof :—

The following days shall be Public Holidays, that is to say :—

New Year’s Day ;

Good Friday ;

Easter Monday ;

Whit Monday ;

The 24th May (which shall be known as
Victoria Day) ;

Michaelmas Day (the 29th of September) ;

King’s Birthday (the 9th of November) ;

Christmas Day ;

and any day appointed by Proclamation of the Governor as a Public Holiday ; and all references in the said Law to any holidays therein named shall be deemed to be references to the holidays mentioned in this Act.

2. Any reference in Law No. 8, 1887, to “non-business days” shall be deemed to include Sundays and the Public Holidays defined by this Act, and no other days ; and any reference in any other Law or Act to Public Holidays shall, unless they also include Sundays, be deemed to be references to the Public Holidays as defined by this Act and no other.

Given at Government House, Natal, this Nineteenth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary

[No. 19, 1901.]

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“To provide for the Expropriation of Land for the purpose of Burial Grounds for certain of the Imperial and Colonial Forces, and certain of the Forces belonging to the late Orange Free State and South African Republic, who have died either from wounds or otherwise during the recent campaign in South Africa.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. It shall be lawful for the Governor, for the purpose of setting aside, enclosing, and maintaining as a burial ground any land in which officers, non-commissioned officers or men whether belonging to the Imperial or Colonial Forces, or to the forces of the late Orange Free State and South African Republic, who have died from the effect of wounds or otherwise during the recent campaign in South Africa, have been buried, to take, use, and expropriate so much of such land as may be necessary for the said purpose : Provided that hereafter no such ground shall be used for the burial of any body without the consent of the Governor, and of the Town Council or Local Board of any town in which such burial ground may be situated.

Expropriation
of land for
burial grounds.

2. For the purpose of access to any land so expropriated, in case there shall exist no public access, it shall be lawful for any person acting on behalf of the Government to pass over any intervening land, with any materials, vehicles or animals, but so as to avoid injury to the owner of the land, as far as possible, and for any person to use the same route for the purpose only of visiting the burial ground on such land.

Access to burial
grounds.

Compensation
for expropria-
tion.

3. There shall be paid for the expropriation of such land and such rights of way such compensation as may be agreed to between the Governor and the respective owners, and in the absence of any such agreement, the amount of such compensation shall be determined in manner provided by the "Lands Clauses Consolidation Law, 1872."

Transfer of
land to Govern-
ment.

4. The owner of any land acquired under this Act shall, if called upon to do so, duly transfer the same to the Colonial Government, and for that purpose shall execute all such documents as may be necessary. All costs of survey and transfer shall be borne by the Government.

Penalties for
contravening
regulations,

5. Any person who shall contravene any regulation which may be made by the Governor for the maintenance and preservation of any land taken under this Act, and of the graves and other things therein, and any person who shall wantonly or wilfully destroy, or do, or cause to be done, any damage to any grave, monument, vault, tombstone, building, erection, railing, fence, tree, shrub, or plant, in or belonging to any land so enclosed as aforesaid, shall, upon conviction before a Magistrate, be liable for every such offence to a penalty not exceeding Twenty Pounds Sterling, and in default of payment to imprisonment, with or without hard labour for any period not exceeding three months, or to both such penalty and such imprisonment.

Given at Government House, Natal, this Nineteenth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,

Colonial Secretary.

[No. 20, 1901.]

HENRY McCALLUM,
Governor.



“To include the Xanthium Strumarium Burr Weed in the Xanthium Spinosum Law No. 38, 1874.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. From and after the passing of this Act the provisions of the Xanthium Spinosum Law No. 38, 1874, shall apply as fully and effectually to the Xanthium Strumarium Burr Weed as though such weed had been originally included in the said Law, together with the Xanthium Spinosum Burr Weed.

Given at Government House, Natal, this Nineteenth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 21, 1901.]

HENRY McCALLUM,
Governor:



“To provide for the Pension of the Honourable Sir Michael Henry Gallwey, K.C.M.G., Chief Justice of Natal.”

WHEREAS by Section 30 of the Supreme Court Act, 1896, it is provided that the maximum pension payable to a Judge of the Supreme Court shall be two-thirds of the salary of such Judge :

AND WHEREAS it is further provided by the said section that the present Chief Justice of Natal shall be deemed to have served the full judicial period of fifteen years, entitling him to be paid the maximum pension of a Judge :

AND WHEREAS the long and honourable service of the said Chief Justice in the offices of Attorney-General and Chief Justice make it fitting that some further and special provision should be made to recognise such service upon his retirement from office :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Notwithstanding anything contained in Section 30 of the Supreme Court Act, 1896, there shall be paid to the Honourable Sir Michael Henry Gallwey, K.C.M.G., Chief Justice of Natal, upon his retirement from office, a pension of One Thousand Five Hundred Pounds Sterling (£1,500) per annum, payable monthly.

Given at Government House, Natal, this Nineteenth day of August, 1901.

By command of His Excellency the Governor,
CHARLES J. SMYTHE,
Colonial Secretary.

[No. 22, 1901.]

HENRY MCCALLUM,
Governor



“To enable the Town Council of the Borough of Durban to impose licenses for vehicles used within the limits of the said Borough.”

WHEREAS “The Durban Tolls Law of 1880” expired by effluxion of time on the 25th day of March, 1901, and it is necessary to make provision for the imposition of licenses on vehicles belonging to persons resident or carrying on business within the Borough of Durban, in lieu of the provisions in such Law contained :

BE IT THEREFORE ENACTED, by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The Town Council of the Borough of Durban shall be and they are hereby authorised and empowered to grant and issue licenses, upon such terms as to the said Town Council shall appear proper, to all persons resident, or carrying on business in the Borough of Durban, who shall within the limits of the Borough, use or employ vehicles of any kind, drawn or propelled by animal or other power, whether for hire or for trade or private convenience, and to charge for such licenses for each period the several sums mentioned as set forth in the Schedule annexed hereto : Provided that the word “resident” in this clause and the next succeeding clause shall be construed to mean a person who has had his or her usual place or abode in the Borough of Durban for a period of four months, but the said Town Council shall not require any license for carriages kept only for the private use of persons not resident in the Borough, though having a place of business therein, and the word “carriage” shall mean a vehicle used for carrying persons

Licenses for vehicles used by persons resident or carrying on business in Durban Borough.

as distinct from a vehicle used for transporting goods or merchandise or a vehicle used in any way for hire : Provided further that the provisions of this Section shall not apply to or be enforceable against persons in respect of vehicles used or employed by them solely for the purpose of conveying their farm produce into the Borough of Durban.

Penalty for breach of this Act or By-laws thereunder

2. Any person, persons, or firm, resident, or carrying on business within the Borough of Durban, who shall, after the expiry of one month from the promulgation of this Act, hire out, use, or employ, within the limits of the Borough any unlicensed vehicle, his, her, or their property, or under his, her, or their control, or who shall commit any breach of any condition of the license relating to such vehicle, shall be deemed guilty of a contravention of this Act, or any By-law framed hereunder.

By-laws for regulating traffic on roads, and for purposes of this Act.

3. The Town Council, subject to the regulations relating to By-laws contained in the Law No. 19 of 1872, shall be, and they hereby are, authorised and empowered to make, in terms of said Law, all necessary By-laws for regulating traffic on the roads of the said Borough, and such By-laws as may be deemed necessary for the imposition and collection of licenses, and generally for carrying out the objects of this Act, and to impose such fine, not exceeding Ten Pounds Sterling, for the infringement and contravention of any such By-law.

Jurisdiction of Magistrate's Court in suits for recovery of license moneys, and in prosecutions.

4. All license moneys imposed by this Act may be sued for in the Court of the Magistrate for the Division of Durban, notwithstanding the defendant or party against whom any complaint shall be made shall reside or have his habitation or dwelling out of the Borough of Durban, any Law or Act to the contrary notwithstanding, and service of any summons issued out of the Court of the said Magistrate, such service being made in accordance with the rules of the said Court, shall be deemed and held to be good service, and the judgment pronounced by the said Magistrate shall be binding and effectual upon the said defendant, or party summoned as aforesaid. The provisions hereunder as to the residence and the service of summons, shall apply to offenders against this Act, or any By-laws framed hereunder.

Execution of judgment : imprisonment in default of payment.

5. In case any fine, penalty, or payment, ordered by any such Magistrate to be paid or made according to the provisions of this Act, and according to the intent and meaning of any By-law made hereunder, shall not be duly paid or made, it shall and may be lawful for the said Magistrate to levy the same by distress and sale of the goods and chattels of the party ordered to pay the same, and if there be no goods on which to make such distress and sale, then it shall and may be lawful for the said Magistrate to commit such offender to the common gaol of the Borough of Durban for any period not exceeding one month, unless such fine, penalty, or payment and costs be sooner made or paid.

Form in which suits may be brought.

6. In any action or suit which shall be brought for recovery of any sum of money to become due or payable by virtue of this Act, or in any action or suit, or other proceed-

ing whatsoever hereunder, it shall be lawful for the said Town Council to sue and be sued by the style and description of "The Mayor and Councillors of the Borough of Durban," and the said sum of money may be sued for by the Town Clerk of the said Borough in their behalf, or by any person specially appointed by and on behalf of the Corporation: Provided always that the said Mayor and Councillors shall be reimbursed and paid out of the Corporation Funds all such costs, charges, and expenses as they shall be put to and become chargeable with, by reason of bringing or defending any such action, suit, or other proceeding as aforesaid, and shall not be personally answerable or liable for the payment of the same or any part thereof, unless such action, suit, or other proceeding, as aforesaid, shall arise or have arisen in consequence of their own wilful neglect or default.

Indemnity of Mayor and Councillors for costs.

7. Any prosecutions for contraventions of any By-law or By-laws referred to in this Act, shall be conducted in the same manner as in the case of By-laws under the "Municipal Corporation Law, 1872."

Mode of prosecution.

SCHEDULE.

Vehicles used for the purpose of hire or trade.

	Year.			Half-year.			Quarter-year.		
	£	s.	d.	£	s.	d.	£	s.	d.
Omnibus or Tramcar not exceeding	5	0	0	3	0	0	1	10	0
Trolley not exceeding	5	0	0	3	0	0	1	10	0
Wagon not exceeding	5	0	0	3	0	0	1	10	0
Cart not exceeding	2	10	0	1	10	0	0	15	0
'Ricksha not exceeding	1	0	0	0	15	0	0	7	6
Any other Vehicle (on four wheels) not exceeding	4	0	0	2	10	0	1	5	0
Any other Vehicle (on two wheels) not exceeding	2	10	0	1	10	0	0	15	0

Vehicles used for private use.

Carriages or Vehicles (four wheels) not exceeding	1	10	0	1	0	0	0	10	0
Carriages or Vehicles (two wheels), not being 'Rickshas, not exceeding	1	0	0	0	15	0	0	7	6

Provided that all licenses, irrespective of the date of issue, shall expire on the 31st December of every year.

Given at Government House, Natal, this Nineteenth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No 23, 1901.]

HENRY McCALLUM,
Governor.



E.

R.

ACT,

“To increase the Borrowing Powers of the Mayor and Councillors of the City and Borough of Pietermaritzburg.”

WHEREAS the Mayor and Councillors of the City and Borough of Pietermaritzburg are desirous of refunding to the Borough Improvement Loan Fund certain moneys utilised for the installation of an Electric Lighting System to a portion of the City and Borough of Pietermaritzburg, and of extending such Electric Lighting System within the City and Borough of Pietermaritzburg, at an estimated cost of One Hundred and Fifty Thousand Pounds (£150,000) Sterling :

BE IT THEREFORE ENACTED, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Natal, as follows :

1. The short title of this Act shall be “The Pietermaritzburg Consolidated Stock Act, 1901.”

2. The Mayor and Councillors of the City and Borough of Pietermaritzburg are authorised to borrow up to, but not exceeding, a total sum of One Hundred and Fifty Thousand Pounds (£150,000) Sterling, to be used for the purpose of refunding to the Borough Improvement Loan Fund certain moneys utilised for the installation of an Electric Lighting System to a portion of the City and Borough of Pietermaritzburg, and of extending such Electric Lighting System within the said City and Borough.

3. The Mayor and Councillors of the City and Borough of Pietermaritzburg shall, out of the first moneys borrowed under the authority of this Act, refund to the Borough Improvement Loan Fund the sum of £73,082 4s. 11d.

Short title.

Loan authorised

Refund to
Borough Im-
provement Loan
Fund.

4. ~~The revenue and profits derived from the Electric Lighting System shall be used and applied only in connection with that System, and in reducing the price of light to consumers.~~ Application of income from electric lighting system.

5. The Mayor and Councillors of the City and Borough of Pietermaritzburg are authorised to issue, in the manner provided by Law No. 20 of 1888, new consolidated stock for the moneys borrowed under this Act, and the Stock issued under this Act shall bear interest at a rate not exceeding four per cent. per annum, and shall be deemed to be Consolidated Stock within the meaning of the said Law No. 20 of 1888, and shall be a charge upon, and shall, with the interest thereon, be payable out of the rents, rates, and general revenue of the Borough in the same way as if the Stock issued under this Act had been issued under the said Law No. 20 of 1888. Issue of Stock: Interest: Charge upon rents, rates, and revenue of Borough.

6. Nothing in this Act, and nothing done under the provisions of this Act, shall take away, abridge, or prejudicially affect any right or interest, by way of priority or otherwise, of any person in or to the rates, rents, or general revenue of the City and Borough. Saving of rights

Given at Government House, Natal, this Nineteenth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 24, 1901.]

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“To enable the Greytown Local Board to borrow a sum not exceeding Twelve Thousand Pounds for the purpose of supplying the Township of Greytown with water ; to construct the necessary works ; to levy a water rate ; to prevent the pollution of water ; and generally to exercise all powers necessary for the purpose aforesaid.”

WHEREAS it is expedient to authorise the Local Board for the Township of Greytown to borrow a sum not exceeding Twelve Thousand Pounds to enable the said Board to supply the Township of Greytown with water ; to construct the necessary works ; to levy a water rate ; to prevent the pollution of water ; and generally to exercise all powers necessary for the purpose aforesaid.

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of the Colony of Natal, as follows :—

Short title.

1. This Act may be cited as “The Greytown Loan and Waterworks Act, 1901.”

Loan of £12,000 authorised.

2. The Local Board of the Township of Greytown is hereby authorised to borrow from time to time the moneys required for the construction of waterworks for the Township of Greytown to an amount not exceeding Twelve Thousand Pounds Sterling.

Application of moneys.

3. The moneys borrowed under this Act shall be applied to the object mentioned in the last preceding section, and to no other object.

Loan to be a charge on the township rates rents, and revenues.

4. The sums authorised to be borrowed under this Act and the interest payable thereon shall be a charge upon the rates, rents, and revenues of the Township of Greytown.

Remedy for default in payment of interest.

5. In case the interest payable on any moneys borrowed under this Act shall be in arrear and unpaid for thirty days after the time appointed for the payment thereof, it shall be lawful for the Supreme Court of the Colony of Natal, at the instance of any person whose interest shall be in arrear, and as often as such default shall occur, to cause a special rate to be levied upon the real or immovable property situate within the Township of Greytown which is now or may hereafter be liable to be rated for township purposes under any Law or Act now or hereafter to be in force in the Colony of Natal, to the intent that all arrear interest may be paid out of the proceeds of such special rate.

Date of repayment.

6. The moneys borrowed under this Act shall be repayable within twenty-five years from the date of borrowing.

Remedies for default in repayment of loan.

7. In case any moneys borrowed under this Act shall not be repaid upon demand at or after the date fixed for the repayment thereof, it shall be lawful for the said Supreme Court, as often as such default shall occur, and at the instance of any person whose claim shall be unsatisfied, to cause a sale or sales to be made of so much of the Town Lands of the Township of Greytown as may be necessary for the purpose of raising and repaying the moneys due and payable under this Act, and in case the moneys received by such land sale or sales shall be insufficient to pay and satisfy all moneys due and payable, then the deficiency shall be made good by a special rate or special rates to be levied in the manner hereinbefore provided in Section No. 5 hereof with respect to the payment of arrear interest.

Debentures or stock.

8. The moneys hereby authorised to be borrowed may be raised upon debentures or stock, to be called "The Greytown Local Board Stock," and hereinafter referred to by the word "stock."

Interest.

9. Such debentures or stock shall bear interest at a rate not exceeding six per centum per annum, falling due on the 30th day of June and on the 31st day of December in each year, and payable out of the rents, rates, and revenues of the Township of Greytown, ~~or out of the proceeds of the sales of land of the said township,~~ and payment thereof shall be made by the Town Clerk of the said township.

Regulations relative to stock.

C. The Local Board of Greytown may from time to time make rules and regulations providing for all or any of the following things:—

1. For registering stock in the books to be kept for that purpose by the said Town Clerk.
2. For managing the creation, registration, issue, transfer, and repayment of stock.
3. For paying interest on stock.
4. For issuing stock certificates.

Incorporation of Lands Clauses Law.

11. For the purposes of the construction of the works authorised by this Act, the Lands Clauses Consolidation Law, 1872, and all the provisions thereof, shall be incorporated with this Act, save in so far as expressly varied by this Act.

Expropriation
of land.

12. The Local Board for the Township of Greytown may purchase or take such lands as may be required for the purposes of the works and undertakings authorised by this Act.

Construction of
works : Distri-
bution of water.

13. The Local Board of the Township of Greytown is authorised to construct all works and do all things necessary for damming up the water, and for making reservoirs, filter beds, and surface tanks, upon the town lands of Greytown, and for laying water pipes through private lands and through the town lands and the Township of Greytown, and for leading water through such pipes and for storing water, and for distributing water through such portions of the said township as the Local Board may from time to time determine, to bring within the water area of the said township, and to make such works and to do and perform all such further and other acts, deeds, matters, and things as may be necessary for the due carrying out of the objects of this Act.

Site of dam, and
route of pipes.

14. The site upon which the said water shall be dammed and the route of the water pipes shall follow as near as may be the line laid down in the map or chart filed with the Clerk of the Legislative Council, and the Clerk of the Legislative Assembly and in the office of the Local Board at Greytown.

Compensation
for injury by
taking of water.

15. If the taking, impounding, diversion, appropriation, or conveyance of water under the authority of this Act shall deprive any person of any water, or right of water, which he may at the time of such taking, impounding, diversion, appropriation, or conveyance of water, possess, or be entitled to possess, and shall thereby cause damage to such person or his property, such person shall be entitled to recompense or compensation, to be settled, in case of difference, as if the diversion of water constituted a damage to land within the meaning of the 65th Section of the said Lands Clauses Consolidation Law.

Water rate.

~~16. The Local Board for the Township of Greytown may from time to time levy a water rate not exceeding two pence in the £ Sterling upon any portion of the immovable property situate within the said township which is liable to be rated under any Law or Act now or hereafter to be in force in the Colony of Natal : Provided always that no such rates shall be levied in respect of any property, the nearest point whereof shall not be situate within two hundred and twenty yards of the nearest point of the water system.~~

Incorporation of
clauses of
certain laws

17. For the purposes of the water rates authorised by this Act, Sections 38, 39, 43, 44, 47, and 48 of Law No. 11 of 1881, and Sections 12, 13, and 14 of Law No. 39 of 1884, and Section 9 of Law No. 17 of 1893 shall be construed conjointly with this Act.

By-laws

18. The powers to make By-laws given to Local Boards under any Law or Act now or hereafter to be in force in the Colony of Natal are extended to the Local Board for the

Township of Greytown for all the purposes of this Act, but such powers are specially extended so as to enable the said Local Board to make By-laws :—

1. To prevent the pollution or waste of any water required or authorised to be used under this Act.
2. To prevent the obstruction of any person in the discharge of his duty in connection with the waterworks hereby authorised.
3. To prevent the doing of any act or thing likely to cause damage to the said waterworks or any portion thereof.

Penalties for offences.

Any person convicted of any breach of any of such By-laws shall be liable to a penalty for each offence not exceeding Ten Pounds Sterling, or in default of payment to imprisonment, with or without hard labour, for any period not exceeding one month. Any fine inflicted under the provisions of this Act shall be payable into and form part of the revenue of the said township. Any person charged with contravening any such By-law shall be prosecuted in the Court of the Magistrate having jurisdiction by any officer appointed for that purpose by the Local Board for the Township of Greytown.

Supply of water :
Tariff of charges : Special contracts.

19. The Local Board for the Township of Greytown may regulate and control the mode of supplying water to private property, and may frame a tariff of charges in respect of such supply, and may also frame a tariff of special charges for any special consumption of water other than for domestic or household use, and may contract with the Natal Government for the supply of water for the use of the said Government, and may contract for the supply of water to persons or corporations residing within or without the boundaries of the said township.

Right of entry for purpose of inspection.

~~20. The said Local Board by its proper officers shall have the right of access into private houses or on to private lands for the purpose of inspecting pipes, meters, and cisterns : Provided no such right shall be exercised against the wish of a householder except between the hours of 9 o'clock in the forenoon and 4 o'clock in the afternoon, and then only in pursuance of a notice in writing to be delivered upon the premises so to be entered upon for the purposes aforesaid not less than 24 or more than 48 hours before the inspection.~~

Commencement of Act.

21. This Act shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this Nineteenth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 25, 1901.]

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“To increase the Borrowing Powers of the Town Council of the Borough of Durban.”

WHEREAS it is expedient to increase the borrowing powers of the Borough of Durban for the extension of certain Municipal Works and for the purpose of providing for certain additional works and public improvements within the Borough :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Short title.

1. The short title of this Act shall be “The Durban Consolidated Stock Act, 1901.”

Loan authorised

2. The Town Council of Durban are authorised to borrow sums up to, but not exceeding, a total sum of Five Hundred Thousand Pounds (£500,000) Sterling, to be used for the purposes and in the proportions set forth in the Schedule to this Act annexed.

Issue of Stock :
Charge upon
rents, rates, and
revenues of
Borough.

3. The said Town Council are authorised to issue, in the manner provided by Law No. 29 of 1888, new Consolidated Stock for the moneys borrowed under this Act. The Stock issued under this Act shall be deemed to be Consolidated Stock within the meaning of the said Law No. 29 of 1888, and shall be a charge upon and shall, with the interest thereon, be payable out of the rents, rates, and general revenue of the Borough, in the same way as if the stock issued under this Act had been issued under the said Law No. 29 of 1888.

Saving of rights.

4. Nothing in this Act, and nothing done under the provisions of this Act, shall take away, abridge, or prejudicially affect any right or interest by way of priority or otherwise of any person in or to the rates, rents, or general revenue of the Borough.

SCHEDULE.

		£	s.	d.
Electric Tramways	...	120,000	0	0
Electric Lighting	... ..	75,000	0	0
Water Supply	... ..	100,000	0	0
Bay Foreshore Reclamation	... ..	40,000	0	0
Suburban Sewerage	... ..	80,000	0	0
Proposed Hydraulic Power System		20,000	0	0
Buildings.—New Police Station, Point, £5,000; Greyville and Mitchell Park, £3,000; and New Fire Engine House and Quarters, £7,000	15,000	0	0	
Durban Home	... ..	5,000	0	0
Stores, &c., Brook Street	... ..	10,000	0	0
		30,000	0	0
Milne's, Central and other Drains	... ..	35,000	0	0
Total	... ..	£500,000	0	0

Given at Government House, Natal, this Nineteenth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,

Colonial Secretary.

[No. 26, 1901.]

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“To authorise and empower the Mayor and Councillors of the City and Borough of Pietermaritzburg to transfer to themselves the remainder of the Public Outspan No. 3 in the said Borough, at present held by them in trust inalienable as an outspan or grazing ground for the use of travellers and the burgesses of the said Borough free from all trusts and servitudes at present affecting the same, and to declare the said piece of land to be a portion of the Town Lands of the said Borough.”

WHEREAS by Deed of Transfer bearing date the 20th day of February, 1879, a certain portion of the Town Lands of the said Borough, in extent 127 acres 36.367 perches, being the remainder of that portion marked No. 3 on the general plan of the said City and Borough, has been reserved in favour of the Mayor and Councillors of the said City and Borough, and their successors in office, in trust inalienable as an outspan or grazing ground for the use of travellers and the burgesses of the said City :

AND WHEREAS the said piece of land is not now necessary for the purposes for which it was originally reserved :

AND WHEREAS the said Mayor and Councillors are desirous of transferring a certain portion of the said Outspan being Subdivision marked C, in extent $74\frac{3}{4}$ acres, more or less, free from all trusts and servitudes at present affecting the same, to themselves, as Trustees, for the purposes of a Public Park and Recreation Ground, in terms of Section 42 of Act No. 22, 1894, and any amendments thereof :

AND WHEREAS the said Mayor and Councillors are desirous of transferring the Remainder of the said Outspan No. 3, in extent 52 acres 1 rood 36.367 perches, more or less, to themselves, free from all trusts and servitudes affecting the same :

AND WHEREAS a plan of the said piece of land has been lodged in the Office of the Clerk of the Legislative Council, and in the Office of the Clerk of the Legislative Assembly :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of Natal, as follows :—

1. It shall and may be lawful for the said Mayor and Councillors, with the consent in writing of the Governor, to transfer to themselves, as Trustees, for a Public Park and Recreation Ground, the beforementioned Subdivision C of Outspan No. 3, containing $74\frac{3}{4}$ acres, more or less, and bounded North-East by Pine Street, South-East by the Remainder of Outspan No. 3, South-West and West by the Town Watercourse and the Railway Line, North-West by Subdivision B of Outspan No. 3, free from all trusts and servitudes at present affecting the same. The said piece of land so to be transferred shall be reserved as a Public Park or Recreation Ground in terms of Section 42 of Act No. 22, 1894.

Transfer of Sub C. of Outspan 3 to Trustees as a park or recreation ground.

2. The Registrar of Deeds is hereby empowered to transfer the portion of land in the foregoing Section referred to, to the Mayor and Councillors of the said City and Borough, free of transfer duty thereon.

Exemption from transfer duty.

3. It shall and may be lawful for the said Mayor and Councillors, with consent, in writing, of the Governor, to transfer to themselves the beforementioned Remainder of Outspan No. 3, containing 52 acres 1 rood 36·367 perches, more or less, free from all trusts and servitudes affecting the same, and the said piece of land so to be transferred shall form a portion of the Town Lands of the City and Borough of Pietermaritzburg.

Transfer of remainder of Outspan to Borough as town lands.

4. That the said Mayor and Councillors are hereby empowered to deviate the existing road over said Outspan No. 3, and known as the Mayor's Walk, which they were bound to make and maintain in terms of Section 4 of Act No. 30, 1895, by altering the starting point of said road to the head of Berg Street, instead of the head of Pietermaritz Street as at present, said road to run from Berg Street along the South-Eastern Boundary of the said Public Park, until it joins the existing Mayor's Walk, and to fence and maintain the said deviation in a like manner as prescribed by Section 4 of Law 30, 1895.

Deviation of Mayor's Walk.

5. This Act shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Commencement of Act.

Given at Government House, Natal, this Nineteenth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 27, 1901.]

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“To amend the License and Stamp Act, 1898.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Requisites in regard to the defacement of stamps.

1. Sections 25 and 26 of the License and Stamp Act, 1898, are hereby repealed, and the following section is enacted in lieu thereof :—

The person required to deface any stamp shall, within twenty-one days of the execution of the deed to be stamped, write his name or his initials, and the date of defacement, on the stamp : Provided always that :

- (a) The Auditor, or other officer appointed as provided in the License and Stamp Act, may deface or authorise the defacement of such stamps after the lapse of Twenty-one days, if additional stamps by way of penalty be affixed to such deeds of a value determined by him, being not less than twice the value of the original stamp duty, not, however, exceeding Five Pounds in any case.
- (b) If the Auditor or such other officer as aforesaid is satisfied that the document has not been stamped, or has been insufficiently stamped, or defaced, or is otherwise not duly stamped, owing to a *bonâ fide* mistake or oversight, or, in the case of insufficient stamps having been affixed, to a genuine belief that the stamps affixed were sufficient according to the requirement of the law, he may reduce the penalty below the amount above stated, or may dispense with such penalty.

2. Sub-section (a) of Section 23 of the License and Stamp Act, 1898, is hereby repealed, and the following enacted in lieu thereof :—

Defacement of stamp by Registrar of Deeds.

(a) The stamps on all deeds executed in the Registry of Deeds, shall be defaced by the Registrar of Deeds.

(b) The stamps on any deeds registered in the Registry of Deeds (other than notarial deeds), and on any documents tendered in connection therewith, may, if such stamps have not been defaced, or have been insufficiently defaced, be defaced by the Registrar of Deeds.

3. The words *Government or Bank Officers*, occurring in Section 24 of the License and Stamp Act, 1898, shall be expunged, and the words "Government, Bank, or Permanent Building Society Officers" shall be inserted in lieu thereof.

Officers by whom stamps may be defaced with an office stamp.

4. That the following be added to Section 35 of the License and Stamp Act, 1898, namely :—

Exception in regard to the time for stamping certain deeds.

The time during which the deed is submitted to the Registrar of Deeds, Judge, or Supreme Court shall not be calculated or reckoned as part of the time allowed for defacement under Section 25.

Provisos (a) and (b) of the said Section 35 are hereby repealed.

5. Clause (b) of the exemptions under item 22 of Schedule III. of the License and Stamp Act, 1898, is hereby repealed, and the following clause is substituted therefor :—

Repeal of Provisos (a) and (b) of Sec. 35 of principal Act.

When any marketable security of a Corporation or Joint Stock Company is divided into parts, and the original security is cancelled and fresh marketable securities are issued representing the parts thereof, no stamp shall require to be affixed to such fresh marketable securities.

Clause substituted for (b) of exemptions from stamp duty as marketable securities.

6. The following sub-section shall be inserted after sub-section (d) of item 30 of Schedule III. of the License and Stamp Act, 1898 :—

Stamp duty on cession of policy.

(e) Of a policy of fire or life insurance or assurance 1s. 0d.

Given at Government House, Natal, this Nineteenth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

HENRY McCALLUM,
Governor.



E.

R.

ACT,

“For the Inspection and Regulation of Boilers.”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

Commencement of Act.

1. This Act shall take effect on the first day of January, 1902.

License for steam boilers.

2. Every person keeping and using a boiler for generating steam for manufacturing or other purposes, shall take out an annual license of Ten Shillings Sterling, subject to the provisions of the License and Stamp Act, 1898, for each boiler so kept and used.

Inspection before issue of license.

3. Before any such license shall be granted, the boiler in respect of which a license is applied for shall be inspected by the Government Inspector hereinafter referred to, and no such license shall be issued unless the application for the same be accompanied by a certificate, signed by the Inspector, to the effect that the boiler sought to be licensed has been examined by him, and is fit and proper to be licensed.

Duration of inspection certificate.

4. The certificate to be granted to the owner of any boiler shall remain in force for any period the Inspector shall think fit not exceeding one year, which period shall be stated on the certificate.

Inspectors of boilers.

5. The Governor in Council shall from time to time appoint an Inspector or Inspectors of boilers for the purposes of this Act.

The salary and allowances of every Inspector shall be paid from the general revenue.

Powers and duties of Inspectors.

6. An Inspector of boilers appointed as aforesaid shall have the following powers and duties:—

- (a) He may at any time examine and test the external fittings of a steam boiler, whether the same is in use, or before it is brought into use.
- (b) He shall at least once in every twelve months, or oftener, if necessary, inspect, examine, and, if necessary, test every steam boiler within the district under his supervision, and in the case

of steam boilers used in connection with the manufacture of sugar, he shall make the inspection or test between the 1st of March and the 31st of May in each year.

- (c) He shall in all cases furnish to the owner of the boiler so inspected or tested a report of the result of his inspection or test.
- (d) If it shall appear to him that any defect of a dangerous nature, or likely to become dangerous, exists in any such boiler or fittings, he may interdict the use of the same until every such defect has been remedied to his satisfaction.
- (e) He may, if for sufficient reasons he shall think it necessary, suspend or cancel any license issued under this Act.

Such suspension or cancellation shall be subject to an appeal to the Magistrate.

7. The Inspector shall give to the proprietor or his known agent, residing at or near the place or works at which, or the estate on which, any such steam boiler shall be used or intended to be used, not less than seven days' notice of his intention to test such steam boiler.

Notice of intention to test boiler.

8. No person under the age of eighteen years shall have charge of, or be allowed to exercise sole control over, any boiler. If the owner of any boiler shall knowingly permit or suffer a breach of this provision, he shall be liable to a penalty not exceeding Twenty Pounds.

Requisite as to age of person in charge of boiler

9. The Governor in Council may from time to time frame rules for carrying out the objects of this Act:

Rules,

Fixing the number of pressure gauges required to be fitted to a steam boiler.

Determining the number, situation, nature, and construction of safety valves required to be fitted to a steam boiler.

Regarding fittings and appliances of steam boilers generally.

For determining the rates of travelling expenses payable to Inspectors appointed under this Act.

Regulating the time and manner of tests made under this Act.

10. The following acts shall be deemed to be contraventions of this Act;—

Contraventions,

(a) Refusing to allow an Inspector to enter at any time upon the premises, or to have free access to all steam boilers, and the works and premises where such boilers are situated, or failing to render him any reasonable assistance.

(b) Using any steam boiler without having the necessary license, or continuing to use a steam boiler during the suspension or after the cancellation of the license therefor, or during the continuance of an interdict by an Inspector.

(c) The wilful neglect or disobedience of any requirements of this Act.

Certificates to be conspicuously exhibited.

11. The certificate granted to the owner of any boiler shall be exhibited in some conspicuous place, to be determined by the Inspector, where it can be seen by all persons working at or with any such boiler, and any person neglecting so to exhibit such certificate shall be liable to a penalty not exceeding Twenty Pounds.

Prosecution of contraventions.

12. All contraventions of this Act or of the Rules shall be cognisable in the Courts of Magistrates, who may, in respect of any such contravention, impose a fine not exceeding Fifty Pounds Sterling.

Exemption of boilers used in public departments.

13. This Act shall not apply to boilers used in any Department of the public service, including the engines of the Railway Department, and the boilers of steam tugs, dredgers and other craft belonging to the Harbour Department.

It shall, however, be necessary for the Inspector having charge of the District of Durban to satisfy himself that all the Railway boilers, and those of the Harbour Department tugs, dredgers and other craft, are efficiently inspected and tested, and to issue his certificate to that effect.

Given at Government House, Natal, this Nineteenth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 29, 1901.]

HENRY McCALLUM,

Governor.



“For empowering the Governor to raise a Loan for certain Public Works.”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The Governor may borrow the sum of Three Million Pounds (£3,000,000) Sterling, in accordance with the provisions of the General Loan Law, 1882.

Loan of
£3,000,000
authorised in
accordance with
Law 10, 1882.

2. The money so raised shall be applied to the payment in whole or in part of such sums as may be required for any

Railways, and their equipment ;
Harbour Works ;
Telegraphs ; or other public works of a permanent character,

which by any Act of Supply or other Act may be authorised to be paid for from loan funds.

3. The interest upon the principal moneys borrowed under this Act shall be payable at the office of the Agent-General in London, or at such other place as may be agreed.

Interest where payable.

4. Wherever in the General Loan Law of 1882 the “Crown Agents for the Colonies” are referred to, such reference shall, for the purposes of this Act, be deemed to be a reference to the Agent-General for the Colony of Natal.

Authority for borrowing sum not exceeding £1,000,000 repayable from moneys raised under the principal loan.

5. The Governor in Council may borrow from time to time, in anticipation of the raising of any portion of the loan authorised by this Act, any sum or sums not exceeding at any one time in the whole the sum of One Million Pounds (£1,000,000) Sterling, in such manner as may be most convenient for the public service, and shall repay the moneys so borrowed out of the principal moneys to be raised under the provisions of this Act.

The raising of any moneys under this Section, or any part thereof, shall not *pro tanto* exhaust the borrowing powers conferred by this Act.

The interest upon any sum borrowed under this Section shall be and is hereby charged upon and made payable out of the general revenue of Natal, and shall in no case form a charge against the loan authorised by this Act.

Short title.

6. This Act may be known as "The Public Works Loan Act of 1901."

Given at Government House, Natal, this Nineteenth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 30, 1901.]

HENRY McCALLUM
Governor

E.



R.

ACT,

“To extend the operation of the 46th Section of the Natal Police Act, 1894.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Any period served by a member of the Natal Police in the Police Force of any Borough or Township in Natal immediately before his admission to the Natal Police Force shall be counted for the purposes of superannuation in term of Section 46 of the Natal Police Act, 1894.

Given at Government House, Natal, this Nineteenth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 31, 1901.]

HENRY McCALLUM,
Governor.



“To facilitate the Investment of Trust and other Funds in the United Kingdom in Natal Government Securities.”

WHEREAS an Act has been passed by the Imperial Parliament of Great Britain and Ireland in order to facilitate the investment of trust funds in the United Kingdom in Colonial Government Securities, subject to the condition that the Colonial Governments concerned should by Statute make certain provisions in the interests of the British investor :

AND WHEREAS it is expedient that provision should be made accordingly in so far as concerns Natal Government Securities :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. This Act shall apply to all bonds, debentures, scrip, inscribed stock, and other securities heretofore or hereafter created or issued on behalf of the Government of Natal, and secured by, or charged upon, the public revenues or Consolidated Fund of Natal, or forming part of the public debt of Natal, in respect of money borrowed under the authority of any Law or Act heretofore or hereafter passed by the Parliament of Natal, each and all of which securities are hereinafter referred to as “Natal Government Securities.”

2. (1) Whenever by the final judgment, decree, rule, or order of any court of competent jurisdiction in the United Kingdom any sum of money is adjudged or declared to be payable by the Government of Natal in respect of any Natal Government Securities, the Colonial Treasurer shall

Securities to which this Act applies.

Provision for satisfying judgments of Courts in United Kingdom in respect of Government securities.

forthwith pay the same out of the Natal Public Account in London without further appropriation than this Act.

- (2) For the purposes of this section "final judgment decree, rule, or order" means in case of appeal the final judgment, decree, rule, or order of the ultimate court hearing the appeal.
- (3) Without in any way limiting the foregoing provisions of this section, it is hereby declared that, in the case of such Natal Government Securities as are Colonial Stock to which the Imperial Act entitled "The Colonial Stock Act, 1877," applies, the Colonial Treasurer shall, without further appropriation than this Act, forthwith pay out of the Natal Public Account in London, whatever sums may from time to time be required, in order to enable the Registrar of such stock to forthwith comply with any judgment, decree, rule, or order with which, under Section 20 of the Imperial Act aforesaid, the Registrar is required to comply.

3. In order to enable every such payment to be made out of the Natal Public Account in London, the warrant of the Colonial Treasurer or the Agent-General, specifying the sum to be paid shall be sufficient authority to the Audit Office and the Commissioners or other Officers having the control of that account to cause the requisite money to be issued out of that account.

Warrants for
issue of money
required to be
paid.

Given at Government House, Natal, this Nineteenth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.



“ To amend the Law relating to Liquor.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows : —

By-laws of boroughs and townships may fix closing hour at 10 p.m.

1. The Town Council of any Municipal Borough or the Local Board of any Township constituted under Law No. 11, 1881, or any like Law or Act, may at any time in the manner provided by law make by-laws fixing the hour of ten at night as the closing time for premises upon which liquor is sold or supplied by retail, and so long as any such by-laws shall be in force Section 6 of Act No. 36, 1899, shall in respect of such borough or township be considered as if the words “ ten o'clock ” were substituted therein for the words “ eleven o'clock.”

Prohibition of license after three convictions within seven years.

2. No license shall be renewed nor shall a new license be granted upon the application of any person or of the wife or husband of any person who has during the previous seven years been three times convicted of contraventions of the Liquor Act of 1896, or of any Act amending the same : Provided that if it shall appear to the Board that any such contravention was committed without any connivance or approval by the applicant, the conviction for such contravention shall not be reckoned for the purposes of this section.

License not to be transferred while charge is pending.

3. No license shall be transferred whilst any charge under any of the said Acts is pending in respect of any offence committed within the previous thirty days by the license holder or by anyone employed in his business.

Isityimiyana.

4. Section 78 of the Liquor Act, 1896, is hereby repealed, and the following section is enacted in lieu thereof :—

Any person making, selling, using, or being in possession of the drink or liquor made from fermented treacle or sugar, and called "Isityimiyana," shall be deemed to have committed an offence.

5. Sections 23 and 24 of Act No. 38, 1896, are hereby repealed, and the following section is substituted therefor:— Club licenses

A club license is required where liquors are supplied to members and to honorary members and guests admitted under the club rules.

Applications for new club licenses shall be made, heard, and determined in the same way as applications for bar licenses in a borough or township, or country hotel license, as the case may be.

No such application shall be made until the rules of the proposed club shall have been approved by the Governor upon the recommendation, in the case of a Borough or Township, of the Mayor or Chairman of the Local Board, as the case may be.

6. Whenever in any plaint or charge for an offence under this Act, or any Act construed therewith, any person is charged as being an Indian or Native, then unless the contrary be shown, such person shall be deemed and be taken by the Court to be an Indian or Native as the case may be.

Person charged as an Indian or Native to be deemed such unless contrary be shown.

Given at Government House, Natal, this Nineteenth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,

Colonial Secretary

E.



R.

ACT,

“To consolidate and amend the Laws relating to the manufacture, storage, conveyance, and sale of Colonial spirits and wines, and the methylation of spirits.”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

PART I.

Preliminary.

Short Title.

1. This Act may be cited as the “Excise Act, 1901,” and shall take effect on the first day of January, 1902.

Repeal.

2. The Laws and Acts enumerated in the First Schedule of this Act are hereby repealed, but such repeal, except as is otherwise specially provided, shall be without prejudice to anything done or commenced, or any appointment made, or any right acquired, or any liability incurred thereunder. References in any document to the provisions of the repealed Laws and Acts shall, *mutatis mutandis*, be deemed references to the corresponding provisions of this Act.

Interpretation of terms.

3. In this Act, unless the context otherwise requires :—
“The Minister” means the Minister having charge of the Excise Department.

“The Controller” means the Controller of Excise.

“Inspector” means Inspector of Distilleries.

“Officer” means an officer of the Excise Department. “Proper Officer” means the officer charged with the performance of any particular duty.

“Distiller” and “Rectifier” mean respectively a person who distils, rectifies or compounds spirits.

“Person” includes a partnership, joint-stock company, or the like

- “Licensed Premises” means any building or place used under a license granted under this Act, or under any Act relating to wine and spirit licenses.
- “Warehouse” means any building approved under this Act or the Acts relating to the Customs, for depositing therein spirituous liquors or wines.
- “New license” means a license in respect of premises for which no license of the kind applied for is in force at the date of the application.
- “Renewal license” means a license in respect of premises for which a license of the kind applied for is in force at the date of application.
- “Spirits” means alcoholic spirits of any description, whether made in or imported into the Colony, and includes all liquors mixed with spirits, and all mixtures and compounds or preparations made with or from spirits.
- “Colonial spirits” means spirits made in Natal.
- “Spirits of wine” means spirits of any strength exceeding fifty degrees overproof.
- “Compounded spirits” or “compounds” means rectified spirits which shall have had any ingredient or material whatever—not being adulterants or injurious to health—mixed therewith, or flavour communicated thereto.
- “Wort” means any liquid or substance containing saccharine matter before any fermentation has commenced.
- “Wine” means any alcoholic liquor produced from the juice of fruits by fermentation.
- “Wash” means wash prepared for distillation after fermentation has commenced.
- “Low-wines” means spirits of the first extraction by a single still, and conveyed into a low-wines receiver.
- “Feints” means spirits conveyed into a feints receiver.
- “Still” means and includes any still or apparatus for distilling or making spirits or any part of such apparatus.
- “Methylate” means to mix spirits of wine with some substance in such manner and quantity as to render the mixture unfit for use as a beverage, and “methylated spirits” means spirits so mixed to the satisfaction of the Controller.
- “Proof” means the strength of proof as ascertained by Sykes’s Hydrometer.
- “Liquid gallon” means an Imperial gallon.
- “Regulations” means the regulations made under this Act.

“Prescribed” and “Approved” mean respectively prescribed or approved by the Controller or by the regulations, as the case may be.

“Package” or “Vessel” means any puncheon, cask, hogshead, barrel, drum, case, or other vessel which contains or is capable of containing spirits or wines.

“Colonial duty” means the duty imposed upon spirits made in this Colony and intended for home consumption.

Certain act deemed to constitute distilling

4. Every person who makes or keeps worts, wash, low-wines, or feints, or who has in his possession or uses a still (unless such still is being merely kept or used under special provisions of this Act showing a contrary intention), shall for the purposes of this Act be deemed to be a distiller and to distil spirits.

PART II.

Administration.

Controller of Excise

5. The Controller shall be the Head of the Excise Department and the Principal Officer charged with the administration of this Act and of the excise system of the Colony.

Excise Officers

6. The Inspector or Assistant Inspector of Distilleries, Excise Surveyors, and Public Warehouse Keepers, or Assistant Excise Surveyors or Public Warehouse Keepers, shall henceforth be deemed subordinate officers of the Excise Department, and shall be responsible to the Controller of Excise for the efficient performance of any duty which may be assigned to them.

Officers not to be interested in liquor trade.

7. No officer shall be interested or concerned, directly or indirectly, in the manufacture, sale or trade in spirits or wines, under penalty of Fifty Pounds Sterling and immediate forfeiture of office.

Declaration to be made by Officers

8. Every officer shall before entering on his duties make the following declaration before a Magistrate or a Justice of the Peace :—

“I do solemnly promise that I will execute the office to which I am appointed faithfully and without favour or affection, and that I will from time to time render true accounts to such persons as shall be appointed to receive the same, and that I will not take any fee or reward, whether pecuniary or otherwise, for anything done in my said office other than my salary or such other emoluments as are allowed by law or by the public regulations.”

Bribery: acceptance of rewards

9. Every officer who shall demand or accept any fee, reward or advantage whatsoever, directly or indirectly, on account of anything relative to his office, save his lawful salary and emoluments, and every person who shall give, offer or promise any such fee, reward or advantage shall be guilty of an offence.

Officers exempt from juries

10. Officers of the Excise Department shall be exempt from liability to serve as jurors.

PART III.

Duty on Spirits.

11. (1) Save as may by this Act be specially excepted there shall be levied and paid for and upon every gallon of spirits made in this Colony, not exceeding the strength of proof by Sykes's Hydrometer, a duty of Seven Shillings and Sixpence Sterling, and so on in proportion for any greater or less strength.

Duty on Colonial spirits.

(2) All such duties shall be paid to the Controller.

12. (1) The regulations may provide for the rebate of the whole or any part of the duty upon rectified spirits of wine made from spirits distilled in this Colony and used solely by chemists or druggists in the preparation of medicines, perfumery and non-potable articles.

Rebate on rectified spirits of wine in certain cases.

(2) Such regulations may provide for the placing of such rectified spirits in bond, and may empower the Controller, subject to an appeal to the Minister, if he should see fit to do so, to require that the medicines or other preparations as aforesaid shall be made in bond.

PART IV. —

Licenses.

13. No person shall, without first obtaining from the Controller the appropriate license provided for in the second schedule of this Act, do any of the following things, save as is by this Act specially excepted :—

Acts for which a license is required.

- Keep a still.
- Make stills.
- Distil spirits.
- Rectify or compound spirits.
- Sell methylated spirits by retail.
- Make wine.

14. A license shall not be required

Exemption of certain still

- (a) For a still of less capacity than six gallons, if used for experiments authorised by the Controller with the approval of the Minister, or for any special purpose similarly authorised ;
- (b) For a still imported solely for transportation through this Colony into some inland Colony or State, or for exportation by sea, and not remaining in this Colony for a longer period than thirty days, except with the consent of the Controller.

15. Applications for licenses shall be made as prescribed by this Act and the regulations.

Applications for licenses.

16. (1) Every application for a license to distil spirits or to rectify spirits shall set forth the kind of still to be used, the capacity thereof, and the place where it is to be used.

Particulars of application.

(2) In the case of a new license, the applicant shall furnish plans of the premises and of the position of the

various vessels and appliances, and no distillation shall take place until the proper officer shall have given a written certificate that the premises, vessels, and appliances are erected in accordance with the plans, and to the Controller's satisfaction

(3) In the case of a renewal license, the application shall be accompanied by the certificate of the proper officer that the buildings are suitable and in proper repair.

Refusal of new license.

17. (1) The Controller shall have the discretion to refuse any application for a new license.

(2) In the case of a refusal he shall deliver to the applicant a written statement of the reasons for refusal.

(3) The applicant shall have the right of appeal to the Governor in Council, whose decision shall be final.

Refusal of license to person convicted of liquor offence.

18. (1) The Controller shall have the discretion to refuse a new license or a renewal license to any person who shall have been convicted of having illicitly distilled, rectified, compounded, removed, transported, or sold any spirits.

(2) The conviction of a manager or responsible representative of an applicant shall, for the purposes of this section, be deemed to be a conviction of the applicant.

(3) The applicant shall have the right of appeal to the Governor in Council, whose decision shall be final.

Minimum capacity of still and apparatus.

19. No license shall be granted to keep or use any still of less capacity than one hundred and fifty gallons, nor to keep or use any apparatus capable of distilling less than two hundred gallons of wash per hour: Provided that this restriction shall not apply to any still or apparatus lawfully in use at the time of the commencement of this Act, so long as any such apparatus remains in use in the same place and unaltered: Provided, however, that the Controller may grant to a rectifier using a still, a license for a second still of not less than 60 gallons capacity for making essences and tinctures. *(2) inserted by Act 52/37 Sec 14*

To whom licenses may be granted.

20. A license to distil, rectify, or compound spirits under this Act shall be granted only to an owner, lessee, or trustee, in actual possession of the farm or premises. In case of absence from the Colony of the owner, lessee, or trustee, a license may be granted to a manager or agent, specially appointed.

Payment of duty: particulars of license.

21. (1) The appropriate duty set forth in Schedule II. shall be paid to the Controller before a license is issued.

(2) No license shall authorise any business at more than one place or at any premises other than those specified.

(3) Licenses shall be in the prescribed form, and shall expire on the thirty-first day of December next following the date thereof.

Collector of Customs to apprise Controller of importation of still.

22. On the importation of any still, or portion of a still, into this Colony, the Collector of Customs shall, without delay, apprise the Controller thereof in writing, stating the names of the owner and the importer of the still. The Controller shall thereupon inform the owner and the importer of the liability incurred in keeping a still without a license in this Colony.

23. If the holder of any license under this Act neglects to carry out any duty imposed upon him by the Act or regulations in regard to his premises or any buildings, appliances, stock books or the like, or the mode of conducting his business, the Controller, after giving reasonable notice in writing, requiring the omission to be supplied or the irregularities corrected, and upon failure to comply with the notice, may by a further written notice to the holder of the license or his manager, declare the license to be suspended and such suspension shall continue until withdrawn by the Controller upon full compliance with the requirements of the law.

Suspension of license.

24. Any license shall, if suspended under this Act, be of no effect during the suspension, and if revoked or cancelled, shall be deemed to have expired.

Effect of suspension or cancellation of license.

25. After the expiry of a license, no wort shall be made or wash fermented, or low-wines, feints, or spirits be distilled, nor shall any spirits be rectified or compounded, or be removed from the premises until a renewal license has been obtained, and any things so done shall be deemed to be done in contravention of the foregoing provisions of this Act in regard respectively to distilling, rectifying, compounding, and removal without a license :

Prohibition of work after expiry of license.

Provided that this section shall not apply in a case where application for a renewal license has been duly made before the expiry of the former license, and the money for the license duty has been deposited, and the renewal license has not yet been granted or refused.

Provided also, that the owner may, after the expiry of his license, and subject to any prescribed conditions, sell, or otherwise dispose of, any materials or other things in connection with the business remaining on his hands at the date of the expiry of the license.

26. (1) Any license under this Act may be transferred by the Controller to an approved successor of the license holder in the business, carrying on the business upon the same premises.

Transfer of license.

(2) If the holder of a license shall obtain the permission of the Controller to remove his business to other premises, approved as hereinbefore provided, such change of premises may be noted by the Controller on the license, and such license shall thereafter apply to the new premises.

Change of premises.

27. (1) Every person who :—

(a) Without having the necessary license does any act or keeps any still for which a license is required, or on whose premises or lands or in whose custody or possession such a still shall be :

Offence of keeping a still, or doing business without a license.

(b) Having a license under this Act keeps or uses a still for any purpose not authorised by the license, or carries on any business or does any act not specified in the license :

shall be guilty of an offence, and upon conviction thereof shall be liable to imprisonment with or without hard labour

for any term not exceeding Six months, or a fine not exceeding One Hundred Pounds Sterling, and to a further penalty equal to treble the Colonial duty for every gallon or less quantity of spirits which may be proved to have been distilled or rectified.

(2) If any person, by himself or his servant, hinders, molests, or obstructs any officer in the performance of any duty whatsoever, he shall be guilty of an offence.

(3) If any person uses any material, sets up wash, or uses any still between the hours of ten on Saturday night and one on Monday morning, except in cases of emergency, the proof whereof shall rest with him, he shall be guilty of an offence, and shall be liable to a fine not exceeding Twenty Pounds.

28. If any person holding a license under this Act shall carry on his business in disregard of any requirement of this Act or of the regulations relative to the premises, or to the works, fittings, vessels, or any apparatus, or to the mode of conducting such business, the Controller shall have the power and discretion, without prejudice to any prosecution to which such person may be liable, to suspend the license until the licensee has complied with such requirement, and until then such person shall not be entitled to receive a renewal license.

29. (1) A distiller or rectifier shall not be licensed to carry on or be interested or concerned in the business of a dealer in, or retailer of, spirits within ~~four~~ ^{one and a half} miles of his licensed premises.

(2) A dealer in or retailer of spirits or wines shall not be licensed to carry on, or be interested or concerned in, the business of a distiller or rectifier or compounder of spirits within four miles of his licensed premises.

(3) Every person who contravenes the provisions of this section shall be liable to a fine not exceeding Three Hundred Pounds.

30. (1) Every licensed person shall have his name securely affixed in a conspicuous place on the outside of the licensed premises in legible letters of at least two inches in height.

(2) Every neglect or refusal to comply with this Section shall be an offence.

PART V.

Regulation of Distilleries.

31. Every distiller shall, before he begins to prepare any wort, make entry of the premises, vessels, utensils, and fittings intended to be used by him, by signing and delivering to the proper officer for the information of the Controller an account in the prescribed form setting forth the particulars prescribed in the Third Schedule, with such further and other particulars as may be prescribed by the regulations,

Obstructing officers.

Working in prohibited hours.

Suspension of license for acts in disregard of the Act or regulations.

Branches of trade which may not be carried on on premises less than four miles apart.

Name of licensee to be exhibited on premises.

Entry to be made of premises, vessels, etc.

32. If anything required to be described in the account is omitted, or wrongly described or used in any place or for any purpose not according to the account, or is in any other way at variance with the account, the distiller shall be guilty of an offence unless he shall prove that any such omission, misdescription, or variance was due to a *bona fide* mistake and not intended to deceive.

False entry.

33. No change shall be made in anything mentioned in the account without the previous sanction of the Controller on a written request through the proper officer under penalty of a fine not exceeding Fifty Pounds Sterling.

Alteration of things mentioned in entry.

34. (1) Every distiller licensed under this Act shall, before using any still or apparatus for distilling any low-wines, feints, or spirits, erect and keep erected in his distillery a secure safe and receiver, or safes and receivers for low-wines, feints, or spirits: Provided, however, that where an alcoholometer is used the Controller may dispense with the receivers.

Erection of safes and receivers :
Requisites in connection therewith :
Accommodation of Inspecting Officer.

(2) The worm end of every still shall be enclosed in such safe, and such safe shall communicate only by a close metal pipe with the respective receivers for low wines, feints or spirits, or with the alcoholometer, when such is used.

(3) Every still, safe and receiver, and the pipes connected therewith, shall be constructed and provided with fastenings, cocks, taps, or other requirements for the reception of revenue locks or rods to the satisfaction of the Controller or some officer deputed by him.

(4) Only such rods and revenue locks and keys as shall be provided and approved by the Controller at Government expense shall be used in any distillery. Every safe and receiver shall be kept locked unless opened for a lawful purpose, under the supervision of the Excise Surveyor, or when allowed to be open under the inspection of the Controller.

(5) Such provision shall be made by each distiller for the safe custody of the keys and locks when not required to be in use, and for the accommodation of the officer when attending on duty, as shall be deemed necessary and approved by the Controller.

35. The Controller shall require that Siemens's Alcoholometer, or any other instrument of such kind and pattern as may for the time being be approved, shall be provided by a distiller for the purpose of measuring and indicating the liquid and proof quantities of spirits distilled, as such spirits pass from the still, and may give all such directions as he shall think fit with respect to the erection, securing, and use of such instrument and the attachments, whether with or without a safe or receptacle.

Siemens's alcoholometer to be provided.

36. If any such instrument is adopted in an existing distillery there shall be paid to the distiller from the Colonial Revenue such a sum as the Minister may approve, but not exceeding Seventy Pounds Sterling, towards the cost of such instrument and structural alterations, but if adopted in any new distillery the distiller must bear the entire cost.

Contribution from revenue towards cost of alcoholometer erected in existing distillery.

Approval of vats and butts for low-wines, feints, or spirits for distillation

37. Each vat or butt, other than the receivers, required to be kept at any distillery for the reception of low-wines, feints, or spirits for re-distillation must be approved by the Controller in the following respects:—

- (a) It must be securely and conveniently erected and fixed;
- (b) It must communicate with the discharging cocks of the respective receivers by a close metal or other satisfactory pipe;
- (c) It must be marked and kept marked in accordance with the provisions of the Fourth Schedule, first part;
- (d) It must be accessible at all times for taking an account of the quantity or strength of the contents.

Saleable spirits not to be adulterated

38. (1) There shall not be mixed with or added to any saleable spirits in a distillery or store, any substance what ever other than such water as the Controller may specially authorise for reducing the strength of spirits or colouring matter to spirits for exportation.

(2) For any contravention of this section the distiller shall, in addition to any other penalty, be liable to forfeiture of the spirits to which any substance has been unlawfully added.

Conditions for running off spirits, etc., gauging and marking vessels.

39. The Controller may prescribe the conditions for the running off of low-wines, feints, or spirits, from the receivers for re-distillation, and for the gauging and marking of all vats and other vessels.

Forfeiture of spirits, worts, etc., illicitly kept.

40. If any wort or wash, low-wines, feints or spirits are found on any unauthorised part of the licensed premises, or in any vessels other than those provided for their reception and duly marked and entered, or in any premises or place not entered for their reception, the same shall be forfeited and the licensee shall be liable to a penalty not exceeding One Hundred Pounds Sterling.

Illicit removal of spirits, worts, etc.

41. If any person removes any worts, wash, low-wines, feints or spirits from the premises of a distiller, or spirits from the premises of a rectifier, otherwise than as prescribed, or knowingly buys or receives any wort, wash, low-wines, feints or spirits so removed, he shall be guilty of an offence.

Stoppage and examination of spirits in course of removal.

42. (1) Any Officer of Excise or Customs and any police constable may stop and detain any person whom he shall reasonably suppose to be carrying or removing any colonial spirits from a distillery or warehouse, or imported spirits from a wharf or warehouse, and may examine the spirits or any package or vessel supposed to contain such spirits, and may require the production of the permit.

(2) If a proper permit is produced corresponding with the spirits in all respects, the officer may endorse thereon the time and place of his examination.

(3) If any person is found so carrying or removing any colonial spirits, and does not on request by such officer forthwith produce the proper permit, he shall be guilty of an offence.

43. If any person knowingly

- (a) Sells or delivers, or causes to be sold or delivered, any colonial spirits to the end that they may be unlawfully retailed or consumed or carried into consumption, or
- (b) Receives, buys, or procures any such spirits from a person not having authority to sell or deliver the same,

Illicit selling and buying of Colonial spirits.

he shall be guilty of an offence.

44. If any person knowingly buys or receives, or has in his possession, any colonial spirits after they have been removed from the place where they ought to have been charged with duty, and before the duty has been paid or secured in the prescribed manner, he shall be guilty of an offence, and shall be liable to the forfeiture of the spirits and to a fine equal to treble the value of the spirits.

Buying or receiving spirits without duty being paid.

45. The capacity of all receivers, fixed vats or butts, and of movable casks in a distillery shall be ascertained in such manner as shall be prescribed by the Controller, and all necessary weights and appliances for that purpose shall be supplied by the distiller.

Ascertaining capacity of receivers, vats, etc.

46. (1) Every distiller shall provide himself with and keep a stock-book at an approved place in his distillery. Such stock-book shall be in the form and shall contain the particulars to be prescribed by regulations to be framed under this Act.

Stock books.

(2) The distiller shall make the entries in his stock-book on the day that wash is set up, the low-wines, feints or spirits distilled, or the account thereof taken, when the spirits are removed or delivered from spirit store, or at any other time if requested so to do by an officer.

(3) The distiller shall keep such book open to inspection by an officer, and shall allow such officer to make any entries therein which shall be initialled by such officer or he may take any extract therefrom ~~for a period of not less than twelve months after it is filled up.~~

(4) If any distiller shall fail to keep such book or to produce the same when required by any officer so to do, or shall fail to make in such book any entry required to be made therein, or shall fraudulently make any entry in such book or shall cancel or obliterate any entry therein, or shall mutilate or tear therefrom any leaf, or shall by himself, or any person in his employ, conceal or convey away such book, he shall be guilty of an offence.

(5) An incorrect entry in a stock-book shall not be erased or obliterated, but shall be cancelled by drawing a thin line through it, and the correct entry made and such cancellation shall be initialled by the person making same. For any contravention of this section, the distiller shall be liable to a penalty not exceeding Fifty Pounds.

47. (1) The proper officer shall on the last day of each calendar month; or at such other time as he shall see fit or be directed by the Controller, take a full account of the stock of every description of spirits in a distillery computed at proof.

Accounts of stock to be taken by Officer.

Excessive stock.

(2) If on balancing such stock any excess of spirits exceeding one-half per centum is found, a quantity of spirits equal thereto shall be forfeited, and shall forthwith be taken from stock.

Deficient stock.

(3) If upon balancing such stock a deficiency of spirits is found not duly accounted for by spirits removed into the spirit store or removed for methylation, and exceeding the rate of allowance for deficiency authorised in the Fifth Schedule since the stock was last taken, the distiller shall forthwith pay to the Controller the colonial duty for every gallon or part of a gallon of such spirits which shall be so deficient calculated at proof: Provided, however, that if any such deficiency shall have arisen, or is suspected to have arisen, from fraud practised or intended (the burden of disproof whereof shall rest upon the distiller), no allowance whatever shall be made, and if the Minister so elect the distiller shall forthwith pay to the Controller the duty on the whole quantity of spirits deficient computed at proof, or at the rate of ten shillings per gallon: Provided that if a distiller can prove to the satisfaction of the Controller that an excess deficiency had been caused by an accident or unavoidable cause, the Controller may, with the approval of the Minister, remit the duty on the whole deficiency so caused.

Monthly returns by distiller.

48. (1) Every distiller shall, not later than the fourth day of each month, deliver to the proper officer, for the information of the Controller, a true return, in writing, in the prescribed form signed by him, or the person in charge of the distillery on his behalf, of the stock of spirits on hand on the first day of the preceding month, the gallons of wash made and distilled, the gallons at proof of spirits made, removed and whence removed during the month, and the stock of spirits on hand on the last day of the month.

(2) If any distiller shall refuse or neglect to deliver such return as aforesaid, or if any return so made by a distiller or person on his behalf shall be wilfully false in any respect the distiller shall for every such offence incur a penalty not exceeding Fifty Pounds.

Spirit store

49. (1) Every distiller shall provide at his distillery a suitable and secure spirit store to be approved by the Controller.

(2) The spirit store shall be set apart solely for the storing of spirits as distilled, of colouring matter, and of casks intended for removal of spirits. Its situation and security shall be to the satisfaction of the Controller.

(3) The spirit store shall be placed under two locks, namely, a revenue lock, for which the distiller must provide at his own expense all necessary fastenings as required by this Act, and a private lock, the key whereof shall be kept by the distiller.

Restriction on receipt of spirits in spirit store.

50. (1) Except with the permission in writing of the Controller, no spirits shall be brought into a distiller's spirit store except such as have been distilled in his distillery, and conveyed direct from the distillery into the store, nor shall any spirits which have been removed from the store be brought back into the store.

(2) No spirits shall be received into store between the hours of 5 p.m. and 8 a.m., nor in less quantity than twelve gallons in casks or vessels marked as prescribed by the Sixth Schedule.

51. No spirits shall be removed from a store between the hours of 5 p.m. and 7 a.m., nor until :

- (a) The home consumption duty has been paid ; or
 (b) In the case of spirits removed for exportation by sea, or into a warehouse, or into a methy-
 lating room at the distillery premises, a bond
 has been entered into to the satisfaction of the
 Controller, and in the prescribed form, for treble
 the Colonial duty.

Duty to be paid
 or bond given
 before removal :
 Hours for
 removal.

52. (1) The proper officer shall regauge every vessel of spirits before removal from a store, and shall grant from any deficiency arising solely from natural causes or unavoidable accident the rate of allowance authorised in the Fifth Schedule, and for any deficiency exceeding the said allowance duty must be paid before the spirits are removed.

Regauging be-
 fore removal,
 allowance for
 deficiency.

(2) The proper officer shall at least once in every twelve calendar months regauge the whole stock of spirits in a store in the prescribed manner.

Periodical
 regauging of
 stock.

(3) If on balancing the stock so taken, computed at proof any increase of spirits is found, the excess shall be forfeited, and the distiller shall in addition forfeit ten shillings for each gallon in excess.

Excess of stock.

(4) If any deficiency of spirits is found exceeding the allowance authorised by the Fifth Schedule, the Colonial duty must be forthwith paid thereon : Provided that if a distiller can prove to the satisfaction of the Controller that an excess deficiency had been caused by an accident or unavoidable cause, the Controller may, with the approval of the Minister, remit the duty on the whole deficiency so caused.

Deficiency.

53. (1) The Controller or proper officer may take at any time a sample of spirits from the stock of any distiller, rectifier, or compounder, or from the contents of a still before it has begun to work or after it has ceased working, and if there is found in the still at a rectifier's any wine or wash or low-wines put into or mixed with feints or spirits, the rectifier shall be liable to a fine not exceeding One Hundred Pounds.

Sampling spirits

Offence of
 mixing wine or
 wash with
 spirits or feints.

(2) Any officer shall be empowered to take a sample of spirits or wines of the prescribed quantity from the stock of any distiller, rectifier, or compounder, or of any wholesale or retail dealer in wines and spirits, on payment of the current price if demanded, and any person who shall refuse to supply such sample shall be liable to a fine not exceeding Fifty Pounds.

Sampling stock
 of distiller, etc.,
 or of wine and
 spirit dealer.

PART VI.

Warehouses.

54. The Controller may appoint any building as a warehouse for public use for the receipt and storage of spirits and imported wines without payment of the duty thereon, and for the receipt and storage of Colonial wines.

Warehouses for
 spirits and
 imported wines.

Such appointment shall be notified in the *Government Gazette*.

Warehouse risks.

55. All wines and spirits so warehoused shall, so long as they remain in such warehouse, be and continue at the sole risk of the person warehousing the same, and the Government or its officers shall be under no liability for any loss or damage occurring through any cause whatever, or for any wrong or improper receipt or delivery.

Hours of business.

56. Every warehouse shall be kept open for the receipt and delivery of spirits and wines during such hours as may be prescribed by the Controller.

Particulars as to reception.

57. All Colonial spirits or compounds or wines must be received into a warehouse in such quantity and in packages or vessels numbered or marked as prescribed for their removal from licensed premises.

Warehousing imported spirits or wines

58. All imported spirits or wines must be warehoused in the packages or other vessels in which they were landed or removed from a Customs warehouse.

Permit for reception in warehouse.

59. All spirits or imported wines received into a warehouse must be accompanied by a permit in the prescribed form.

Detention of spirits irregularly warehoused.

60. If any spirits or imported wines are received into a warehouse not accompanied by a permit, or if the marks on the packages or vessels differ from the marks entered in the permit, such spirits or wines shall be detained in the warehouse until the missing document is produced, or until proper proof thereof, or a satisfactory explanation of the discrepancy is given.

Account to be taken on arrival at warehouse.

61. (1) Immediately on the arrival of any spirits or imported wines at a warehouse, the proper officer shall take an account of the quantity and strength of such spirits or wines and shall enter such account, with the mark and number of each package or vessel containing the spirits or wines, in a book to be kept by him for that purpose.

Acknowledgement.

(2) The officer shall thereupon forward to the person warehousing, and to the Controller or to the Collector of Customs as the case may be, an acknowledgement specifying the several particulars according to the prescribed form.

Deficiency.

(3) When the account so taken shows a deficiency compared with the quantity endorsed on the permit or certificate, the officer may deduct the allowance for loss authorised in the Fifth Schedule, but for any deficiency in excess of the said allowance duty must be forthwith paid thereon :

Provided that if any such deficiency shall appear to arise from any unlawful cause no allowance whatever shall be made, and duty must be paid on the whole quantity deficient:

Provided also that if the importer can prove to the satisfaction of the Controller that an excess deficiency had been caused by an accident or unavoidable cause, the Controller may, with the approval of the Minister, remit the duty on the whole deficiency so caused.

Duty to be paid before removal.

(4) No such spirits or wines shall be removed from the warehouse till such duty has been paid.

- 62.** Any spirits whilst in a warehouse may be transferred to a purchaser, or racked, blended, or bottled in such manner and subject to such conditions as may be prescribed, and at the owner's expense. Transfer, racking, blending, or bottling in warehouse.
- 63.** If the owner or his agent neglect or refuse to mark or to keep marked, or to properly secure any vessel containing racked, blended, or bottled spirits or wines, the owner shall incur a fine not exceeding Fifty Pounds, and no such spirits or wines shall be removed from the warehouse until properly marked. Penalty for certain irregularities.
- 64.** For any unavoidable loss of spirits or imported wines during the process of racking, blending or bottling, an allowance may be made not exceeding the rate authorised in the Fifth Schedule, and duty must be paid forthwith on any deficiency in excess of the said rates. Allowance for loss in racking, etc.
- 65.** The Controller may allow samples to be taken in a warehouse in quantities according to his directions without payment of duty. Taking of samples in warehouse.
- 66.** The charges for storage and labour in a warehouse shall be at such rates as may be prescribed by the regulations to be framed under this Act. Charges for storage and labour in warehouse.
- 67.** (1) No spirits or imported wines, except samples taken as aforesaid, shall be removed from a warehouse until all duties and charges thereon have been paid to the Controller, or (in the case hereinafter provided) unless a bond has been given to his satisfaction in the prescribed form; nor shall they be removed except in packages or vessels marked in the prescribed manner. Duty to be paid or bond given before removal of spirits or imported wines.
- (2) Any person concerned in a removal contrary to this section shall be liable to a fine not exceeding One Hundred Pounds, and in default, to imprisonment not exceeding twelve months. Illegal removal.
- 68.** Spirits may be removed from a warehouse under the prescribed conditions for any of the following purposes:— Purposes for which spirits may be removed from warehouse.
- (a) For consumption in the Colony on payment of the duty thereon.
 - (b) For use by chemists or druggists on payment of the special duty leviable thereon.
 - (c) For rectifying or compounding after payment of the duty.
 - (d) For exportation by sea on the execution of the prescribed bond.
 - (e) For conveyance overland beyond the borders of Natal on the execution of the prescribed bond, and on the payment of such special duty as may from time to time be leviable upon spirits so exported.
 - (f) For removal into another bonded warehouse upon the execution of the prescribed bond.
 - (g) For special use in the Government Laboratory, free of duty, in quantities not exceeding fifty gallons at any one time.

Purposes for which imported wines may be removed.

69. Imported wines may be removed from a warehouse for any of the purposes specified in sub-sections (a), (d), (e), and (f) of the foregoing sections, and under similar conditions respectively as to the payment of duty, or the security therefor.

Sale of spirits and wines left in warehouse for three years.

70. (1) All spirits and wines may, after being three years in a warehouse, be sold by the Controller, unless all duties and charges thereon shall have been paid within fourteen days after written demand therefor.

(2) This section shall not apply to any spirits or wines kept for maturing purposes under special arrangements with the Controller.

PART VII.

Rectifying and Compounding.

Entry to be made by rectifier or compounder.

71. (1) Every person licensed to rectify or compound spirits shall before receiving any spirits for rectifying or compounding, make entry with the proper officer setting forth the particulars specified in the Third Schedule.

(2) If a rectifier or compounder makes any false entry, or uses or allows to be used any room, vessel, or utensil for any illicit purpose, he shall be guilty of an offence.

Things to be erected, provided, and done by rectifier or compounder.

72. (1) Every person licensed to rectify or compound shall, at his own expense, and to the satisfaction of the Controller :—

- (a) Erect, place, affix, and maintain each still, vessel, or utensil in a convenient situation.
- (b) Provide and maintain with each still requisite pipes, cocks, fittings and fastenings.
- (c) Provide and maintain a one-gallon standard measure.
- (d) Mark and keep marked by a distinguishing letter or number, or both, every room, vessel, or utensil where, and in which spirits or Colonial compounds are to be kept, stored or removed.

Receivers and vats.

73. Every rectifier shall provide and maintain at his own expense, to the satisfaction of the Controller, sufficient receivers or vats with proper and secure fastenings for the storage of spirits for rectifying and compounding or for rectified or compounded spirits.

Certain businesses to be on separate premises.

74. (1) No person may make entry of or use for rectifying or compounding spirits, or for receiving or keeping spirits as a rectifier or compounder, any premises within a quarter of a mile of any premises entered or used for brewing, or making wort or wash, or for distilling spirits, or for receiving or keeping spirits by a distiller.

(2) A rectifier keeping a still may not carry on upon his premises the business of a brewer of beer, vinegar, cider, or perry, or a refiner of sugar, or a dealer in or a retailer of wine, spirits, or beer; nor carry on the business of a rectifier keeping a still on premises communicating with any of the aforesaid businesses otherwise than by an open street or public road.

(3) Any person contravening this section shall incur a fine not exceeding One Hundred Pounds for every week during which the contravention has continued.

75. A rectifier keeping a still shall not have in his possession any wort, wash, fermented liquor, or materials capable of being distilled into low wines or spirits; nor distil or extract low wines or spirits from any material except spirits on which duty has been paid; nor have in his possession any spirits for which he has not received a permit as hereinafter provided, or any spirits except such as have been rectified or compounded by him as spirits of wine or colonial compounds. If a rectifier contravenes this section he shall for each offence, in addition to any other penalty, incur a fine of Thirty Shillings for every gallon of wort, wash, fermented liquor, or other material, or of the low wines or spirits in respect of which the offence is committed: Provided, however, that such fine shall not exceed £500.

Rectifier not to keep certain things, or distil, etc., except from duty-paid spirits.

76. (1) None but spirits on which duty has been paid shall be received into the premises or stock of a rectifier or compounder, or be used for rectifying or compounding.

Only duty-paid spirits to be received by rectifier or compounder.

(2) All spirits received must be accompanied by a permit in the prescribed form and in not less quantity than twelve liquid gallons. Duty paid spirits may be received from a distillery store or an Excise or Customs Warehouse.

Permit.

(3) For any contravention of this section the spirits shall be forfeited and the rectifier shall be liable to a penalty not exceeding One Hundred Pounds.

Whence spirits may be received.

77. A rectifier or compounder shall, on receipt of any spirits, give notice thereof in writing to the proper officer, and deliver to him the permit received with the spirits. Unless such officer neglects to attend within three hours after receiving the notice, the rectifier or compounder shall not, until the proper officer has taken an account of the spirits so received, break bulk or draw off any portion of the spirits or add water or anything thereto, or in any respect alter the same, or tap, open, alter or change any cask or package containing any such spirits.

Notice of receipt of spirits.

Proceedings thereafter.

78. (1) A rectifier shall not send out any spirits except Colonial compounds or spirits of wine in less quantity than two gallons. All spirits must be sent out in approved packages or vessels, with the description correctly marked thereon.

Sending out spirits.

(2) Any rectifier or compounder contravening this section shall for each offence incur a fine not exceeding Fifty Pounds; and all spirits or compounds sent out in contravention of this section, together with all horses, cattle, conveyances and boats made use of in conveying the same may be forfeited: Provided that if the owner of any such horses, cattle, conveyances or boats (not being himself a party to such offence) shall prove that they were used without any connivance on his part, they shall not be forfeited.

79. (1) The stock account of spirits at a rectifier's or compounder's shall be kept in such form, and be taken at such times, as the Controller may direct.

Stock account at rectifier's or compounder's

(2) If a still is at work when the account is taken, all spirits produced from the charge of the still must be kept apart from the remainder of the stock until the account has been completed.

(3) If, on balancing the stock, any excess appears, exceeding one half per centum, a quantity of spirits equal thereto computed at proof shall be forfeited, and the rectifier or compounder shall incur a fine of Ten Shillings for every gallon of such excess.

(4) If, on balancing the stock, there is any deficiency not duly accounted for by spirits sent out with certificate and exceeding five per centum on the balance struck when the account was last taken, together with the quantity since lawfully received, and rectified or compounded, the rectifier or compounder shall incur the fine of Ten Shillings for every gallon of such deficiency.

Warehousing
rectified or com-
pounded spirits.

80. (1) Rectified or compounded spirits may be deposited in a warehouse.

(a) Colonial compounds so warehoused must be of a strength not exceeding eleven degrees over-proof, and must be in approved packages, or vessels of not less capacity than ~~four~~^{five} gallons.

(b) All packages or vessels warehoused in any on year from the same premises must be numbered consecutively and marked as prescribed in the Sixth Schedule.

(2) The rectifier or compounder shall, before warehousing Colonial compounds or spirits of wine, deliver to the officer in charge of such warehouse, a warehousing entry specifying the full particulars of the packages or vessels and their contents.

Analysis where
strength cannot
be gauged.

81. If the strength of the Colonial compounds or of liqueurs cannot be ascertained by Sykes's Hydrometer, the officer shall take a sample thereof in the prescribed manner, and the Controller shall have the sample analysed, and the strength as found by such analysis, less five degrees, shall be deemed for the purpose of this Act the true strength of such compounds or liqueurs.

Drawback on
warehousing
rectified spirits,
Colonial com-
pounds, or
liqueurs.

82. A rectifier or compounder removing into a warehouse rectified spirits, Colonial compounds, or liqueurs shall be entitled to a drawback of ~~two~~^{two} shillings for every proof gallon so warehoused.

Removal by
permission for
making essences
or tinctures.

83. Notwithstanding any provisions of this Act, the Controller may authorise the removal from a rectifier's stock of rectified spirits in quantities of not less than four or more than twenty gallons on the same day into a room specially provided by the rectifier and approved by the Controller on or adjoining the rectifying premises, for the purpose of making essences or tinctures under such conditions as he may prescribe.

PART VIII.

Wine and Spirit Dealers.

84. (1) Wholesale or retail dealers in wines or spirits (hereinafter referred to as dealers) shall receive spirits or wines only from :

- (a) Licensed distillers ;
- (b) Licensed rectifiers or compounders ;
- (c) An Excise or Customs warehouse ;
- (d) Any authorised wharf at the port of landing ;
- (e) Licensed dealers ;
- (f) Foreign makers or dealers ;
- (g) Any public sale of spirits or wines sold by the order of the Imperial or Colonial Government, or of a Court, or of the Controller of Excise, or Collector of Customs, or of a trustee in insolvency or the like, or of the representatives of the estate of a deceased person.

From whom, and in what quantities, dealers may receive spirits and Colonial wine.

(2) Spirits or wines may be received at one time and of the same denomination in not less quantity than two gallons, or in the quantity prescribed by this Act in respect of the removal of spirits.

(3) Colonial wine may be received from a licensed maker of wine.

85. A dealer shall not receive or have in his possession any spirits or wines whatever unless

- (a) Contained in packages or vessels marked in accordance with this Act or the Regulations :
- (b) Accompanied by a permit or certificate granted by a proper officer in the prescribed form.

Requisites regarding wines and spirits in possession of a dealer.

86. (1) No dealer shall alter, or allow to be altered, the condition or character of any spirits or wines whilst on his licensed premises or in his possession ; or receive, have or keep, or allow to be received, had, or kept on his licensed premises any mixture, ingredient, or material whatever, which could be used for flavouring or altering the condition or character of spirits or wines.

Mixing not allowed.

(2) No dealer shall have in possession, sell, send out, or deliver any spirits or wines of less strength according to Sykes's Hydrometer than thirty per centum below proof, in the case of imported spirits, and twenty-two per centum below proof in the case of Colonial spirits.

Strength of spirits.

PART IX.

Methylated Spirits.

87. Methylated spirits made under the provisions of this Act from Colonial spirits shall be exempt from duty.

Exemption from duty.

88. Methylated spirits must be methylated to the satisfaction of the Controller.

Methylation.

89. No person shall methylate spirits except distillers and rectifiers using a still, if so authorised by the Controller.

Who may methylate.

90. Spirits may be methylated in the following places and no others :—

Where methylation may take place.

- (a) By a distiller at his licensed premises, but not in his spirit store ;
 (b) By a rectifier in a warehouse approved by the Controller.

Security to be given.

91. Every methylator shall before beginning his business lodge with the Controller security by bond in the prescribed form.

What spirits may be used.

92. It shall be lawful to use only spirits manufactured in the Colony and of a strength of not less than fifty-nine degrees overproof for the purpose of methylation.

Substances to be used for methylation.

93. (1) The substance to be mixed with spirits for the purposes of methylation shall be wood naphtha or methylic alcohol, or some other substance approved by the Controller in the proportion of not less than one-ninth of the bulk of the spirits.

Conditions to be observed.

(2) The methylation of spirits and the storage and removal of methylated spirits shall be carried out in the manner and subject to the conditions prescribed by the regulations.

Stock account.

94. (1) A stock account of methylated spirits, computed at proof, shall be kept by the proper officer in the form prescribed by the Controller.

Excess stock.

(2) If the quantity of methylated spirits in possession of the methylator exceeds by more than one per centum the quantity which ought by the stock account to be in his possession he shall forfeit the whole excess.

Deficient stock.

(3) If the quantity in his possession is less by more than two per centum than the quantity which ought by the stock account to be in his possession the Colonial duty shall be paid on the whole deficiency.

Who may sell methylated spirits.

95. The following persons and no others shall be allowed to sell or supply methylated spirits :—

- (a) Licensed methylators ;
 (b) Persons licensed to retail methylated spirits (in this Act called "methylated spirit retailers").

To whom methylated spirits may be supplied.

96. A methylator shall not supply methylated spirits to any person except :—

- (a) A methylated spirit retailer ;
 (b) A person specially authorised ~~as hereinafter provided~~ ;
 (c) An agent or master of a ship when the spirits are to be exported.

Special authority to receive methylated spirits.

97. (1) The Controller may authorise any person to receive at any one time and on the same day from a methylator methylated spirits in quantities not exceeding twenty gallons for use in any art or manufacture carried on by him.

(2) Such authority shall not be granted until the applicant has given security in the prescribed form that he will use the methylated spirits for the purpose stated.

(3) Before a person so authorised can receive any methylated spirits he must on ordering the same correctly fill up the prescribed form of requisition and counterfoil.

Quantity to be supplied.

98. (1) A methylator shall only supply methylated spirits in vessels containing not less than five gallons.

(2) Each vessel must be accompanied by a permit and be marked in the prescribed form. Vessels.

99. 1 Imported methylated spirits must be immediately deposited in a bonded warehouse, and shall not be removed therefrom until all import duties and charges are paid. Imported methylated spirits.

(2) Imported methylated spirits shall be subject to the same conditions and restrictions as regards marking of vessels, quantity for removal, request notes and permits, as Colonial made spirits.

100. (1) A license to sell methylated spirits by retail under this Act shall not be granted to a person carrying on any of the following businesses or trades, that is to say : - License to sell by retail not to be granted to certain persons.

- (a) A dealer in or retailer of spirits, wines, cordials, ale, beer, or porter ;
- (b) A distiller, rectifier or compounder of spirits ;
- (c) A brewer of ale, beer, porter or other fermented liquors.

(2) No person carrying on any such business or trade as hereinbefore mentioned shall have in his premises or in any premises connected therewith by any private or internal communication methylated spirits except such as he may have lawfully made or received from a methylated spirit retailer. Such persons not to keep stock of methylated spirits on their premises.

101. A retailer of methylated spirits :—

- (a) Shall make entry with the proper officer, in the prescribed form, of each room or place where he intends to keep and sell the spirits ;
- (b) Shall not keep or sell the spirits in any place which is not so entered ;
- (c) Shall not receive or have in his possession at any one time a greater quantity than one hundred and ten gallons ;
- (d) Shall not receive methylated spirits except from a methylator or from a warehouse, and in quantities not less than twelve gallons or from a methylated spirit retailer in quantities not exceeding two gallons in any one day ;
- (e) Shall not supply to or for the use of any one person more than two gallons of methylated spirits in any one day ;
- (f) Shall keep an account, in the prescribed form, of his stock of methylated spirits for examination by an officer.

Duties of retailer of methylated spirits.

102. Any person engaged in the wine and spirit trade, or brewer of beer, having in his possession or on his licensed premises any methylated spirits, other than such as have been received from a methylated spirit retailer, or exceeding in quantity ~~two~~ gallons at any one time, save as is by this Act excepted, or who shall have any such spirits in an unauthorised place, or who shall tamper with, or mix any ingredient, either liquid or solid, with such methylated spirits, or who shall trade in or dispose of such spirits in any manner whatever, shall be guilty of an offence. Offences by persons in the liquor trade.

Offences by
persons not
licensed

103. (1) If any person not being licensed as aforesaid :—
- (a) Shall be in possession of more than two gallons of methylated spirits, except as otherwise specially provided for in this Act ;
 - (b) Prepares or attempts to prepare any methylated spirits for use as a beverage, or as a mixture with a beverage ; or
 - (c) Sells any methylated spirits whether so prepared or not as or for a beverage, or mixed with a beverage ; or
 - (d) Uses any methylated spirits or any derivative thereof in the preparation of any article capable of being used wholly or partially as a beverage or internally as a medicine ; or
 - (e) Sells or has in his possession any such article in the preparation of which methylated spirits or any derivative thereof has been used ; or
 - (f) Has in his possession any methylated spirits not obtained from a person authorised to supply them ; or
 - (g) Not being a methylator shall store or have in his possession any methylic alcohol or other substance for methylating spirits ;

he shall be liable to a fine not exceeding One Hundred Pounds Sterling, and to forfeiture of all such spirits and other substance as aforesaid.

(2) Nothing in this section shall apply to the use of methylated spirits or any derivative thereof, in the preparation of sulphuric ether or chloroform for use as a medicine, or in any art or manufacture, or prevent the sale or possession of any sulphuric ether or chloroform for such use. The proof of any such ground of exemption shall rest with the person charged.

(3) Nothing in Sub-section (g) shall apply to a person importing such methylic alcohol or other substance solely for supplying methylators, and not storing them except in an approved warehouse.

104. All Laws which prohibit the sale of spirits to Natives, or restrict the sale of spirits to Indians, shall be deemed to extend to methylated spirits.

Natives and
Indians

PART X.

Permits, Certificates, and Stock Books.

105. (1) No spirits may be sent out or delivered from a distiller's spirit store or a warehouse unless accompanied by a permit.

(2) No spirits may be removed without a permit from any wharf at the port of landing except into a warehouse less than a quarter of a mile distant.

(3) No spirits may be sent out or delivered from the premises of a rectifier or compounder unless accompanied by the certificate hereinafter provided for.

Permits for
sending out
spirits or
removal

(4) All spirits sent out, delivered or removed in contravention of this section, together with all horses, cattle, vehicles, and boats made use of in conveying the same may be forfeited, and every person in whose possession the same are found shall be liable to a fine not exceeding One Hundred Pounds, or at the election of the Controller a fine equal to double the duty on the spirits: Provided that if the owner of any such horses, cattle, conveyances or boats (not being himself a party to such offence) shall prove that they were used without any connivance on his part, they shall not be forfeited.

(5) If any question arises as to the accuracy of the description of the spirits in a permit, the burden of proof that the spirits correspond to the description shall lie on the person charged.

106. (1) A permit may be granted by the Controller or officer deputed by him upon a request note by a distiller or by an owner of spirits. Grant of permits

(2) The request note and permit shall contain the particulars specified in that behalf in the Seventh Schedule

(3) The permit shall be in such form and for such quantities and shall impose such conditions as may be prescribed by the regulations, which conditions shall be binding on the persons concerned.

(4) A permit shall not be granted for the removal of any spirits unless the duty thereon shall have been received, or security, if proper to be given, has been lodged.

(5) A permit may be renewed or extended on sufficient reason being shown to the officer.

107. (1) Every rectifier or compounder shall from time to time, by written request, obtain from the Controller a certificate book. Certificate books for rectifiers and compounders

(2) The certificate book shall be kept and used, and certificates given and delivered, and inspection shall be permitted, as may be prescribed, and the book when finished shall at once be returned to the Controller.

108. 1. Any person who uses any deception in order to obtain or in connection with the use of any permit or certificate, or who gives a certificate for any improper purpose, or who makes or allows any improper use of a permit, shall be guilty of an offence. Offences in respect of permits and certificates.

(2) A permit shall be deemed to be a pass within the meaning of the "Fraudulent Passes Act, 1895."

(3) If any rectifier or compounder shall mutilate a certificate book or make any improper use of a permit or certificate, he shall be guilty of an offence, and it shall be in the discretion of the Court, in addition to any other punishment, to declare the license forfeited.

109. If any spirits are found to be more than one per centum above or more than two per centum below the strength stated in the certificate, the like penalties shall be incurred as if no certificate had been given. Spirits not according to description in certificate.

Cancellation of permit or certificate on receipt of spirits.

110. (1) Every rectifier, compounder and dealer shall, on receiving spirits accompanied by a permit or certificate, immediately cancel the permit or certificate in the prescribed manner, and shall deliver the cancelled permit or certificate to the proper officer.

(2) Such certificate shall be kept for twelve months, and may then be destroyed.

Rectifier's or compounder's stock book.

111. (1) Every rectifier or compounder shall provide himself with and keep a stock book, according to the prescribed form, and shall on receiving any spirits, enter in such book the particulars specified in that behalf in the Seventh Schedule.

(2) A rectifier or compounder shall also enter in his stock book a true account of all spirits sold and delivered from stock as prescribed in that behalf in the Seventh Schedule.

(3) Such entries shall be made on the day when the spirits are received, sent out, or delivered.

(4) The stock book shall be kept on the licensed premises and open to inspection by any officer, and such officer, may make any entry therein or take any extract therefrom.

(5) The stock book shall be kept open to such inspection for twelve months after it is filled up.

False entries : falsification.

112. If any rectifier or compounder makes a false entry in his stock book, or destroys, obliterates, or alters any entry he shall be guilty of an offence.

113. (1) If any rectifier or compounder or any persons employed by him commits an error in making any entry required to be made in his stock book or in any other document required to be filled up by him, the incorrect entry shall not be obliterated or erased, but shall be cancelled by drawing a line through it, and the correct entry made, and such cancellation shall be initialled by the person making same.

(2) For any contravention of this section the rectifier or compounder shall be liable to a fine not exceeding Fifty Pounds Sterling.

114. (1) Every person licensed under this Act shall provide a set of standard measures, and, on demand by an officer, scales and weights to the satisfaction of the Controller for the purpose of measuring, weighing, and taking an account of the spirits on his licensed premises.

(2) Such licensed person shall permit any officer to use his measures, scales and weights for the purpose aforesaid, and shall, whenever required by any officer, measure or weigh and assist in measuring or weighing as he requires and in taking account of any such spirits as aforesaid.

(3) If any licensed person provides or permits to be used any false measure, scales or weights, or practises any device or contrivance by which an officer may be prevented from or hindered or deceived in taking the true quantity, measure or weight of any spirits or of any vessel, he shall be liable to a fine not exceeding One Hundred Pounds Sterling, and any such measures, scales and weights shall be forfeited.

Mode of correcting errors in entry.

Measures, scales, and weights to be provided by licensed persons.

115. (1) Where any storeroom, place, vessel, utensil, or fitting is by this Act directed to be secured or locked the license-holder shall, to the satisfaction of the Controller, or other proper officer, provide, affix, repair and renew all plugs, cocks, taps, fastenings and requisites for the purpose of enabling officers to affix locks thereto or otherwise secure the same.

License holder to provide plugs, etc., where required.

(2) In the event of any failure on the part of the license holder the Controller may make good the defect at the expense of the license holder.

116. (1) All requisite rods, locks and keys shall be provided by the Controller at the public expense.

Rods, locks, and keys.

(2) If any rod, lock or key shall be tampered with, broken, injured or destroyed, or if any pipe, cock or fastening connected with a safe or receiver shall be pierced, broken or injured, the license-holder shall be obliged to repair or renew the same to the satisfaction of the Controller, or such repairs or renewal may be made by the Controller at the expense of the license holder.

Injury thereto, or to pipes, etc.

(3) If any such tampering, breakage, injury, piercing or destruction shall have been either directly or indirectly caused by the wilful act, connivance, neglect or improper conduct of the license-holder, or any person employed in or about the premises, such license-holder, in addition to paying the cost of the requisite renewal or repairs as prescribed by this Act, shall be liable to a fine not exceeding One Hundred Pounds Sterling. The burden of showing that any such breakage, piercing or destruction was not so caused shall rest with the license-holder.

PART XI.

Manufacture of Wine.

117. (1) Wines made in Natal under a license shall be exempt from duty.

Colonial wine free from duty.

(2) The holder of a license to make wine shall be allowed to sell any wines made by him in cask or bottle, in quantities of not less than two gallons, without being required to take out a license under any Act relating to the sale of intoxicating liquors.

Quantities in which it may be sold.

118. Every person licensed to make wine shall in the month of January in each year lodge with the Controller a declaration attested by a Justice of the Peace stating the total quantity of wine (Imperial gallons) made by him in the previous year.

Annual declaration of quantity made.

119. (1) No wine made under this Act shall exceed a strength of forty per centum of proof spirit, or be so fortified as to exceed that strength.

Strength of wine: fortifying wine.

(2) Any wine containing more than forty per centum of proof spirit shall be liable to the Colonial spirit duty.

(3) No wine shall be so fortified elsewhere than in a warehouse.

(4) No wine shall be fortified with any spirits except spirits of wine, and the quantity of spirit to be added shall not exceed ten per centum of the wine.

Analysis when strength cannot be gauged.

120. If at any time the strength of wine cannot be ascertained by the Hydrometer, or in the event of any dispute as to the percentage of proof spirit contained in any wine, the Controller shall have a sample of the wine analysed, and the certificate of the analyst shall be final.

PART XII.

Miscellaneous Provisions.

Bonds

121. (1) Bonds under this Act shall be of the prescribed form, and may be either special or general.

- (a) A special bond shall be for a sum sufficient to cover the liability under a particular transaction ; and
- (b) A general bond shall be for a sum sufficient to cover the maximum liability estimated to accrue in the course of the business.

(2) Every bond shall be for an amount equal to treble the duty for the time being exigible upon the actual or estimated quantity of spirits or wine, and must be executed and lodged with the Controller before any transactions secured thereby can proceed.

New bonds.

122. The Controller may request a new bond to be furnished in the event of any change affecting the validity or security of the bond.

Duties of keeper of still, marking, keeping book.

123. Every person making a still shall

- (a) Indent on every such still or distilling apparatus its progressive number, capacity in gallons (Imperial measure), and the maker's name ;
- (b) Keep in the licensed premises where such still or apparatus is made or kept a book in the form to be prescribed by the Controller ;
- (c) Enter in the said book the progressive number, and the capacity of each such still or apparatus, the name and residence of the purchaser, and the date when any such still or apparatus is sent away ; and
- (d) Leave such book open to the inspection of the proper officer, and allow any extracts to be made by him from the book.

124. (1) All premises for which a license is granted shall be under the supervision of the Controller.

Licensed premises to be under Controller's supervision.

Instruments used in taking accounts.

(2) For the purpose of taking the stock account or any other account of spirits, only such gauging instruments and hydrometer shall be used as may be supplied or approved by the Controller, and if a licensed person, or any person in his employ, shall interfere with or wilfully injure any gauging instruments, hydrometers, locks or other articles used by or under the authority of the Controller, such licensed person shall defray the cost of all repairs, and shall be liable to a fine not exceeding Fifty Pounds.

(3) The several forms of entries, notices, declarations, accounts, returns, request notes, permits, certificates, and all books required or directed for use under this Act shall be in such form as the Controller may, from time to time, prescribe and direct, and it shall not be necessary to prove, on the trial of any complaint or information instituted under this Act the particular order or direction in that behalf.

Forms of entries, etc.

125. If any Colonial spirits or wines which have been shipped on board of any vessel for exportation shall be re-landed, otherwise than by the permission of the Collector of Customs, or shall be drawn off, used or altered, either in quantity or quality, or the packages or vessels in which any such spirits or wines are contained shall be interfered with before being delivered at their lawful destination, all such spirits shipped, including those which have been so re-landed, drawn off, used or altered, shall be forfeited, and may be seized by any excise surveyor or officer of Customs, and the master of the ship and any other person concerned in the re-landing of any such spirits or wines, or in the removal, or into whose possession they shall knowingly come, shall be liable to a penalty not exceeding One Hundred Pounds.

Offence of re-landing and drawing off, using, or altering Colonial spirits or wines shipped for exportation.

126. Any colonial spirits deposited in a warehouse may be removed from such warehouse for the purpose of being conveyed overland beyond the boundaries of the Colony into any inland Colony or State, by such routes and through such ports of exit as the Governor in Council may from time to time appoint by proclamation, upon payment of an *ad valorem* duty at such rate as the Governor in Council shall from time to time appoint by notice in the *Government Gazette*, and under such conditions and restrictions as shall be prescribed: Provided that this and the succeeding sections shall not be deemed to affect the provisions of any convention or agreement lawfully made with the Government of any such Colony or State.

Removal of Colonial spirits for exportation overland.

Duty.

127. (1) No spirits shall be so removed until a bond shall have been given in such form and for such amount as are prescribed.

Removal bond.

(2) The regulations under this Act may also prescribe the conditions to be observed in regard to such removal, and the conditions for the enforcement or cancellation of bonds, and all other matters relative to such removal.

Regulations for removal.

128. If any spirits removed for exportation overland shall not be so exported, or after being exported shall be again brought back into this Colony, such spirits shall be forfeited, and any animals or vehicles of whatever kind or description used in connection with the conveyance of such spirits may be forfeited, and all persons concerned shall be guilty of an offence: Provided that if the owner of any such horses, cattle, conveyances or boats (not being himself a party to such offence) shall prove that they were used without any connivance on his part, they shall not be forfeited.

Offence of not exporting, or bringing back spirits removed for exportation.

129. (1) Every distiller and rectifier whose premises shall be situated at a distance of a quarter of a mile or upwards from the limits of a borough or statutory township shall within three months after request by the Controller provide

Provision of house for officer at a distiller's or rectifier's premises.

a suitable house and stable, with requisite appurtenances, approved by the Controller, for the use of the officer to be placed in charge of the licensed premises.

(2) The house and stables must be conveniently situated, and must not form part of the licensed premises or of the licensee's dwelling house, and the rent charged for them unfurnished must not exceed Thirty-six pounds a year.

130. Any liquid containing methylic alcohol so purified or otherwise prepared by filtration or any other process as to be free wholly or partially from any flavour or odour which would otherwise appertain to it, shall be deemed to be dutiable spirits.

131. In the event of the loss of any Colonial spirits by unavoidable accident the Controller may, on proof to his satisfaction of such loss, remit the duty thereon.

132. All spirits shall be deemed to be of the strength as denoted by Sykes's Hydrometer, as approved and supplied by the Controller, and as ascertained by an officer of the Excise or Customs Department in the prescribed manner.

133. (1) An officer may at any time by day or by night enter any part of the premises of a distiller, rectifier, or compounder, or any house or place whatsoever belonging to, or made use of by him, and search for, examine, gauge, or take an account of the contents of any still or other vessel or utensil therein, and also any spirits or materials that could be used for the manufacture of spirits therein, and to take samples of the spirits on payment of a reasonable price.

(2) If an officer after having demanded admission into such premises and declared his name and business shall not be immediately admitted, it shall be lawful for such officer, or any person acting in his assistance, at all times, to break open by force any of the doors or windows, or break through any of the walls, as shall be necessary to enter such distillery. If such forcible entry is made at night, the officer shall be accompanied by a constable.

134. Every person licensed under this Act shall on demand by an officer made on the premises either by day or by night for the purpose of enabling him to carry out any of his duties, provide and place proper ladders and supply sufficient lights, and generally render every aid to such officer.

135. (1) If any officer shall have reasonable cause to suspect that any distillation or rectification of spirits is being illicitly carried on, he and any person acting in his aid may either by day or by night for the purpose of searching for any pipe cock, conveyance or utensil, break up the ground in or adjoining or near the premises of a distiller or rectifier or any wall or partition of his premises or other place, and may on finding any pipe or conveyance leading to or from the premises break up or break any ground, house, wall or other place through or into which the pipe or conveyance leads, and may break up or cut away any such pipe or conveyance and turn any such cock and examine whether any such pipe or conveyance conveys or conceals any spirits or any liquor used in the manufacture of spirits,

Where methylic
flavour is
weakened liquid
to be deemed
dutiable spirits

Remission of
duty in event
of loss.

Strength to be
as denoted by
Sykes's Hy-
drometer.

Entry by officer
on distiller's,
rectifier's, or
compounder's
premises for
purposes of
search and
examination.

Licensed person
to provide
ladders, etc.,
and aid officer.

Breaking up
ground, etc., for
purpose of
search.

(2) If any damage is done in the search and such search is unsuccessful, the damage shall be made good at the public expense.

136. (1) If any officer makes oath that there is cause to suspect that any still, vessel, utensil, spirits or materials for the manufacture of spirits is or are unlawfully kept or deposited in any house or place, any Magistrate or Justice of the Peace may issue a warrant authorising the officer and any person acting in his assistance to search the suspected house or place.

Warrant for search of suspected house or place: entry, search, seizure.

(2) Any person so authorised may either by day or by night, but at night only in the presence of an officer of the peace, break open and forcibly enter any such house or place, and seize any still, vessel, utensil, spirits or materials for the manufacture of spirits found therein and either detain the same or remove them to a gaol or other place of safe custody.

(3) Every still, vessel, or utensil, and all spirits and materials so seized shall be absolutely forfeited, and the person in whose custody the same is found shall for every place in which every such still, vessel, or utensil is found be liable to a fine not exceeding Two Hundred Pounds Sterling.

(4) If any damage is done by such forcible entry, and the search is unsuccessful, the damage shall be made good at the public expense.

(5) An officer may seize any such still, vessel, utensil, spirits or materials without a warrant.

137. (1) An officer may require a distiller at any time when his still is not at work to cause the water in any worm tub in his distillery to be drawn off and the tub and worm to be cleansed.

Officer may require water to be drawn off, and tub and worm cleansed.

(2) In such case the water must be kept out of the worm tub for two hours at least, or until the officer has finished his examination of it.

PART XIII.

Regulations, Offences and Legal Proceedings.

138. The Governor in Council may from time to time make and alter regulations for all matters necessary for fully and effectually carrying out the provisions of this Act.

Regulations.

139. Such regulations may define punishments for contraventions thereof not exceeding a fine of Fifty Pounds Sterling, or imprisonment with or without hard labour for a term not exceeding three months.

Punishments for breach of regulations.

140. The regulations in force at the date of the taking effect of this Act shall, so far as they are consistent with this Act, continue in force until revoked or altered.

Existing regulations.

141. All regulations framed under this Act shall be published in the *Government Gazette*, and a copy thereof laid before Parliament within fourteen days after the next ensuing session, and a copy of such regulations shall be supplied to every distiller, rectifier, and compounder in the Colony.

Publication of regulations: laying before Parliament.

What acts constitute an offence.

142. Every contravention of this Act or of the regulations, or the disobedience or disregard of any duty imposed by this Act or the regulations, shall be an offence.

Resisting execution of Act or regulations.

143. If any person forcibly opposes the execution of any powers given by this Act or the regulations, or rescues or attempts to rescue any person being arrested for an offence or any things seized, or prevents or attempts to prevent such an arrest or seizure he shall be guilty of an offence.

Jurisdiction of Courts, and powers of punishment.

144. (1) Every offence of which the punishment is not specially defined shall be cognisable in the Court of a Magistrate and shall be punishable by a fine not exceeding One Hundred Pounds Sterling, or in default of payment by imprisonment with or without hard labour for any term not exceeding Six months.

(2) Every offence for which a punishment is specially defined not exceeding a fine of One Hundred Pounds Sterling or Six months' imprisonment, with or without forfeiture, shall be cognisable in the Court of a Magistrate.

(3) Nothing in this section shall be deemed to prevent the prosecution of any offence upon indictment in the Supreme Court or a Circuit Court.

(4) Any case in which a penalty of not more than One Hundred Pounds Sterling, with or without forfeiture, issued for shall be cognisable in the Court of a Magistrate, but without prejudice to the jurisdiction of the Supreme Court.

Jurisdiction as to place.

145. An offence may be charged as having been committed in any place in which or through which the spirits or wines or other things involved have been removed or conveyed.

Jurisdiction of Magistrate's Court on direction or remittal of Attorney-General.

146. When an offence has been committed which would otherwise be beyond the jurisdiction of a Magistrate, the Attorney-General shall have the discretion to direct the case to be tried in the Court of a Magistrate, or he may remit the case for trial in the Magistrate's Court, and thereupon it shall be competent for the Magistrate to try the case and to award the same punishment as is competent to him for other offences which by this Act are cognisable in his Court: Provided that no person shall be deprived of the right given to him by Section 5 of Law 16, 1861, of demanding trial by jury. The jurisdiction of a Magistrate under this section may be exercised by any Magistrate specially appointed for the trial of offences under this Act.

Option of prosecution or civil suit.

147. The enforcement of forfeitures and penalties imposed by this Act or the regulations may be by criminal prosecution or by a civil suit at the instance of the Controller, but without prejudice to the powers of seizure and forfeiture competent to him as herein provided.

Waiver or enforcement of whole or part of penalty or forfeiture

148. The Controller may with the approval of the Minister waive proceedings against any person liable to a penalty or forfeiture, or may demand, accept, or sue for the whole or any part of such penalty or forfeiture.

Reward to informer.

149. It shall be lawful for the Controller, with the approval of the Minister, to award any special sum not exceeding one-half out of a penalty recovered or out of the

proceedings of the sale of any forfeited property to the officer or person by whose means and information the offence has been made known.

150. A criminal prosecution or conviction under this Act shall not prejudice any other criminal prosecution to which the offender would but for this Act be liable, provided that he be not twice punished for the same offence.

Prosecution for other offences not barred.

151. When any offence has been committed it shall be in the discretion of the Court, in addition to any other punishment, to adjudge the forfeiture of the whole or any part of the spirits, wines, or other preparations to which the offence relates or which may have been directly or indirectly involved in any such offence, or which any such offence may have been intended or calculated to conceal, as also of any packages, vessels, fittings, utensils, or other appliances involved.

Court may adjudge forfeiture.

152. (1) All packages, vessels, vehicles, or animals made use of in the carriage or removal of any things liable to forfeiture may be seized and forfeited.

Forfeiture of vessels, vehicles etc., used for removal.

(2) All forfeitures under this Act shall be removed to the nearest Magistracy, and subsequently to such other place of security or convenience as the Controller may appoint and direct.

Disposal of forfeited articles.

153. All things liable to forfeiture may be seized and secured by an officer, and may on the expiry of one month thereafter be condemned and forfeited by the Controller with the approval of the Minister, without any adjudication of forfeiture by a Court, and may be dealt with and disposed of as herein provided.

Seizure, condemnation, and forfeiture.

154. Where on any indictment or proceeding for the recovery of a penalty or forfeiture under this Act, any question shall arise whether any person held a license under this Act at the time of committing the offence mentioned therein, a certificate purporting to be signed by the Controller that such person did or did not hold such license, shall be sufficient proof of the fact stated in such certificate.

Controller's certificate as to license.

155. (1) All spirits, wines, or other things adjudged or declared to be forfeited shall be sold by public auction.

Sale of forfeited articles.

(2) An officer of the Excise Department may hold such sale without being liable to take out a license for that purpose.

156. No action shall be instituted against any officer of the Excise Department or any person acting as such, for anything done in the exercise of his office, until one month after notice in writing shall have been served upon him by or on behalf of the person who intends to bring such action, in which notice shall be clearly and explicitly contained the cause of the action, and the name and place of abode of the person bringing such action.

Notice of action against officer.

157. In case any suit shall be brought to trial on account of any seizure or anything done under this Act, or any Act relating to the Excise Department, and a judgment shall be found for the plaintiff, and the Court shall certify on the record that there was probable cause of seizure or justification for the thing done, the plaintiff shall not be

No costs against officer acting on probable cause: exemption in such case from prosecution

entitled to any costs of suit ; nor shall the person who made such seizure or did such thing be liable to any criminal prosecution on account of such seizure or thing done.

Limit of damages in such case.

158. In any such action, if the Judge or Court before whom such action shall be tried shall certify upon the record that the defendant in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than One Shilling damages, nor to any costs of suit.

Enforcement of bonds.

159. Any bond given under this Act or the regulations shall be a liquid document of debt due by every principal and surety, and proper for granting a provisional sentence in every case in which there shall be shown any breach of the conditions thereof either within the Colony or beyond the boundaries of the Colony, and whether the principal shall be convicted of such breach or not, or whether such principal shall be absent from the Colony or not, and any surety may be sued thereon whether the principal be also sued or not, and the amount may be levied on the goods and chattels of such surety : Provided that not less than three weeks' notice shall be given to a surety before issue of a summons against him.

FIRST SCHEDULE.

Enactments Repealed.

Law or Act.	Title.
Law 14, 1868 ...	To amend the Law as to the distillation of spirituous liquors.
Law 1, 1871 ...	To amend Law No. 14, 1868, known as the Excise Law, 1868.
Law 36, 1874 ...	To amend Law No. 14, 1868, entitled "Law to amend the Law as to the Distillation of Spirituous Liquors."
Law 17, 1878 ..	To amend and explain the meaning of certain words used in the Law 14, 1868, and other laws as to the Distillation of Spirituous Liquors.
Law 24, 1888 ...	To amend and extend in certain respects the Excise Law.
Law 8, 1892 ...	To amend the Law relating to Excise.
Act 11, 1894 ...	To amend the Excise Law Amendment Law, 1892.
Act 32, 1895 ...	To amend the Excise Laws.
Act 48, 1898 ...	To increase the Excise Duty upon spirits distilled in this Colony.

SECOND SCHEDULE.

Stamp Duties on Licenses.

License	Stamp.		
	£	s.	d.
For a license to keep an unused still ...	1	0	0
For a license to distil spirits : for each still or distilling apparatus used under the license	5	0	0
For a license to rectify or compound spirits : for every still used	5	0	0
For a license to make stills	1	0	0
For a license to retail methylated spirits :—			
1. In Durban or Pietermaritzburg ...	2	0	0
2. In any other part of the Colony ...	1	0	0
For a license to make wine	1	0	0

Provided that if any license is taken out after the 30th June in any year, the license duty shall be two thirds of the foregoing ; but this shall not apply to renewal licenses unless the license previously held had expired one whole year before the 31st day of December preceding the application for the license.

Provided also that no license shall be required in the case of persons making wine solely for domestic use.

THIRD SCHEDULE.

Particulars of entry to be made by distillers, rectifiers and compounders :—

- (a) Name and abode, and the situation of the premises to be entered.
- (b) Every house, room, and place in which any part of the business is to be carried on, or any spirits are to be kept, and the purpose for which each such house, room, or place, is intended to be used.
- (c) A true and particular description of every vessel, utensil, and fitting (other than buckets and similar vessels) intended to be used on the premises for the purpose of the business.
- (d) The particular purpose for which each such vessel and utensil is intended to be used.
- (e) Either the number of gallons which every still with its head is capable of containing, or the number of gallons of wash per hour the still is capable of distilling, and the number of gallons of wash which each wash vat is capable of holding.

FOURTH SCHEDULE.

FIRST PART.

1. Every distiller shall cause to be legibly painted with oil colour, and shall keep so painted, in letters and figures not less than two inches in height, on some conspicuous part of every vessel or utensil intended to be used by him in his business, and of the outside door of every room or place wherein any part of his business is to be carried on, or any spirits are to be kept, the name of the vessel, utensil, room, or place respectively, according to the purpose for which it is intended.

2. Where more than one vessel, utensil, room, or place is to be used for the same purpose, all such vessels, utensils, rooms, or places must be marked by progressive numbers.

SECOND PART.

1. Every pipe used by the distiller must, unless used exclusively for the discharge of water and spent wash, be so fixed and placed as to be capable of being examined for the whole of its length.

2. The pipes must be painted and kept painted, as follows :—

If for the conveyance of
 Wort or wash—red.
 Low wines or feints—blue.
 Spirits—black.
 Water—white.

3. Every cock and valve kept or used by the distiller must be constructed in the prescribed or approved manner.

THIRD PART.

1. Every distiller shall, at his own expense, and to the satisfaction of the Controller, provide, place, affix, and maintain each vessel, utensil, and fitting allowed or required by the Act.

2. He must, to the satisfaction of the Controller, place and keep each vessel and utensil on his premises in a convenient situation, and so as to be easy of access to the officer.

FOURTH PART.

1. At or near the top of every entered fixed vat or butt for storing or keeping spirits on the premises of a distiller, there must be a dipping hole at which an officer may conveniently take his dip or gauge of the contents of the vessel,

2. A metal plate must be fixed at the dipping hole to secure it from being worn or altered.

3. Every receiver and charger must have a sufficient cover with a dipping hole cut in it of the prescribed form and size.

4. Each dipping hole in a spirit receiver, low wines or feints receiver or charger, or vat, or butt, must be secured and kept secured to the satisfaction of the Controller.

5. No alteration must be made in the dipping hole or level of any receiver, vessel, or utensil, without permission of the Controller after due notice given him in writing.

FIFTH PART.

1. Proper fastenings must be provided for locking and securing, to the satisfaction of the Controller, the head of every low wines still, and the furnace door or steam valve thereof, and all apparatus used in connection therewith.

2. A still and its worm may have an air valve or conductor approved by the Controller.

3. A spent lees receiver must be attached to the discharging cock of every low wines still, constructed, fixed, and provided with fastenings to the satisfaction of the Controller.

4. Except as permitted or required by this Act there must be no pipe leading directly or indirectly to or from a still, and no opening into or out of a still or worm of a still.

SIXTH PART.

1. All wash must be fermented in the entered fermenting vats, and thence conveyed into the still for distillation.

2. All low wines, feints, and spirits running from the worm of the still must run thence directly into the safe at the end of the worm.

3. All low wines must be conveyed directly from the safe into the low wines receiver, and thence directly into the low wines and feints charger, and thence directly into the still for re-distillation.

4. All spirits must be conveyed directly from the safe into the feints receiver or spirit receiver.

5. All spirits conveyed into the feints receiver must be conveyed thence directly into the low wines and feints charger, and thence directly into the still for re-distillation.

6. No spirits conveyed into the spirits receiver may be re-distilled without permission of the Controller, or may be removed therefrom except into butts or casks for removal into the distiller's spirit store, or into an approved vat for methylation.

7. All spirits distilled in the distillery must, after the proper officer has taken an account of their quantity and strength, be forthwith conveyed through the discharging cock into butts, casks, or a vat for methylation.

SIXTH SCHEDULE.

(1) Particulars to be marked on both the outside ends of packages or vessels containing saleable spirits by excise traders.

- (a) The name of distiller, rectifier or compounder.
- (b) Distinguishing letter of the distillery, rectifying or compounding premises.
- (c) Progressive number of each package or vessel, progressive number to commence with number one on and after 1st January, annually, together with the year or two last figures of the year in which filled, thus $\frac{16}{1001}$ or $\frac{16}{01}$.
- (d) Capacity and content in liquid gallons, and where the total number of gallons capacity is less than eighty, the one-half gallon of actual capacity and content above the number of entire gallons.
- (e) Strength of the spirits.

(2) All such particulars shall be legibly painted and kept so painted thereon in letters or figures of not less than one in. in height.

(3) Excise traders shall conform to the directions of the Controller in any particulars relative to the above.

SEVENTH SCHEDULE.

(1) Particulars to be specified in request note for a permit and to be entered on the permit.

- (a) Quantity and strength of spirits for which permit is required.
- (b) Packages or vessels in which spirits are contained.
- (c) From whom and whence the spirits are to be sent.
- (d) To whom and whither the spirits are to be sent.
- (e) Mode of conveyance.

(2) Particulars to be specified in certificate.

- (a) Quantity, denomination and strength of spirits sent out or delivered.
- (b) Number of packages or vessels in which spirits are contained.
- (c) Day and hour of sending out or delivery.
- (d) From whom and whence sent or delivered.
- (e) To whom and whither sent or delivered.
- (f) Mode of conveyance.

(3) Particulars to be entered in stock book.

On Receipt.

- (a) Quantity, denomination, strength and gallons computed at proof of spirits received.
- (b) Date of receipt.
- (c) From whom and whence received.

On Sending out or Delivery.

- (a) Quantity, denomination, strength and gallons computed at proof of spirits sent out or delivered.
- (b) Date of sending out or delivery.
- (c) To whom or whither sent or delivered.

Given at Government House, Natal, this Nineteenth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J SMYTHE,
Colonial Secretary.

[No. 34, 1901.]

HENRY McCALLUM,
Governor.



E.

R.

ACT,

“To amend the Supreme Court Act, 1896.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. The provisions of Section 72 of the Supreme Court Act, 1896, shall apply and be deemed to have applied to any person being a Law Agent within the meaning of the Law Agents (Scotland) Act, 1873, or a Solicitor or Attorney in the Court of Session in Scotland, in the same manner as to the other persons referred to in the said Section.

Extension of S.
72 of Sup. Court
Act, 1896.

2. The following sub-section shall be added to Section 69 of the Supreme Court Act, 1896:—

Additional
powers for
making Rules
of Court.

(n) The manner of recording or noting evidence, and the proceedings of the Court.

3. In any criminal case in which the proceedings or judgment or sentence of a Magistrate's Court shall have been brought in appeal before a Circuit Court, an appeal shall lie at the instance of either the prosecutor or the accused person against the judgment of the Circuit Court.

Appeal from
judgment of
Circuit Court on
a criminal
appeal from a
Magistrate's
Court.

4. The provisions of Sections 59, 60, and 61 of the Supreme Court Act, 1896, shall apply, *mutatis mutandis*, to appeals from the judgment of a Circuit Court for the purposes of such appeals as aforesaid; but the Supreme Court may by any rules thereof from time to time substitute other and further suitable provisions for the provisions of sub-sections (a), (b), (c), (d), and (e), of the said section 61, in so far as may appear proper for the purposes of such appeals.

Procedure in
such appeals.

Execution or
stay of judgment
in such cases.

5. The provisions of any Act for the time being in force relative to the execution or staying of a judgment and sentence of a Magistrate's Court in criminal cases which may be brought in appeal before a Circuit Court shall apply also to the judgment of a Circuit Court when appealed from under the provisions of this Act, save so far as the times by any such first mentioned Act for bringing appeals may be inconsistent with this Act or the rules hereinbefore provided for.

Duties of As-
sistant Master
and Assistant
Registrar.

6. The Court may make rules for the performance by any Assistant Master or Assistant Registrar of any of the duties, imposed by law or otherwise, of the Master or Registrar respectively.

Given at Government House, Natal, this Twenty-sixth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“To repeal and re-enact with amendments the Road Board Law, 1888.”

BE IT ENACTED by the King’s Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

- 1. This Act may be cited as “The Road Boards Act, 1901.” Short Title.
- 2. The Road Board Law, 1888, shall be repealed, but such repeal shall be without prejudice to anything done or any appointment made, or any right acquired or liability incurred thereunder. Repeal.

PART I.

CONSTITUTION OF ROAD BOARDS.

- 3. A Road Board may be constituted in and for every Magisterial Division of the Colony, except the City Division of Pietermaritzburg, and the Division of Durban, and any Division confined to a statutory borough or township. Road Boards.
- 4. When any new Magisterial division (other than as above excepted) is created, the existing Road Boards of the several divisions from which the new division is formed shall be dissolved and new Boards may be constituted for the several divisions. Creation of new divisions.
- 5. The members of any Road Board in existence at the date of the passing of this Act shall remain in office till the Thirty-first Day of December, 1901, under the same terms and conditions and with the same powers and duties, both individually and as a Board, as if they had been originally appointed under this Act. Existing Road Boards.
- 6. Every Road Board shall consist of the Magistrate or Acting Magistrate of the Division, and of five other members elected or appointed as hereinafter provided. Constitution of Board.

Clerk.

The Clerk of the Court of the Magistrate shall be *ex officio* the Clerk to the Road Board, but in his absence the Magistrate may appoint a clerk for the time being.

First general election.

7. The first general election under this Act shall be held in each Division on a date in December, 1901, to be fixed by the Magistrate, not being later than the 14th day of the month.

Duration of Board.

8. The whole of the elected or appointed members of every Road Board shall retire at the end of every third year, dating in all cases from the 31st day of December, 1901, and a fresh election shall be held: Provided that nothing in this section contained shall prevent the re-election of a retiring member.

Completion of cases begun before expiry of Board.

If the hearing of any case before a Board has commenced the Board shall continue to hold office for the purpose of concluding the case, notwithstanding that the Board would otherwise have expired under the provisions of this section or that a new Board may have been elected or appointed.

Date of triennial election.

9. The ordinary triennial election of members of a Road Board shall be on a convenient day to be fixed by the Magistrate, not being later than the 14th day of December in the year when the election shall fall due, unless the election be delayed by some unforeseen cause.

Qualification of members and voters.

10. No person shall be capable of being elected or allowed to vote for a member of a Road Board in any Division unless his name shall be on the Voters' Roll for that Division, and unless he shall own landed property in the Division other than Town lands or the erven of any town or village.

Nomination of candidates and mode of election.

11. The mode of nominating candidates and holding an election shall be as detailed in Schedule No. 1 of this Act.

Appointment of members when insufficient number elected.

12. If at the time appointed for an election no election shall take place, or if less than five candidates shall be elected, the Governor may appoint so many duly qualified persons to be members of the Board as are required to fully constitute the Road Board.

Resignation.

13. Any member of a Road Board may resign office upon giving at least one month's previous notice in writing to the Clerk of the Board of his intention so to resign.

Vacation of seat.

If any member of a Road Board shall cease to hold the qualification defined by Section 10, or shall fail to attend two consecutive meetings of the Board, or shall become an insolvent, or take advantage of any act for the relief of insolvent debtors, or shall be a public defaulter, or be attainted of treason, or be sentenced to imprisonment for any infamous crime, or shall become of unsound mind, his seat shall become vacant.

Proceedings not invalidated by occurrence of vacancy.

No proceedings of a Road Board shall be invalidated or be illegal in consequence of a vacancy or vacancies in the said Board, provided that the quorum of members by this Act required be present at and take part in all meetings of such Board.

Election or appointment to vacant seats.

14. (1) If any vacancy or vacancies shall occur in any Board by the death, resignation, or disqualification of a member the Magistrate shall affix to the notice board at his office,

a notice in the form No. 1 of Schedule No. 3, inviting requisitions for candidates for election.

(2) Such notice shall appoint a day, not being less than three weeks from the date of the notice, on or before which requisitions, duly made and accepted as provided by this Act, must be lodged with him. The notice shall be published at least twice in the *Government Gazette*, and in each of two newspapers circulating in the Division.

(3) If by midday on the appointed day requisitions shall have been so lodged with the Magistrate for no more candidates than there are vacancies, or for a less number, such candidates shall be deemed to be elected, and the Magistrate shall make a return accordingly.

(4) If the number of candidates exceeds that of the vacancies the Magistrate shall issue a notice in the form No. 2 of Schedule No. 3, appointing a day for a poll, and thereafter all proceedings shall be taken for an election in the same manner, *mutatis mutandis*, as is provided in Schedule No. 1.

(5) If no candidate, or fewer candidates than the number required, shall be elected, the Governor may appoint so many duly qualified persons to be members of the Board as are required to fully constitute the Board.

(6) Any member elected or appointed under this section shall hold office until the next ordinary election, and no longer.

15. If any member of a Board is prevented by sickness or other cause from attending any meeting of the Board, or if any person is disqualified from sitting by reason of having an interest in the dispute to be tried, the Governor may appoint any duly qualified person to act in his stead for the time being.

Appointments
in place of mem-
ber absent, etc.

16. The expenses incurred in and about every election of members of a Board shall be paid out of the general revenue of the Colony.

Expenses of
election

PART II.

JURISDICTION AND POWERS OF ROAD BOARDS.

17. The expression "by-road" as used in this Act means:—

Meaning of "by-
road."

(a) A road or right-of-way, whether public or private, which has been established, or the right of which has been created, by prescription or by deed, or in any other valid manner.

(b) A way of necessity, including a reasonably necessary means of access to a public road or a railway station, stopping place, or siding.

(c) Foot or bridle path.

From the above definition there shall be excluded all roads maintained by Government, and also any road or right-of-way or way of necessity, in so far as it lies within the limits of any borough or township, or of the commonage or other public lands attached to a village.

Exclusion of road taken over by Government.

18. When any road is taken over and maintained by the Government, the Minister of Lands and Works shall publish a notice thereof in the *Government Gazette*, and such road shall thereupon be excluded from the operation of this Act unless and until the Minister shall by a like notice declare that the road has ceased to be maintained by the Government.

Jurisdiction of Board: opening, closing, or alteration of by-road

19. A Road Board shall have power to hear and decide all cases of dispute or questions referring to the opening of by-roads or the keeping open of existing by-roads, the closing of such by-roads ~~as may be no longer needed~~, and the making of alterations in by-roads.

Compensation for way of necessity.

When the opening of a by-road as a way of necessity is ordered, the Road Board may award to the persons through whose land the by-road passes such compensation as may be fair and reasonable.

Gates on by-roads.

20. A Board shall also have power to hear and decide any disputes with reference to the erection of gates upon by-roads, and the character and construction of such gates, subject always to the provisions hereinafter contained, and to adjudge any of the parties to the dispute who may be benefited by such gates to contribute a reasonable share of the cost and upkeep thereof.

Fences along by-roads.

21. The Road Board shall also have power to permit or order a by-road to be fenced on either or both sides, and to determine the character and construction of such fence, and, when a fence is ordered to be erected, to determine by whom of the parties and in what proportion the cost of erection and up-keep shall be borne.

Maintenance of by-roads.

22. The Board may also determine, as between the parties to a dispute, by whom and in what proportion the cost of maintaining a by-road shall be borne. Any compensation or payment ordered to be made by the Road Board may be recovered by the issue of a writ as in the case of a judgment of the Magistrates' Courts.

Recovery of compensation or other payment.

Direction and width of by-road.

23. A Road Board may also define and determine the direction and width of any by-road already existing or hereafter to be opened up or altered under the provisions of this Act: Provided that no by-road shall exceed 30 feet in width: And provided further that no increase shall be made in the width of any such by-road passing through or between any gardens, cultivated land, or orchards, or between buildings or homesteads.

Powers of Magistrate pending hearing by Board.

24. Pending the hearing of any question by the Road Board the Magistrate shall have power, on the application of any person interested, and if it shall appear to him necessary, to summarily order the opening of any by-road which may have been stopped, or in which any deviation has been made, or which has been otherwise obstructed, and any person closing up or obstructing such by-road or otherwise acting in disregard of the order shall be guilty of contempt of Court.

Application for the convening of a Board.

25. The Magistrate shall be the convener of the Board. In all cases of dispute proper for decision by a Road Board, application in writing shall be made by the person or persons aggrieved to the Magistrate.

26. The applicant or applicants shall at the same time deposit such sum of money as the Magistrate may require, not being less than Fifteen Pounds and not exceeding Twenty-five Pounds Sterling, in order to provide for the due payment of the costs of holding any enquiry. Such costs shall not include the costs which by this Act are made payable from funds voted by Parliament. Deposit for expenses.

27. The Magistrate shall thereupon call a meeting of the Board and shall notify to the disputants, in writing, the time and place fixed for such meeting. Convening Board.

A notice specifying the business to be transacted, and the date and place at which the meeting of the Board will be held, shall be published for general information, twice in the *Government Gazette* and twice in a newspaper published or circulating in the Division.

28. Upon the application of any party to a dispute, and upon payment of the usual fees of Court, the Clerk of the Court shall issue the process of the Magistrate's Court for securing the attendance of witnesses at the hearing. Such process shall be served in the same manner and shall have the like effect as a subpoena in a case in the Magistrate's Court. Subpoena for witnesses.

29. The Magistrate shall be *ex officio* the Chairman of the Board. Chairman.

Four members, exclusive of the Magistrate, shall form a quorum. Quorum

In the absence of the Magistrate, a Chairman shall be elected from among the members present. Chairman in absence of Magistrate.

30. Minutes of the proceedings of every meeting of the Board shall be made and recorded by the Clerk, who shall also record the evidence taken. Minutes, and record of evidence.

31. The Board shall require every witness to give his evidence upon oath, administered by the Chairman. Evidence to be on oath

32. The Board may impose a fine not exceeding Ten Pounds Sterling upon any witness who shall disobey his subpoena. Defaulting witnesses.

Such fine shall be enforced by the process of the Magistrate's Court.

33. The Board may, if they deem it necessary, make a personal inspection of the road or roads in dispute, or may depute a Committee of their own body, not less than two in number, to visit the spot and report to the Board the result of their enquiries. Personal inspection of roads.

34. The decision of a majority of the members by whom any case is heard shall be deemed to be the decision of the Board. Decision of Board.

The Chairman shall have a deliberative vote, and in the event of there being an equality of votes he shall also have a casting vote. Chairman's votes.

35. No member of any Road Board shall vote upon any question in which he may be directly or indirectly interested, and should either party to a case before the Board so desire, the question whether a member is disqualified to vote under this section shall be determined by a Disqualification of member for interest.

majority of the Board then sitting, exclusive of the member concerned, and in the event of an equality of votes the member concerned shall be deemed disqualified.

Record of decision and reasons.

36. After the Board shall have arrived at a decision on the question or dispute referred to them, the decision and the reasons therefor shall be recorded by the Clerk, and shall be signed by the Chairman and all the members of the Board present.

Record of dissent.

Should any member differ from the decision of the majority his reasons for so differing may, at his request, be recorded in writing, and shall be signed by him.

Records to be deposited in Magistrate's office.

37. The decision of the Board and the reasons for such decision, and the reasons of any member dissenting from the decision shall, together with the minutes of the proceedings and the evidence produced, be deposited in the office of the Magistrate.

Travelling expenses of members.

38. It shall be lawful for any Road Board, out of the funds voted by the Legislature and placed at its disposal by the Government, to pay to each member attending any meeting of such Board, travelling expenses at a rate not exceeding in the whole Twenty Shillings per diem for every day necessary for journeying to, remaining at, and returning from the place of meeting.

Agreement to make the Board's decision final.

39. It shall be lawful for the parties to any dispute before a Road Board, if all the parties shall so agree, to enter together into a written agreement that the decision of the Road Board shall be final and conclusive in all respects, both as to the subject matter of the dispute and as to costs; and whenever an agreement shall have been so made the decision of the Road Board shall be final, and shall bind all the parties, and there shall not, so far as it affects any of the parties to such agreement, be any appeal from such decision to any Court.

Notification of decision.

40. As soon as may be after the decision of the Board has been given, the Magistrate shall notify twice in the *Government Gazette*, and in each of two newspapers circulating in the District, that the proceedings and decision are open to inspection at his office, and that unless appealed from within one month from the date thereof (which date shall be specified in the notice), the decision of the Board shall become final.

Appeal to Supreme Court.

41. It shall be competent for any person affected by the decision of a Road Board to appeal to the Full Bench of the Supreme Court: Provided that if the person desirous of appealing shall not have been one of the parties to the proceedings of the Road Board, he shall before taking out the writ of appeal be required to deposit the sum of Fifteen Pounds Sterling, with the Clerk of the Road Board, as security for the costs of appeal.

Proceedings in appeal.

42. Proceedings for appeal shall be instituted by issue of process of appeal of the Supreme Court at any time within one month from the date of the decision appealed against, but not later, except by leave of the Supreme Court on

account of absence, illness, or other sufficient cause shown to the satisfaction of the Court.

43. Save as is by this Act provided an appeal shall be instituted and prosecuted within the same time, and in the same manner, as in the case of an appeal from a Magistrate's judgment : Provided that

Prosecution of appeal.

(a) No fees of Court shall be payable ; and

(b) The Court may dispense with notice to other parties upon any application for extension of time.

44. Service of the writ of appeal shall be made upon all parties to the case other than appellants.

Service of writ of appeal.

45. The Court may revise the proceedings, and may confirm, reverse, alter, or correct the decision, or may remit the case for further enquiry or hearing, and may give any necessary instruction for the guidance of the Board, or make such order thereon as shall seem proper : Provided that no order or decision of the Road Board shall be liable to be reversed upon a question of fact or by reason of any irregularity or defect in the record of proceedings, unless it shall appear to the Supreme Court that a failure of substantial justice has, in fact, resulted therefrom, or that any person, not being a party to the case, may be prejudiced thereby.

Powers of Supreme Court in appeal.

46. The judgment of the Supreme Court shall be conclusive and binding upon the Board and the parties.

Judgment of Supreme Court conclusive.

47. Such judgment shall be recorded by the Clerk, and (unless it is of a nature to require a further judgment or decision to be given) shall become and be regarded as the final decision of the Board.

Record of judgment.

48. It shall be the duty of the Chief Engineer, Public Works Department, or of an officer appointed by him, to watch the proceedings in every appeal from the decision of a Road Board, and to intervene, if need be, without notice or summons specially served upon him, on behalf of the interests of the Government.

Cases to be watched on behalf of Government.

49. When the decision of the Board shall become final by efflux of time, or a final judgment of the Supreme Court has been recorded, the Magistrate shall publish the same in the *Government Gazette* and in two newspapers circulating in the District.

Publication of final judgment.

50. When the decision of the Board has become final as aforesaid, the Board, or the Magistrate on their behalf, may employ a Government Surveyor to lay off by survey any road or roads authorized or defined by the decision or judgment on the plan or diagrams of the land in the Surveyor-General's Office, and such surveyor shall certify that the road or roads have been laid off in accordance with the decision of the Board.

Laying off roads.

51. No costs shall be awarded by the Board as between the parties unless the Board shall be of opinion that the application or the defence was frivolous or vexatious.

No costs as between parties, except in certain cases.

Subject as aforesaid the Board may decide as to the costs of the enquiry, the record of the same, the expenses of

Decision as to costs.

advertising and of the survey, advocates' and attorneys' charges and all other costs incidental to the cause, and by which of the disputants they shall be paid.

Taxation and recovery.

Such costs, whether as between the parties or as between attorney and client, shall be taxed by the Clerk of the Court, and a writ of execution may thereafter be issued by him for the recovery thereof upon the application of the person entitled thereto.

PART III.

MISCELLANEOUS PROVISIONS.

Provision against stopping existing by-roads.

52. No person shall close, break up, whether by ploughing or otherwise, or in any way injure an existing by-road, unless he shall for at least a month before doing so, erect at either end of the by-road or right-of-way intended to be closed, a notice board intimating his intention to close the same, and unless he shall also obtain the permission of the District Inspector or other Officer of the Department of Public Works being in charge of the roads in the District.

Penalty for closing by-roads

53. Any person who shall close a by-road in contravention of the preceding section shall be liable to a fine not exceeding Twenty Pounds Sterling.

Saving of authority of Road Board.

54. Nothing in this Act shall be deemed to affect the jurisdiction of any Road Board to order the closing of a road, or to authorise any person to close a road which has been opened by order of the Road Board.

Gates on by-roads.

55. Whenever the proprietor (which expression shall include a tenant or occupier) of any land over which a by-road shall pass shall be desirous of fencing such land, he shall be at liberty to do so, if he provides swing gates in such fencing so as to allow persons entitled to use such by-road free access thereto ; and such gates shall at all times be kept in proper repair by the proprietor. Such gates shall be folding gates, and be swung, and have proper fastenings, and shall be of such width and construction as the Road Board shall determine.

Any gates erected before the passing of this Act, if coming within the definition of this Act, shall be considered as erected under this Act.

Division of cost gates in dividing fence.

56. When a dividing fence crosses a by-road or right-of-way, it shall be competent for any one of the proprietors of land on either side of such dividing fence to erect swing gates in terms of this Act, and to recover from the adjoining proprietor one half the cost of such erection, without prejudice to the liability of any other person who may be ordered by the Board to contribute towards the expense of the erection and up-keep of such gate.

Gates to be closed.

57. Every person, not being the sole proprietor, or having his authority, who shall pass through any gate provided in pursuance of this Act, shall, immediately after so passing through the same, with or without any vehicle or animals in his care, close and fasten such gate, or cause the same to be closed and fastened, under pain of a fine not exceeding Five Pounds,

58. Any person, not being the sole proprietor, or having his authority, who shall open or unfasten any gate erected or provided in pursuance of the provisions of this Act, except for the purpose of then and there passing through the same with or without any vehicle or animals in his care, or of enabling some other person or persons so to pass, shall be liable to a fine not exceeding Ten Pounds, or in default of payment thereof, to imprisonment, with or without hard labour, for any term not exceeding two months.

Penalty for wrongfully opening gates.

59. Nothing in this Act contained shall prevent any person who deems that he has sustained loss or damage by or in consequence of the leaving open of any gate erected in accordance with the provisions of this Act from bringing an action for the recovery of such loss or damage.

Actions for damage through leaving gates open

60. The Governor in Council may from time to time make regulations for the purposes of this Act, and may by any such regulations appoint penalties for the contravention thereof not exceeding Ten Pounds Sterling.

Regulations.

61. All contraventions of this Act and of the regulations shall be cognisable in the Magistrates' Courts, and, unless otherwise provided, shall be punishable by fine not exceeding Ten Pounds Sterling, or in default of payment to imprisonment with or without hard labour for any term not exceeding one month.

Contraventions of Act and regulations.

SCHEDULE No. 1.

ROAD BOARD ELECTION PROCEDURE.

1. When an election of a Road Board or of any members of a Road Board is to be held the Magistrate shall, at least thirty days before the date for receiving requisitions of candidates, sign and affix to the notice board at the seat of Magistracy a notice thereof.

Such notice shall be published twice in the *Government Gazette*, and at least once in one or more newspapers circulating in the Division.

Such notice shall be in the Form No. 1. in Schedule No. 2.

The date to be fixed by such notice for the delivery of requisitions shall be not less than sixteen days before the date fixed for the election.

2. No person shall be deemed a candidate at any election unless he has been invited to become such candidate by a requisition signed by at least five qualified voters of such Division, and shall have transmitted such requisition, with his acceptance thereof, to the Magistrate of the Division on or before the day appointed by the aforesaid notice for the delivery of requisitions.

3. No person shall sign any requisition to more than the number of candidates to be elected, and if any person signs any requisition to more than that number his signature shall be expunged from all requisitions which he has signed.

4. If the number of duly qualified candidates who have accepted requisitions is five only, or less than five, such candidates shall be deemed to be elected, and the Magistrate shall make a return accordingly without having recourse to a poll. If the number of valid requisitions exceeds that of the vacancies, the members shall be elected from among the persons so requisitioned.

5. If a poll is necessary the Magistrate shall, at least twelve days before the day appointed for the election, cause the names of the candidates for election, together with the names of the persons who have signed such requisition, to be published in the form No. 2 of Schedule No. 2 by affixing such form to the notice board, or in some other conspicuous place, at the Magistrate's Office.

6. The Magistrate shall, at least eight days before the day appointed for the election, cause to be issued through the post a voting paper in the form No. 3 of Schedule No. 2 to each voter having the necessary qualification under this Act to his address as entered on the Voters' Roll, and such voting paper (the Christian name, surname, designation, and residence of the voter as appearing on the poll having previously been filled in by the Magistrate, or someone having his authority) contained in an envelope shall be accompanied by a letter of intimation in the form No. 4 in the Schedule No. 2.

7. Each voter upon receipt of his voting paper, if he desire to vote in the election, shall insert in the voting paper the name of the candidate or candidates for whom he votes and the place and date of signature, and affix his subscription thereto in the presence of one witness, who shall personally know the voter, and who shall attest the fact of such voting paper having been signed by the voter in his presence at the place therein mentioned, by signing his name at the foot thereof, and adding his designation and place of residence in the form or to the effect set forth in the form.

8. Thereafter the voting paper so signed and attested as aforesaid shall, if the voter desire to vote in the election, be returned through the post, or in some other way delivered to the Magistrate by whom it was issued, so as to reach him not later than the time named for the return of the voting paper. Each voting paper when received back by the Magistrate shall be kept by him, unopened, in a fireproof safe or other place of safety until the poll begins.

9. The votes shall be given by means of voting papers as aforesaid, and not otherwise, and the majority of the votes which shall be so given and returned shall determine the election.

10. Every person entitled to vote shall be entitled to give one vote and no more for each of any number of candidates not being in excess of the number capable of being elected at any election.

11. The poll shall close at four o'clock in the afternoon of the appointed day. The poll shall be taken before the Clerk of the Road Board, or before some other officer appointed for that purpose by the Magistrate.

12. At the close of the poll the voting papers shall be opened and examined by the Clerk of the Board or other officer as aforesaid, and if found to be in order shall be counted and put apart until the end of the poll. The candidates may themselves attend, or may appoint agents to represent them and attend at the counting of the votes.

At the end of the poll the votes shall be cast up and the Magistrate shall declare to be elected the candidates for whom the majority of the votes has been given.

The return of the Magistrate shall be in the Form No. 5 of Schedule No. 2.

13. When an equality of votes is found to exist between any candidates at an election for a Road Board, and where the addition of a vote would entitle any one of such candidates to be declared elected, the Magistrate as the returning officer may give such additional vote, but he shall not in any other case be entitled to vote at an election for which he is returning officer.

14. The Magistrate shall notify by publication in the *Government Gazette* the names of all members elected to serve upon the Road Board.

SCHEDULE No. 2.

FORM No. 1.

FORM OF NOTICE OF ELECTION.

Election of member of the Road Board for the Division of

Notice is hereby given that an election of
 member will be held on _____, the _____ day
 of _____, 19 _____.

Candidates must be requisitioned by writing, subscribed by not less than five electors.

Candidates must be duly qualified, and the requisition paper must state in full the surname and other names of the person requisitioned, with his abode and description.

Requisitions, duly accepted, must be delivered by the candidate himself, or someone on his behalf, at the office of the Magistrate for this Division, before three o'clock in the afternoon of the _____ day of _____ next.

Dated at _____ this _____ day of _____ 19 _____
 _____ Magistrate.

FORM No. 2.

Names of candidates at the election of members of the Road Board for the Division of _____ to be held on _____ the _____ day of 19____, together with the names of the persons who have signed requisitions to the candidates.

Candidate :

Requested by :

Dated at _____ the _____ day of 19____ Magistrate.

FORM No. 3.

ROAD BOARD ELECTION.

Division of _____ voting paper.

I, A. B. (the Christian name, surname, and designation of the voter), entered on the Voters' Lists as residing at (residence as appearing on the Register), hereby declare that I have not before voted at this election, and hereby give my vote at this election for

.....
.....
.....
.....
.....

Witness my hand this _____ day of 19____.

(Signed) A. B.

Signed by A. B., who is personally known to me, at the place and on the date above-mentioned, in my presence.

(Signed) C. D.

(add designation and place of residence).

FORM No. 4.

ROAD BOARD ELECTION.

Division of _____

To A. B. (Christian name, surname, and designation of voter).

Sir,

I have to intimate that

SCHEDULE No. 3.

FORM No. 1.

Road Board
Division of

Notice is hereby given that the seat (*or seats*) of
(*and*) on the
Road Board has (*or have*) become vacant.

Requisitions for candidates for election of a member (*or*
members) to fill the vacancy (*or vacancies*) will be received
at this office up to noon on the
day of 19 , and no later.

Candidates must be requisitioned by writing, subscribed
by not less than five electors.

Candidates must be duly qualified, and the requisition
paper must state in full the surname and other names of the
person requisitioned, with his abode and description.

Dated at this day of
19 .

Magistrate.

FORM No. 2.

Road Board
Division of

NOTICE OF ELECTION.

Notice is hereby given that an election of
member of the Road Board will be held on
the day 19

Dated at the day of
19 .

Magistrate.

Given at Government House, Natal, this Twenty-sixth
day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“To empower the Governor to make, maintain, and equip a Line of Railway from Pietermaritzburg to the Border of the Colony of the Cape of Good Hope.”

WHEREAS it is expedient that the Railway hereinafter described should be constructed :

AND WHEREAS certain plans showing generally the direction and route of the said Railway have been deposited at the Offices of the Clerks of the Legislative Council and Legislative Assembly before the passing of this Act :

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. This Act may be cited as the “Natal-Cape Railway Act, 1901.” Short Title.

2. In this Act the expression “the Railway” means the line of Railway authorised by this Act. Meaning of Railway.

3. The Governor shall be a Corporation for the purposes of this Act, and shall be entitled and competent to take, hold, and dispose of lands and other property. Governor to be a Corporation for purposes of Act.

4. The Lands Clauses Consolidation Law, 1872, except as varied by this Act, is incorporated with this Act. Incorporation of Law 16, 1872.

5. The Governor may make and maintain in the lines according to plans deposited, or in such of the lines and with such deviations from the deposited plans as the Governor shall think desirable, while preserving the general direction of the Railway, as shown on the same plans, the Railway hereinafter mentioned, with all proper stations, sidings, approaches, passing places, electric telegraphs, signals, works, and conveniences connected therewith respectively ; and may so make and maintain the same upon such of the lands shown in the deposited plans, or upon such other lands as may be required for the purpose ; and may enter upon, take, and use permanently or temporarily all such lands as Construction of Railway authorised.

Taking of Crown Lands.

aforesaid as may be so required. All waste lands of the Crown which may be required for the Railway, or any purpose connected therewith, may be taken and used without any charge or payment for the same.

6. The Railway authorised by this Act is as under :—

Description of Railway.

A line of Railway commencing by a junction with the Main Line of the Natal Government Railways at Pietermaritzburg, and ending at a point at or near to Riverside, on the border of the Colonies of Natal and the Cape of Good Hope.

Construction departmentally, or by contract.

7. The Governor is hereby empowered to construct the Railway, or any part or parts thereof, either departmentally or by a contract or contracts, or partly in the one way and partly in the other, according as he shall deem it most expedient.

Contracts for works.

8. For the purpose of the construction of the Railway or any part thereof by contract, the Governor may enter into a contract or contracts for the execution of the works required for the above-mentioned Railway, that is to say :—

1st. For the construction of the whole of the works required for the above-mentioned line up to formation level, and including the provision and laying of all ballast, the laying of all permanent way material, and the erection and provision of all fencing which Government may order, together with the maintenance of the whole of the aforesaid works for a period of twelve months after their completion.

2nd. For the purchase of all permanent way materials required for the construction of the aforesaid line.

3rd. For the provision and erection of all stations, station works, and works accessory thereto.

4th. For the purchase and erection of all electric telegraph material :

Provided that it shall be lawful for the Governor to fix and appoint the several sections to be constructed under any such contract, and the time to be allowed for their construction.

Gauge—single line

9. The Railway shall be constructed as a single line on the gauge of 3 feet 6 inches, but the Governor may from time to time cause double lines to be constructed at such place or places on the course of the said Railway as he may think expedient.

Railway to be deemed a public road.

10. The Railway shall in respect of all Crown Lands heretofore alienated and granted by the Government in quitrent, or freehold, or leasehold, or any other tenure whatsoever, and in or over which the Railway or any part thereof shall be made, be deemed to be a road made or to be made for the public good by order of Government, and accordingly the proprietors of such lands shall not, except in the cases provided in their several title deeds, leases, deeds of grant, or other documents of title, be entitled to any compensation for the land taken for the purposes of the Railway: Provided

that lands granted or reserved by the Crown for the purpose of any town or village through which the Railway may pass shall be deemed for the purposes of this Act to be Crown Lands heretofore granted, over which the Government had reserved the right to make roads for the public good by order of the Government: Provided further, that such portions of the Town Lands of the Borough of Pietermaritzburg as are not now alienated by the Town Council shall be deemed for the purposes of this Act to be Crown Lands heretofore granted over which the Colonial Government had reserved the right to make roads for the public good by order of the Government.

11. The Governor may employ all engineers, clerks, workmen, and other persons for the purposes of the said contract or contracts, and for superintending the construction and maintenance thereunder of the Railway, and for the maintenance and working of the Railway until six months after completion, and pay to all or any such persons such salaries, wages, or remuneration as may from time to time be voted by Act of Supply.

Governor may employ engineers, etc.

12. The Governor may provide all workshops, materials, plant, engines, rolling-stock, machinery, and other things which he may consider requisite for the maintenance, equipment, and working of the Railway, or otherwise necessary or desirable in relation thereto.

Governor may provide plant, etc.

13. All materials, plant, engines, rolling-stock, and other things imported into the Colony from time to time, for the construction, maintenance, equipment, or working of the Railway, or for any purpose connected therewith, shall be free of import duty.

Materials exempted from Customs duty

14. The Railway and electric telegraphs, and all stations, lands, works, property, and things belonging thereto, or held in connection therewith, shall be for ever exempt from all highway, municipal, police, and other local rates and taxes now or hereafter to be made or imposed.

Railway exempted from imposts.

15. The Governor, with the advice of the Executive Council, may, from time to time, appoint some fit person or persons to carry into effect the purposes of this Act, and may delegate to him or them all or any of the powers and authorities hereby conferred on the Governor, and may, from time to time, remove any person so appointed, and appoint another person in his stead.

Appointment of persons to carry out Act.

16. The Governor shall not be personally liable for any loss or damage arising from or caused by anything done under the authority of this Act.

Personal immunity of Governor

Given at Government House, Natal, this Twenty-sixth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

E.



R.

ACT,

“To impose an Excise Duty upon Beer brewed in the Colony, and a Customs Duty upon Beer imported from countries belonging to the Customs Union.”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Interpretation of terms.

1. In this Act “Beer” means and includes ale, porter, spruce beer, lager beer, black beer, and every other spirituous liquor coming within the ordinary appellation of beer, and containing more than two per cent. of spirit.

“Gallon” means a liquid gallon, Imperial measure.

“Brewer” means any person carrying on the business of brewing beer, and includes an individual or a company of any description.

The expression “sent out from a brewery,” or any like expression in reference to beer includes all beer made and issued from the brewery, either for consumption in the Colony, or for export by land or sea, and refers to nett quantities only, and not to any beer which may have been issued and subsequently returned.

“Regulations” means the regulations under this Act, and “prescribed” means prescribed by such regulations.

Any reference in this Act to the accounts and books of the business of a brewer shall refer to the accounts and books relating to the brewing of beer or the sale or sending out of beer, and not to accounts and books kept for other purposes.

Annual license of brewer.

2. Every brewer shall take out an annual license, according to the provisions of the License and Stamp Act, 1898. The duty on such license shall be One Pound Sterling, ~~and no other license under the said Act, or under any Act relating to the sale of intoxicating liquor, shall be payable in respect of the sale of beer by a brewer in the ordinary course of his trade.~~

3. A duty or ~~tax~~ excise shall be levied and paid for and upon every gallon of beer sent out from a brewery in this Colony, save as is hereinafter excepted. Excise duty upon beer.
4. The duty on beer shall be paid quarterly for the periods ending 31st March, 30th June, 30th September, and 31st December : Provided that this Act shall not be deemed to require the payment of duty upon any beer sent out from a brewery before the first day of the quarter next following the date of the commencement of this Act. Duty payable quarterly.
5. Every brewer shall within four weeks after the close of each quarter furnish to the Controller of Excise a declaration, made in writing before a Justice of the Peace by himself or by the manager of a brewery, setting forth in such form as may be prescribed the nett total number of gallons of beer sent out from the brewery during the quarter then ended. Quarterly declaration of output.
- Such declaration shall be accompanied by a certificate by an auditor approved by the Controller of Excise, that he has examined the accounts and books of the brewer, and that the same appear to have been properly kept, and to show the nett quantity of beer sent out, and that the number of gallons shown in the declaration is correct according to the said accounts.
6. The brewer shall at the same time pay to the Controller of Excise the duty upon the quantity of beer shown in the declaration. Payment of duty.
7. If such declaration and certificate be not furnished and the duty paid as required, it shall be lawful for the Controller of Excise to take any steps he may think proper for ascertaining the quantity of beer sent out during the quarter, and to charge the expenses thereof to the brewer, and the brewer shall also be liable to a penalty not exceeding Fifty Pounds Sterling for every week's delay in furnishing such declaration and certificate and paying such duty. Remedy for delay, or failure to furnish declaration and pay duty.
8. It shall at all times be lawful for the Controller of Excise to cause the accounts and books of the business of a brewer to be examined by any person whom he may employ for that purpose. Examination of books and accounts.
- If from the report of any such person it shall appear that the accounts and books of the business are not properly kept, or do not properly reflect the quantities of beer sent out, the Controller may call upon the brewer for an explanation, and if he is not satisfied he may refer the matter to the decision of a competent person not in the employ of the Government, whose decision shall be binding upon the brewer, and the brewer shall take all necessary steps to have his books properly kept, and make good any defect pointed out by the examiner. Improper keeping of books and accounts.
9. If a brewer neglects or refuses to comply with the foregoing provisions of this Act, or with any lawful requirement of the Controller of Excise, and continues so to do after one month's notice in writing by the Controller calling upon Suspension of license for neglect to remedy defective book-keeping.

him to render compliance, the Controller may, by an order in writing, suspend the brewer's license until the requirement of the notice is complied with.

During such suspension the brewer shall not carry on any brewing under pain of a penalty of Fifty Pounds for every day on which he shall do so.

10. If any return shall be falsely made, or if any fraud shall be practised in order to avoid the payment of duty, or if the books or accounts shall in any way be falsely kept or falsified, the brewer, together with all other persons concerned, shall be liable to be prosecuted for fraud, and the brewer shall pay thrice the duty on any quantity of beer sent out in excess of that shown in the quarterly return.

11. It shall at all times be lawful for the Controller of Excise, or any officer deputed by him, to enter any part of the premises of a brewery and make any inspection he may think proper, and the brewer shall be obliged to give him every facility for the purpose, and give him access to the books and accounts of the business.

12. Beer brewed in this Colony and exported by sea or overland under such conditions as may be prescribed shall be exempt from duty.

The regulations may also prescribe the form of proof of claims for exemption from duty, and the mode of passing and certifying claims.

The amounts so certified may be deducted from the next ensuing quarterly payment.

13. If any such beer is returned into this Colony after being exported the ordinary duty under the Customs tariff applicable to foreign beer shall be paid thereon, and if any such beer shall be brought back into this Colony without the payment of such duty it shall be forfeited, together with all animals or vehicles used in connection with the conveyance, and all persons concerned shall be guilty of an offence, and shall be liable upon conviction in a Magistrate's Court to a fine not exceeding One Hundred Pounds Sterling, or to imprisonment, with or without hard labour, for any term not exceeding six months: Provided that if the owner of any such animals or vehicles (not being himself a party to such offence), shall prove that they were used without any connivance on his part, they shall not be forfeited.

This clause shall not apply to *bona fide* returns to the brewery, provided that any prescribed formalities be complied with.

14. Upon the certificate of the senior commissariat officer that any beer brewed within the Colony has been purchased for the use of His Majesty's land or sea Forces, and that any duty thereon would be borne directly by the Imperial Treasury, the Controller of Excise shall refund to the officer representing His Majesty's Secretary of State for War the amount of duty paid upon such beer.

False returns ;
fraudulent
practices.

Entry and
inspection of
premises.

Export and
exemption from
duty.

Beer returned
after being
exported.

Refund of duty
on beer bought
for use of H.M.'s
forces.

Every such certificate shall contain a statement showing the date of the purchase, the quantity of the beer, and the name of the person or firm from whom it was purchased, and such other and further particulars as the Controller of Excise may require.

15. The Governor in Council may make regulations for all the purposes of this Act, and may by such regulations prescribe penalties not exceeding a fine of Fifty Pounds Sterling for any breach thereof.

Regulations.

Such penalties shall be recoverable in the Courts of Magistrates upon prosecution, or by civil suit at the instance of the Controller of Excise.

16 A customs duty of ~~two~~ pence per gallon shall be levied upon all beer brewed in any Colony or State which is a party to a Customs Union with Natal, and imported into Natal by land or sea.

Customs duty on beer brewed within Customs Union.

17. This Act shall not take effect unless and until the Governor shall notify by Proclamation that a protocol has been executed in terms of the South African Customs Union Convention of 1898 on behalf of all the Colonies and Possessions, being parties to the Union, agreeing to the imposition of such a customs duty as is provided for in this Act upon beer brewed within the Union and imported into Natal; and thereafter this Act shall take effect upon such date as shall be appointed by the same or any other Proclamation.

Commencement of Act.

Given at Government House, Natal, this Twenty-sixth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

HENRY MCCALLUM,
Governor.



E.

R.

ACT,

“To make provision for the support and training of destitute children and juvenile offenders.”

BE IT ENACTED, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

PART I.

PRELIMINARY.

Short Title.

1. This Act may be cited as the “Children's Protection Act, 1901.”

Repeal of certain clauses of Ord. 2, 1850.

2. Sections 5 to 11 of Chapter II. of Ordinance No. 2, 1850, are hereby repealed, without prejudice to the validity or conditions of any contract of apprenticeship made thereunder, and save as aforesaid, nothing in the said Chapter shall hereafter apply to the apprenticeship of destitute children.

Interpretation of terms.

3. In this Act

“Society” means any society, person, or body of persons, approved by the Magistrate or Minister, as the case may be, and keeping a school or other institution for the support, care, and education of children.

“Government Institution” means a school or home, or the like, wholly maintained by Government for the like purposes.

“Destitute Child” means any child apparently under the age of 16 years

(a) Who is found habitually begging or being in any public place for the purpose of begging;

(b) Who is found wandering about and not having any home or settled place of abode, or visible means of subsistence, or in a state of destitution, or who is without father, mother, or lawful guardian, or whose father, mother, or lawful guardian is unable or neglects to provide for his support;

- (c) Who by reason of the neglect or drunkenness or other vices of the parents is suffered to grow up without salutary parental control and education, or in circumstances exposing such child to idle and dissolute life ;
- (d) Who resides in a reputed brothel, or with any known or reputed prostitute, whether such prostitute be the mother or not ;
- (e) Who associates or dwells with any person (not being the parent of the child) known or reputed to be a thief, or drunkard, or a vagrant ;
- (f) Who, being a girl, is found behaving in an indecent manner in a street or public place ;
- (g) And every child apparently under the age of ten years found engaged in any casual employment after the hour of seven o'clock in the evening.

“Casual Employment” means employment for the purpose of gain in streets or other places in vending any article, and employment of any other kind outside the child’s home which, in the opinion of a Magistrate, may be detrimental to a child’s health.

“Juvenile Offender” means any child apparently under the age of 16 who is convicted of a crime or offence punishable by imprisonment.

“The Minister” means the Minister of the Crown having charge of the administration of this Act.

PART II.

DESTITUTE CHILDREN.

4. Any police officer or constable may apprehend without warrant any destitute child and bring him before the Magistrate, and any minister of religion or Justice of the Peace may give any destitute child into the charge of the police for that purpose, and any Magistrate becoming aware of any destitute child may cause such child to be brought before him.

Bringing destitute children before Magistrate.

5. It shall be the duty of the Magistrate before whom any child is brought as being destitute to investigate the facts of the case to ascertain whether such child is a destitute child within the meaning of this Act. For this purpose the Magistrate shall have power to summon witnesses, and, if practicable, the parents or person having the actual custody of such child shall be notified of the examination, and may be summoned.

Investigation by Magistrate.

6. If the Magistrate finds that the child is destitute, he may order the child to be dealt with in any of the following ways :—

Magistrate’s order for disposal of destitute child.

- (a) Delivered to a society or Government institution ;
- (b) Apprenticed to some suitable person ;
- (c) Boarded out with some suitable person or placed in his custody ;
- (d) Placed at service with some suitable person.

No arrangement under this section shall be made for a term exceeding three years : Provided that upon the expiry of the term the arrangement may by a like order, and with the approval of the Minister, be extended, or exchanged for any other of the arrangements above specified ; but provided also that no such arrangement or extension thereof shall extend beyond the time when the child shall have reached the age of eighteen years.

Remand for enquiry, etc.

7. The Magistrate may, from time to time, remand a child whilst enquiring and arranging for the disposal of the child.

Custody pending disposal.

8. During the time when a child is in custody, and until he has been handed over to the society or person to whose care he is to be committed, it shall be the duty of the Magistrate to make such suitable arrangement as may be practicable in order to avoid keeping the child in a lock-up or other place of detention for criminals, and in no case shall a child apprehended as being destitute be kept in the company of persons charged with crime or drunkenness.

Record of order.

9. Every order made for the disposal of a child as hereinbefore provided, shall be recorded in the Court, and shall specify the term thereof, the name of the society or person to whom the child is committed, and the nature of the contract or arrangement.

Execution of order.

Such order shall be sufficient authority to any constable or officer of the law to execute the same, and any person who shall resist or interfere with the execution of the order shall be liable to a fine not exceeding Ten Pounds Sterling.

Magistrate to consult interests of child.

10. In deciding as to the disposal of a child the Magistrate shall consider what may be for the best interest of the child according to the circumstances, and if he shall decide to apprentice the child or place him out at service he shall obtain such reasonable terms in regard to wages as the circumstances will permit. It shall also be his duty to ascertain the child's religion, and to secure that proper facilities are allowed for the practice of religious duties, and he shall not place any child in any institution or home where it will be brought up in another religion unless, in the case of a child under the age of ten years, the guardian, if accessible, shall approve.

Provisions regarding religion.

Conditions of apprenticeship.

11. An apprenticeship shall be for the instruction and employment of a child in some useful calling, trade, or other occupation, including service as a farm labourer or in such domestic or other service as will fit him to earn his livelihood.

Agreement of apprenticeship or otherwise with a society.

12. An officer having authority on behalf of the society to which a child is delivered by the Magistrate's order, or the person to whom a child is so assigned for apprenticeship or otherwise, shall sign an agreement as nearly as may be in the form prescribed by the regulations under this Act.

The prescribed forms shall in every case contain an engagement for the lodging, maintenance, care, clothing and training of the child, and for such child being allowed to attend, if practicable, a place of worship of the religion to which he belongs.

The agreement shall also be signed by the Magistrate or on his behalf by some person thereto authorised by the Minister, and shall be recorded and kept by the Magistrate.

No such agreement as is in this section mentioned shall be required in the case of a Government institution.

13. Any such agreement made with a society or person requiring to be paid for the maintenance of the child may contain an undertaking on behalf of the Government for such a payment at a rate not exceeding Seven Shillings and Six pence per week.

Agreement for payment for maintenance.

14. Such payments shall be defrayed out of the general revenue of the Colony, and shall be made by an officer of the Magistrate's Office or by such other officer as may be authorised by the Minister.

Payment of maintenance money.

15. No society or person shall be obliged unwillingly to undertake the reception of a child under this Act, but having once undertaken the reception of a child under this Act shall be bound by the agreement, unless discharged therefrom in manner provided in this Act.

Reception of child not compulsory, but agreement binding.

16. Whenever there is reason to believe that any child is being ill-treated or neglected, or kept in such a manner as to bring him within the definition of a destitute child in any house, building, or other place, then upon complaint thereof being made upon oath by any officer of a society or Government institution, or by any Minister of Religion, Justice of the Peace, or Police Officer or Constable, the Magistrate may issue a warrant to enter by day or night to search for such child, and bring him before the Magistrate to be dealt with under this Act.

Inquiry as to treatment of child.

It shall not be necessary in any such complaint or warrant to specify any particular child.

17. If any child shall abscond or attempt to abscond or be unlawfully removed or enticed from the custody of any society, institution or person in whose charge he has been placed under the provisions of this Act, all Constables shall assist in retaining or recovering the custody of such child.

Recovery of absconding child.

PART III.

JUVENILE OFFENDERS.

18. When any sentence of imprisonment is passed upon a juvenile offender, it shall be lawful for the Court, in addition to passing such sentence, to make an order, in manner as hereinbefore provided in the case of destitute children, directing such offender to be sent to a Government institution or to a society, or to be apprenticed to some suitable person.

Order for dealing with juvenile offender under this Act.

19. The Magistrate of the Division in which any such child is imprisoned, may at any time during the term of imprisonment, make an order as provided in the foregoing section,

Order may be made at any time during term of imprisonment

Application to juvenile offenders of provisions regarding destitute children.

20. Save as is otherwise provided, the provisions of this Act relative to destitute children placed in the charge of a society or apprenticed by order of a Magistrate, shall apply to juvenile offenders in regard to whom an order has been made by the Magistrate as aforesaid.

Warrant for removal from gaol.

21. When a child is required to be taken from a gaol by reason of an order made as aforesaid, a copy of such order shall be lodged with the keeper of the gaol, and shall be a sufficient warrant to him for the removal of the child from the gaol.

Duration of order.

22. An order by a Magistrate in terms of this part of the Act may be made for any term not less than three years and not extending beyond five years, or beyond the time when the child shall have reached the age of eighteen years.

Recommittal of unmanageable child to prison.

23. A sentence passed upon a juvenile offender shall only be deemed to be suspended by reason of his being removed from the gaol under the Magistrate's order as aforesaid, and in the event of the child proving unmanageable or committing any offence punishable by imprisonment during the period in which the order is in force, or repeatedly attempting to escape from the custody in which he was placed, it shall be in the discretion of the Magistrate of the Division in which the child is being kept, by warrant under his hand, to order such child to be recommitted to prison, there to undergo imprisonment in the manner prescribed by the original sentence, for so much as he may deem proper of the term of imprisonment which remained unexpired at the time when the child was removed from the gaol, and in that case any contract of apprenticeship which may have been entered into shall be deemed to be cancelled from the date of such warrant.

Sentence to expire on completion of term of order.

24. Save as last aforesaid, the sentence passed upon a juvenile offender shall be deemed to have been completed on the expiry of the period specified in the Magistrate's order for his delivery to a society or institution, or for his apprenticeship.

Child to remain in custody until sentence completed or remitted.

25. Notwithstanding anything contained in this Act, a juvenile offender shall not be discharged from the custody in which he has been placed as aforesaid so long as the sentence of imprisonment, though suspended, remains uncompleted, unless the Governor shall, in the exercise of his prerogative, have remitted the unexpired portion of the sentence; but this section shall not be deemed to prevent the transfer of a child in terms of this Act from one place of detention or service to another.

Investment of wages.

26. The wages of a juvenile offender shall not be paid to him, but to the Clerk of the Magistrate's Court, or such other person as the Minister may appoint for the purpose, and such Clerk or person shall deposit the same in the Government Savings Bank, in his official name, for the benefit of such offender.

Wages may be applied for benefit of child.

27. Notwithstanding the preceding section, the Magistrate may order any part of a juvenile offender's wages to be applied for any necessary purposes for the child's benefit.

28. Subject to the provisions hereinafter contained, any balance of the wages so deposited, with the interest thereon, shall be paid to the child to whom they belong, upon his attaining the age of eighteen years, or the Magistrate may order them to be applied for the advantage of the child at any time after such child shall have ceased to be under the operation of this Act.

Payment of wages to child or other disposal on completion of term.

PART IV.

GUARDIANSHIP AND MAINTENANCE.

29. The Magistrate by whom an order has been made in terms of this Act respecting any child subject to the operation of this Act shall, until such child has attained the age of eighteen years, or has otherwise ceased to be under the operation of this Act, be the guardian of such child to the exclusion of the child's parent or other guardian, but subject to the provisions hereinafter made in that behalf.

Magistrate to be guardian of ward.

30. The powers and authority of the Magistrate in respect of the wages or other property of any such child may be exercised by any person whom the Minister may appoint for that purpose.

Exercise of powers in respect to property by person specially appointed.

31. While any such child is in the charge of any society, Government institution, or person, in pursuance of a Magistrate's order, the superintendent, matron, or other person having the direct charge of the school or institution at which the child is placed, or the master or other person in whose charge the child has been placed, may exercise the powers and authority of the Magistrate as guardian of the person of such child.

Powers as guardian of child's person may be exercised by person in charge.

32. If at any time suitable provision shall have been made for relieving the Magistrate of the office of guardian, the person thereto appointed by the Minister shall become guardian in place of the Magistrate, either generally or in respect of any particular children, as may be decided by the Minister.

Substitution of guardian in place of Magistrate.

33. The parents of every child brought within the operation of this Act, not being a juvenile offender under sentence of imprisonment, shall be liable to pay the cost of its maintenance at the rate of Seven Shillings and Sixpence per week, whilst such child is maintained by the Government, or in a Government institution, and shall be liable to pay to the Government the cost for which the Government may be liable under any agreement with a society or person, not exceeding the rate of Seven Shillings and Sixpence per week.

Liability of parents for cost of maintenance.

The parent of a juvenile offender shall be liable to pay the cost of maintenance at the rate of Seven Shillings and Sixpence a week whilst such child is being maintained at the expense of Government, (otherwise than in prison), or the cost for which the Government may be liable under agreement with a society or with the master to whom the child may be apprenticed.

For the purposes of this part of the Act, the word "parent" includes step-parent.

I
Payment of cost: duration of parents' liability.

34. The parent shall be obliged to pay such sum as aforesaid to the Clerk of the Magistrate's Court week by week, and his liability for any sums due under this Act shall continue up to the end of three years from the date when the child shall cease to be under the operation of this Act.

Recovery of cost.

35. A parent may be sued in the Magistrate's Court by any officer authorised for the purpose by the Magistrate or Minister for any sum for which he may be liable, and which he has not paid. Any such suit shall be without costs, excepting such expenses as may be incurred in the execution of any process.

Suspension or reduction of payment for maintenance

36. If any parent shall represent to the Magistrate that he is unable from poverty to pay the sums for which he is liable, the Magistrate may, after due enquiry, make an order suspending the payment or reducing the same until further order, or may make such other order as in the circumstances may be reasonable: Provided that such order shall be without prejudice to any liability on the part of the parent if at any time thereafter until the expiry of the three years hereinbefore referred to, such parent shall be of sufficient means and ability to pay.

Parent's liability not discharged by insolvency.

37. The liability of the parent for such maintenance shall not be discharged or affected by insolvency.

PART V.

SPECIAL PROVISIONS REGARDING THE CUSTODY AND TREATMENT OF CHILDREN.

Visitation of place where child is kept.

38. Every school, institution (including a Government institution), or other place where a child is placed in pursuance of this Act, may be visited on any day and at reasonable hours by an authorised visitor, and it shall be the duty of the person in charge to permit such visitor to see the child, and he shall give every facility for the visitor to enquire and satisfy himself that the child is being well treated, and is being fed, clothed and taught, and in every respect dealt with according to the requirements of this Act and of the agreement entered into in respect of such child.

Who are authorised visitors.

The expression "authorised visitor" includes:—

- (a) The Minister.
- (b) The Magistrate of the Division where the child is, or the Magistrate by whose order the child was placed in charge.
- (c) Any officer appointed for the purpose by the Minister, or authorised by the regulations.
- (d) An officer of police not below the rank of sub-inspector.
- (e) Members of either House of Parliament, the Mayor of a borough, the Chairman of a Local Board, any medical practitioner.
- (f) The Presidents of Benevolent Societies.

39. The Magistrate of the Division shall see that every place where a child is kept under this Act is visited at least once in every six weeks by an officer of police or some other person appointed by the Minister for the purpose. A report of each such visit shall be made to the Magistrate.

Periodical official visits.

40. It shall be the duty of the person in charge of a school or institution (including a Government institution) where children are received under this Act, and of every person in whose charge a child is placed under this Act, to allow every such child proper opportunities for instruction in and the exercise of the religion to which the child belongs, and he shall permit a minister of such religion to visit and instruct the child at such times and under such conditions as may be defined by the regulations under this Act.

Instruction in and practice of child's religion.

41. If at any time during the continuance of an order relative to a destitute child, or of any renewal of an order, the parent, guardian, or other relative of such child (not being a known or reputed prostitute, thief, or drunkard) shall satisfy the Minister that he or she is able and willing to support such child, and to provide suitably for its care and maintenance, it shall be lawful for the Minister in his discretion to order the child to be delivered up to such parent, guardian, or relative: Provided that the powers given by this section shall not be exercised during the term of an apprenticeship, except by consent of the master, and that, if the child has been placed at service, three months' notice shall be given to the master.

Delivery of destitute child to parent, guardian, or relative may be ordered in certain cases.

42. If at any time it shall appear from the reports made to the Magistrate or otherwise that any child is being neglected whilst in the charge of a society or person under an agreement made in terms of this Act (other than an agreement of apprenticeship), or that in any respect the requirements of this Act or of the agreement are not being properly observed, the Minister may cause notice in writing to be given to such society or person to at once remedy the cause of complaint, and if at the end of one month from the date of such notice it shall appear to the Minister that any such cause continues, the Minister may direct the Magistrate to remove the child from the charge of such society or person, and thereupon the agreement with such society or person shall cease and determine, and the Magistrate may make any other suitable provision for the child in terms of this Act.

Inquiry and removal of child when not properly treated

43. If the master to whom any child is apprenticed under this Act shall at any time fail to give the child proper training and instruction, or shall in any other way neglect or disregard any duties imposed upon him by this Act or his agreement, and if, after one month's notice having been given as provided in the preceding section, any ground of complaint shall still appear, the Minister may cause written notice to be given to the master, clearly stating the particulars of the supposed breach of duty, and requiring him to attend before the Magistrate of the Division in which he resides on a day specified in the notice, not being less than seven days from the date of the notice, and (if deemed de-

Inquiry in case of apprenticed child not being properly treated.

sirable) to have such child with him. The master shall be obliged to obey the requirements of the notice under the penalties for disregard of a subpoena of the Magistrate's Court.

Hearing of complaint, and report.

44. On the appointed day the Magistrate shall enquire into the complaint, and shall report to the Minister, and may, if he think it desirable, order the child to be kept in such place as he may appoint until the Minister's decision shall be known.

On Magistrate's report contract may be determined.

45. If from the Magistrate's report it shall appear that any cause of complaint is well founded, and that there are substantial reasons for determining the contract of apprenticeship, he may cause notice to be given to the master in writing determining the apprenticeship from a specified date, and thereafter other provision may be made in terms of this Act for the maintenance and care of the child.

Transfer of child from one institution, etc to another.

46. The Minister may, in his discretion, upon the application or with the consent of any society or person in whose charge a child has been placed, authorise the Magistrate to make an order for transferring such child to some other society or person, or to a Government institution, subject to the like conditions as are prescribed for bringing a child under the operation of this Act: Provided that such transfer shall not be to the prejudice of the child, or interfere with the course of instruction under articles of apprenticeship.

Restrictions on assignment of apprenticeship.

47. No master shall assign or transfer to any other person the articles of apprenticeship of any child apprenticed to him under this Act, except in terms of the preceding section.

Disposal of child on dissolution of the society, etc.

48. If any society shall by dissolution or otherwise become unable to keep any child, or if the master of an apprentice shall relinquish business, or if any person having charge of a child under this Act shall die or become incapacitated by sickness or otherwise, or become insolvent, the Magistrate may make any further order for the disposal of the child in terms of this Act, and he shall, if possible, in the case of a child under apprenticeship, arrange for a further apprenticeship in the same trade or calling.

PART VI.

REGULATIONS, OFFENCES, LEGAL PROCEEDINGS.

Regulations.

49. The Governor in Council may, from time to time, make regulations for all the purposes of this Act, and for giving effect to the objects and intention thereof in any matter not specially provided for.

Any such regulations may appoint penalties not exceeding Ten Pounds Sterling for contraventions thereof.

Regulations for Government institutions.

50. The Minister may make regulations for the conduct of Government Institutions, and for the management and discipline of children placed there, and for the conduct of the officers and servants employed in such institutions.

Such regulations may provide for the moderate whipping of boys under the age of sixteen.

51. The Governor may make rules for regulating the management and discipline of children placed under care in terms of this Act. Such rules may provide for the moderate whipping of boys under the age of sixteen years by the person in whose care they shall have been placed.

Rules for management and discipline.

52. If any person—

- (a) Holds communication with a child contrary to the regulations of a Government Institution ;
- (b) Unlawfully enters a school or other building belonging to such institution, and does not depart therefrom when required to do so by an officer thereof ;
- (c) Being an officer of a Government Institution or Society negligently or voluntarily allows a child to escape ;
- (d) Unlawfully removes a child, or induces or assists a child to escape from the custody in which such child is placed in terms of this Act, or attempts to do any of such things ;
- (e) Knowingly harbours or conceals a child which has been removed, or which has escaped from lawful custody under this Act ;
- (f) Being a person to whom any child is apprenticed or in whose charge a child has been placed in terms of this Act, ill-treats or neglects to discharge his duty to such child ;

Offences.

he shall be guilty of a contravention of this section, and upon conviction thereof in the Court of a Magistrate shall be liable to a fine not exceeding Twenty Pounds Sterling, or to imprisonment, with or without hard labour, for any term not exceeding one month, or to both such fine and imprisonment.

If any offence is committed under Sub-section (f) of this section, the manager, matron, or other person having superintendence of the school or other institution where a child is placed under this law shall be liable unless the Magistrate is satisfied that he or she had no knowledge of the act complained of, and no reasonable means of knowing or preventing the same. But this provision shall be without prejudice to the liability of the person by whom such offence was actually committed.

53. Any male child who shall abscond from the school or institution at which he is placed, or from the service of his employer or of a person under whose charge he has been placed under this Act, or shall be guilty of any misbehaviour, shall upon conviction before the Magistrate be liable, at the discretion of the Magistrate, to receive a whipping not exceeding twenty strokes.

Punishment of absconding male child.

54. If any child subject to the operation of this Act who is earning wages under articles of apprenticeship or otherwise is guilty of absconding from his lawful custody or of other misbehaviour, the Magistrate before whom he is charged may order so much of the child's wages as may seem proper, and not exceeding six months' wages for any one offence, to be forfeited.

Forfeiture of wage by absconding apprentice.

Unmanageable
children.

55. If any child subject to the operation of this Act frequently or continuously misbehave himself so as to be unmanageable, he shall be guilty of an offence, and upon conviction shall be liable to imprisonment for any term not exceeding three months with or without hard labour, and (if not previously under sentence as a juvenile offender) he shall thenceforth be subject to the operation of this Act as a juvenile offender.

Prescription of
actions.

56. No action shall be brought against any person for anything done in pursuance of this Act after the expiry of six months from the date of the act complained of, and notice in writing of such action and the cause thereof shall be given to the defendant one month at least before such action.

Given at Government House, Natal, this Twenty-sixth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 39, 1901.]

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“To make certain provisions with respect to the authentication of Foreign Documents.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. The Supreme Court shall have power to make rules from time to time respecting the authentication required as to the signature or execution of any documents signed or executed out of Natal, which may be produced or used in any Court or any public office in the Colony: Provided always that such rules shall not affect the law of evidence as to the proof of any document in legal proceedings, nor the authentication of any document for which special provision is made by any Law or Act.

Given at Government House, Natal, this Twenty-sixth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 40, 1901.]

HENRY McCALLUM,
Governor.



“For the protection of property in Ostriches and Ostrich Feathers.”

BE IT ENACTED, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Ostriches to be subject of property as domestic animals are.

1. Ostriches shall be the subject of property and ownership in the same manner in all respects as domestic animals, and their ownership shall not be lost merely by reason of their having strayed, or being temporarily out of the possession or control of their owners.

Wild nature of ostriches no defence to criminal charge or civil action.

2. Upon any charge of theft of ostriches or of ostrich feathers, or of malicious injury to or killing of ostriches or of any other offence in respect of ostriches or ostrich feathers, or in any action in which the property in ostriches or ostrich feathers is in question, no exception or defence shall be competent on the ground of any presumption that they are ownerless by reason of the wild nature of ostriches.

Registration of brands.

3. Every owner of ostriches shall, within one month, after this Act comes into operation, or within one month after becoming possessed of ostriches, as the case may be, register at the Office of the Magistrate of the Division in which the ostriches are kept, a description of the brands which he uses or intends to use for branding his ostriches.

No two persons shall be allowed to register the same brand or brands so similar as to be likely to be mistaken for each other.

Ostriches to be branded.

4. Every owner of ostriches shall cause all ostriches above the age of twelve months to be branded with his registered brand on the thigh.

5. Any owner who shall fail to register his brand or to brand his ostriches and keep them well branded shall be liable to a fine not exceeding Ten Pounds : Provided that there shall be an interval of not less than two months between any two convictions. Penalty for failure to brand.

6. If any ostrich is branded with the registered brand used by an owner of ostriches, such brand shall in any civil action or criminal proceeding, be *prima facie* evidence that the ostrich belongs to the person whose brand it bears ; and in a criminal case, upon proof of the theft of an ostrich so branded, the burden shall rest upon an accused person in whose possession such ostrich is found, of proving that the same was lawfully or innocently in his possession. Evidence of ownership founded on brand.
Burden of proof in criminal cases.

Given at Government House, Natal, this Twenty-sixth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 41, 1901.]

HENRY MCCALLUM,
Governor.

E.



R.

ACT,

“To indemnify the Governor of the Colony, and the Officer Commanding His Majesty’s Forces in Natal, and all persons acting under their authority and in good faith, in regard to acts during the existence of Martial Law.”

WHEREAS the state of war mentioned in Act No. 15, 1900, still continues, and the Proclamation of the 23rd day of October, 1899, placing this Colony under Martial Law remains in force :

AND WHEREAS Military operations have, since the passing of Act No. 15, 1900, been necessarily carried on in this Colony, and for the carrying out of such operations and for the maintenance of good order and government, His Excellency the Governor and the Officer for the time being commanding His Majesty’s Forces in this Colony, and the Military, Volunteer, and Civil authorities of this Colony, may be responsible in person or purse for acts done by them in good faith in pursuance of such objects as aforesaid, and it is, therefore, expedient to extend a further indemnity upon the same terms as are set forth in the said Act No. 15, 1900, to persons who, in good faith, have acted for the suppression of hostilities and the maintenance of good order and government :

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Indemnification
of the Governor
and other
authorities and
persons in re-
spect of certain
acts.

1. All actions, indictments, and legal proceedings, civil, criminal, or mixed, against His Excellency Colonel Sir Henry Edward McCallum, K.C.M.G., Governor of Natal, or the Honourable Sir Walter Francis Hely-Hutchinson, G.C.M.G., lately Governor of Natal, or the Honourable Sir Michael Henry Gallwey, K.C.M.G., lately administering

the Government of Natal, or the officer for the time being commanding His Majesty's Forces in Natal, or against any such authorities or officers, Civil, Military, or Volunteer, or other persons acting as aforesaid, for or by reason of any matter or thing commanded, ordered, directed, or done for the suppression of hostilities or the maintenance of good order and government, or for the public safety, whether done before, during, or after the existence of Martial Law, but in furtherance of the objects for which it became necessary to proclaim Martial Law, shall be discharged and become and be made void; and every person by whom such act, matter, or thing shall have been advised, commanded, ordered, directed, or done for the purposes aforesaid, whether before, during, or after the existence of such Martial Law, shall be freed, acquitted, discharged, released and indemnified against all and every person and persons whomsoever in respect thereof.

2. All officers and other persons who have acted under the authority of His Excellency Colonel Sir Henry Edward McCallum, K.C.M.G., or the Honourable Sir Walter Francis Hely-Hutchinson, G.C.M.G., as Governor of this Colony, or as Supreme Chief of the Native population, or the Honourable Sir Michael Henry Gallwey, K.C.M.G., as Administrator of the Government of Natal, or any officer acting under them, or under the authority of the General Officer Commanding His Majesty's Forces in Natal, or who have acted *bonâ fide* for the purposes and during the time aforesaid, are hereby indemnified in respect of all acts, matters, and things done in the suppression of hostilities and the maintenance of good order and government and the public safety; and such acts so done are hereby made and declared to be lawful and are confirmed.

Indemnification of persons who have acted under authority of the Governor, etc.

3. All sentences passed by any Court Martial or by any Court or person exercising judicial functions under the authority of the General Officer Commanding His Majesty's Forces in Natal, or of any officer of His Majesty's Forces purporting to exercise authority in that behalf, since the date of the aforesaid Proclamation of 23rd October, 1899, which sentences have been passed upon persons not ordinarily subject to Military Law in respect of acts, crimes, or offences committed during the existence of Martial Law as aforesaid, are hereby confirmed and approved, and in so far as the same shall not have been already carried into effect, shall be deemed to be sentences passed by duly and legally constituted Courts of this Colony, and shall be and remain in force and shall be carried out in the same manner as the sentences of the Courts of Law of this Colony.

Sentences of military tribunals.

4. His Excellency the Governor at any time, in order to prevent or remove any doubt which might exist or may arise whether any act alleged to have been done under the authority of the Governor or of the Supreme Chief, or under the authority of the General Officer Commanding His Majesty's Forces in Natal, or to have been done *bonâ fide* for any of the purposes aforesaid, was so done, may by

Governor's certificate as to acts done under authority or *bonâ fide*.

cate in writing under his hand declare such acts to have been done, either under such authority or *bonâ fide* for the purposes aforesaid : and any such certificate under the hand of the Governor for the time being, shall in all cases be conclusive evidence that such acts were so done respectively.

Ratification of trade and customs arrangements made in regard to Orange River Colony.

5. All proclamations, regulations, arrangements, and orders made by His Excellency the Governor, and under his authority, or by or under the authority of the late Governor the Honourable Sir Walter Francis Hely-Hutchinson, G.C.M.G., or of the Honourable Sir Michael Henry Gallwey, K.C.M.G., lately administering the Government of Natal, for authorising and regulating trade between this Colony and the Orange River Colony, and for the collection and payment of Customs Duties and for any other matters relative to Customs upon goods and things exported to or imported from the Orange River Colony, are hereby ratified and confirmed, and the same shall, save so far as they may already have been altered or revoked, be of legal force until they shall be revoked by order of His Excellency the Governor ; and His Excellency the Governor and the Colonial Treasurer, and all officers and persons acting under the authority of any such proclamation, regulation, arrangement, or order shall be indemnified and kept harmless in respect of any payments made or acts done under such authority as aforesaid.

Ratification of orders suspending Acts of Parliament.

6. Any order heretofore made by His Excellency the Governor, or under his authority, or by or under the authority of the late Governor, the Honourable Sir Walter Francis Hely-Hutchinson, G.C.M.G., or of the Honourable Sir Michael Henry Gallwey, K.C.M.G., lately administering the Government of Natal, since the date of the before-recited Proclamation of 23rd October, 1899, for suspending the operation of any Act of Parliament, or any part thereof, is hereby confirmed, and shall be of legal force until the same shall be revoked by order of His Excellency the Governor.

Indemnification for payments from revenue.

7. His Excellency the Governor and the Colonial Treasurer of Natal, and all other persons concerned, shall be indemnified and kept harmless in respect of any payments which have been made by the Colonial Treasurer from the Consolidated Revenue Fund for meeting expenses occasioned by the state of war heretofore subsisting, but which have not been authorised by any Act of Supply.

Given at Government House, Natal, this Twenty-sixth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J SMYTHE,
Colonial Secretary.

[No. 42, 1901.]

HENRY McCALLUM,
Governor.



“To extend the operation of the Law relating to the Destruction of Locusts.”

BE IT ENACTED by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. Sections 2, 6, and 7 of Act No. 30, 1898, are hereby repealed. Repeal.
2. The provisions of Act No. 30, 1898, as amended by this Act shall extend to the whole Colony. Extension of Act 30, 1898, to whole Colony.
3. The word “farm,” as used in Act No. 30, 1898, shall mean any rural property, inclusive of Crown Lands and lands of the Natal Native Trust. Meaning of “farm.”
4. The notice provided for by Section 3 of Act No. 30, 1898, shall, in the case of Crown Lands or lands belonging to the Natal Native Trust, be given to the Magistrate of the Division at least ten days in advance. Notice in case of Crown or Native Trust Lands.
5. In the case of Crown Lands, the proper proportion of the expenses referred to in Section 5 of Act No. 30, 1898, shall be borne by the general revenue, and in the case of lands belonging to the Natal Native Trust it shall be borne by the Natal Native Trust. Cost in case of Crown or Native Trust Lands.

Given at Government House, Natal, this Twenty-sixth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,

Colonial Secretary.

[No. 43, 1901.]

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“To amend the Civil Service Act of 1894.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Qualifications
for appointment
as Magistrate.

1. It shall not be lawful permanently to appoint to any office of Magistrate or Assistant Magistrate, or to appoint as Acting Magistrate for any period longer than three months, any person who, on the 1st day of July, 1901, shall not have served five years or upwards in the Civil Service of the Colony, unless he shall have passed such qualifying examination as may be prescribed by regulations to be framed under the provisions of Section 35 of the principal Act, or shall be an Advocate or Solicitor of the Supreme Court, or entitled to be admitted as such.

Appointments
first made on
probation to
date from
probationary
appointment.

2. The following proviso shall be added to Section 15 of the principal Act :—

Provided that every officer admitted to the Permanent Civil Establishment who shall have received his first appointment upon probation, whether before or after the passing of this Act, shall be deemed to have been appointed upon the Permanent Establishment of the Civil Service for all purposes from the date of his appointment as a probationer.

Contribution to
superannuation
fund from
salary of pro-
bationer.

3. The monthly deduction provided for in Section 31 of the principal Act shall be made from the salary of every probationer appointed under the provisions of Section 15 of the said Act, but should his appointment not be confirmed, the officer shall be entitled to receive a refund of the whole sum of the deductions so made from his salary.

Admission of certain Superintendents of Roads and Works to Civil Service.

4. It shall be competent for the Governor in Council, upon the recommendation of the Ministerial Head of the Department, to admit to the benefits of the principal Act, Superintendents of Roads and Works employed under the Public Works Department who received their appointments prior to the Seventeenth day of July, 1894, and whom it may be desirable, upon the completion of twenty years' service, to place upon the Permanent Establishment of the Civil Service. Such officers shall not be required to pay the contribution towards superannuation contemplated by Section 30 of the principal Act in respect of service prior to their admission to the fixed establishment, but the contribution under Section 31 of the principal Act shall, on their admission to the Civil Service, be payable from the date of completion of the twenty years' service herein referred to.

5. It shall be lawful for the Governor in Council to frame rules for the calculation of pensions which may be granted on their retirement to officers who may with the approval of the Government concerned, have served partly in the Permanent Civil Service of this Colony, and partly in the Imperial Service or in that of any British Colony or Possession, and for the charging of equitable shares of such pensions to the revenues of this Colony.

6. This Act shall be read and construed as part of the principal Act.

Joint construction of Acts.

Given at Government House, Natal, this Twenty-sixth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

+ question not settled see A.O. 4779/04 & other papers.

Dec 102 Ac
27/1928
Pensions of officers who have served partly in Natal and partly in Imperial or other Colonial service.
See Act 7/10

No. 44, 1901.]

HENRY MCCALLUM,
Governor.



“To make provision for the Public Health.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

PART I.

Preliminary.

Short title and duration of Act.

1. This Act may be cited as the “Public Health Act, 1901,” and shall continue in force until the 31st day of December, 1902.

Application of Act.

2. This Act shall not apply to the Boroughs of Pietermaritzburg and Durban, except as is hereinafter specially provided.

Health Officers.

3. The Governor in Council may, from time to time, appoint a duly qualified and registered medical practitioner who shall possess a Diploma in Public Health and not be allowed private practice, to be the Health Officer for the Colony, and so many other qualified medical practitioners as may be required to be District Health Officers, who shall act within the districts assigned to them, and may also appoint such officers as are required for the staff of the Department of Public Health.

Other officers and employés.

4. The Minister having charge of the Department of Health, hereinafter called the Minister, may make any temporary appointment, and may appoint so many persons as may be required in each district as Sanitary Inspectors, and may also engage or authorise the engagement of any necessary subordinate employés.

5. The Health Officer for the Colony shall be the head of the Department of Public Health, and shall, subject to any directions of the Minister, have authority over the District Health Officers, who shall in all things conform to his instructions.

Health Officer
for the Colony.

Sanitary Inspectors shall be subject to the authority of the District Health Officers.

Sanitary
Inspectors.

6. The Natal Medical Council constituted by the Medical and Pharmacy Act, 1896, together with two registered medical practitioners appointed by the Governor in Council, one of whom shall be the Health Officer for the Colony, shall form a Board of Health to assist the Government in any matters upon which their advice is required in connection with the administration of this Act.

Board of Health.

Five members of the Board of Health shall form a quorum.

7. The salaries of officers and all other expenses of the administration of this Act, including compensation for losses and injury as hereinafter provided, shall be paid from the general revenue of the Colony, save as is by this Act specially excepted.

Salaries and
expenses of
administration.

PART II.

Public Sanitation.

8. The Governor ~~in Council~~ may, from time to time, make and alter regulations for all matters relative to sanitation and for the prevention and abatement of nuisances, and for all matters relative to the public health.

Regulations
relative to
sanitation,
nuisances, and
public health.

Such regulations may, amongst other things, provide:—

- (a) For compelling the keeping, use and occupation of houses, buildings, privies, huts, shanties, tents, and all premises in a cleanly and good sanitary condition, and so as to prevent any risk to the health either of the inmates or of other persons.
- (b) For compelling proper ventilation of buildings or huts, and for preventing their being overcrowded.
- (c) For compelling the proper drainage of premises, and the removal or destruction or proper disposal of rubbish or other unwholesome matter, or of stagnant or foul water, or of anything likely to be offensive or injurious to health.
- (d) For compelling the keeping of stables, sheds and other places where animals are housed or kraaled in a cleanly and wholesome condition, and so that no unwholesome vapour, smell or discharge may proceed therefrom, and for their being kept at a proper distance

- from houses, and if need be for their removal, subject to payment of any compensation which may be claimable in respect of such removal.
- (e) For the inspection of houses, huts, shanties, tents, factories and buildings of every kind, and of all lands and premises, for all purposes relative to sanitation and the public health.
 - (f) For the inspection and supervision of places where meat, milk, fruit, or any other kind of food is prepared, collected or sent out for use or sale, and to ensure that all such things are prepared, kept and sent out in a wholesome state, and that proper precautions are taken for their being delivered in a sound and wholesome condition.
 - (g) For preventing the pollution of streams, rivers, wells and other water, and of watercourses, and for compelling the disposal of noisome or foul discharges, dirt or refuse, so as not to enter or be drained into any such water or watercourse.
 - (h) For compelling the carrying on of all manufactories or works so as to prevent as far as possible any offensive smell, vapour or discharge, and for forbidding the setting up, otherwise than in conformity with such reasonable conditions as may be prescribed, of any new industry, manufactory or works in the course of which offensive smells, vapours or discharges may be produced.
 - (i) For the setting apart, or the disinfection or destruction of any clothing, goods or other articles considered likely to disseminate disease, and for the purification of any building, place or thing which may be or appears likely to be contaminated.

9. Any regulations under this Act may be expressed so as to be in force immediately upon publication, or so as to be enforced in such other way and at such times and places as may be specified.

Any of such regulations may also be expressed to apply either to all persons or to persons of any class whose habits and mode of life may be a source of danger to health.

10. Upon the occurrence of any outbreak of epidemic disease, District Health Officers shall have the authority to make and enforce special orders when there appears to be urgent necessity for so doing.

The circumstances requiring such action shall be reported without delay to the Health Officer for the Colony.

Regulations :
how, when, and
where to take
effect ; general
or special appli-
cation.

Special orders
by District
Health Officers.

11. Health Officers shall, within their respective districts, exercise full powers and authority for carrying out the objects of this Act. Sanitary Inspectors shall have similar authority for all matters entrusted to them, and for carrying out the orders of Health Officers, and shall whilst engaged in the duties of their office be deemed for all purposes to be constables.

Powers of Health Officers and Inspectors.

If the execution of an order is resisted, such force may be employed as is necessary, and any persons may be called upon to assist in the enforcement of the order.

Enforcement of orders.

12. Every Health Officer and Sanitary Inspector, and any constable or other person having an order in writing for the purpose signed by a Health Officer or Sanitary Inspector, shall have authority to enter any house, building, enclosure or premises for the purposes of inspection, or for the carrying out of any orders given by the Health Officer, or for any purposes necessary for the execution of his duty.

Entry on premises.

13. All persons shall be required to give facilities to any officer or other person engaged in the performance of his duties under this Act, and any person who shall resist or obstruct any officer in the course of his duties, or shall refuse admission to any officer having the right of entry, or who shall disobey or wilfully disregard any order lawfully made, or which he is otherwise bound to obey, shall be guilty of an offence.

Facilities to be given to officers; Resistance or obstruction.

14. Every person who shall

- (a) Discharge urine or faeces in any river, stream or watercourse, or in the channel, or on either bank thereof ;
- (b) Wilfully place, or cause to be placed, in any river, stream or watercourse, or in the channel, or on any bank thereof, any dead animal, dung, rubbish, manure, cane trash, begasse or any filth, or any poisonous, noxious, alcoholic or narcotic substance, or any substance whatever tending to pollute the water of such stream, river or watercourse ;
- (c) Bathe in any river, stream or watercourse when suffering from a contagious or infectious cutaneous disease ; or
- (d) Wash in any river, stream or watercourse any animals or articles under circumstances likely to endanger the public health ;

Prohibition of certain nuisances.

shall be guilty of an offence, and shall be liable to a penalty not exceeding Fifty Pounds sterling.

15. If it shall appear to any District Health Officer or Sanitary Inspector that an accumulation of manure, filth, or other offensive or noxious matter on any premises ought to be removed, or that any nuisance exists which under this Act or the regulations, the occupier of the premises ought to remove

Abatement of nuisances and insanitary conditions.

or abate, or that anything has been done or permitted to continue contrary to this Act or the regulations, he shall give notice to the occupier (or if there be no occupier, to the owner or his agent), to remove or abate the same in such manner as he may direct, and if such notice is not complied with within twenty-four hours from the service thereof, he may at once cause the same to be removed or abated, and may dispose of any refuse or other matter removed in such manner as he may think fit.

Saving of other remedies.

The expenses of anything done under this section may be recovered by the Inspector in the Magistrate's Court from the occupier or owner as the case may be.

16. Nothing in this Act or the regulations shall be deemed to affect any liability or prevent any prosecution under the ordinary law of the Colony relative to the pollution of water, or any other public nuisance, or in any way to abrogate the law relating to the prevention or abatement of public or private nuisances.

PART III.

Infectious and Epidemic Diseases.

Report of cases of infectious and epidemic disease.

17. Every medical practitioner shall forthwith on becoming aware that any patient visited by him is suffering from an infectious or epidemic disease, send to the District Health Officer a certificate in the form which may be prescribed stating the name and residence of the patient, and the disease from which, in the opinion of the medical practitioner, the patient is suffering.

If any medical officer shall fail to promptly give such certificate to the District Health Officer, he shall be liable, upon conviction by the Magistrate, to a fine not exceeding One Hundred Pounds Sterling, and, in default of payment, to imprisonment with or without hard labour, for any term not exceeding Three months.

Extension of S. 45, of Act 22, 1894: report of cases in boroughs.

18. The provisions of Section 45 of Act No. 22, 1894, or the similar provisions of any Act repealing or amending the said Act, shall apply to all diseases which by this Act, or pursuant thereto, may be declared to be infectious or epidemic, and the foregoing provisions of this Act respecting the failure to furnish certificates relative to cases of infectious and epidemic diseases shall apply to any failure by a medical practitioner of Pietermaritzburg or Durban, or any other borough, to furnish the certificate required by the said Act of 1894, as amended by this section.

Report by householder.

19. It shall be the duty of any householder, or the occupier of any hut, shanty or tent, in whose house, hut, shanty or tent, or on whose premises any case or suspected case of infectious or epidemic disease shall occur, to at once report

the same to the proper authority, that is to say, in the Boroughs of Pietermaritzburg and Durban and other boroughs and townships to the Town Clerk, and elsewhere to the District Health Officer.

Any person who knowingly fails to make such a report with all reasonable promptitude shall be liable upon conviction by the Magistrate to a fine not exceeding Fifty Pounds sterling, or to imprisonment, with or without hard labour, for any term not exceeding three months, or to both such fine and imprisonment.

20. The expression "infectious disease" includes the following diseases, namely:—Bubonic plague, by whatever names it may be known, small-pox, cholera, diphtheria, membranous croup, scarlatina or scarlet fever, and leprosy, and the fevers known by any of the following names:—Typhus, typhoid (or enteric), relapsing, puerperal, and any disease which may be included in this section either permanently or for a specified time by order of the Health Officer of the Colony. Any such order may from time to time be varied, renewed or revoked.

Meaning of term
—"infectious
disease."

21. The expression "epidemic disease" means any disease which the Health Officer for the Colony shall order to be regarded as being epidemic until the order is revoked; and such order shall state whether it is to apply to the whole Colony, or to any specified district or districts.

Meaning of term
—"epidemic
disease."

22. Every order declaring a disease to be infectious or epidemic shall be published at least four times in the *Natal Government Gazette*, and in each of four newspapers, and a copy thereof shall be sent to every registered medical practitioner practising in the Colony.

Publication of
order declaring
a disease
infectious or
epidemic.

23. The Minister may from time to time provide buildings to be used as hospitals for the treatment therein of infectious or epidemic diseases, and may place such hospitals under such management and discipline as the Minister shall direct.

Hospitals for
infectious or
epidemic
diseases.

24. The Governor in Council may from time to time make regulations for any of the following purposes:—

- (a) The isolation and treatment, or the compulsory removal to a hospital of persons affected or suspected of being affected with infectious or epidemic diseases, or of persons who, having been exposed to the risk of infection, are likely to be a source of danger to others;

Regulations:
persons suffering
from infectious
or epidemic
diseases: exercise
of powers
under Quarantine
and Leprosy
laws.

- (b) For the exercise by Health Officers or any other persons employed under this Act of the powers under Law No. 2, 1884, and Act No. 14, 1899, and under Law No. 16, 1890, as amended by subsequent Acts.

Such regulations may provide for the compulsory detention in hospitals of persons suffering from infec-

tious or epidemic diseases respectively, and may prescribe the discipline to be observed by persons in hospitals, the duration and renewal of orders for detention, the conditions and mode of discharge from hospitals, the powers and duties of hospital officers and attendants, and generally all matters necessary for carrying out proper precautions against the spread of such diseases.

25. If at any time the Colony is affected by or threatened with any epidemic or infectious disease, the Governor in Council shall have power to make regulations or give directions for any of the following purposes:—

- (a) For the speedy interment of the dead, or for the destruction or other disposal of bodies affected by Bubonic Plague.
- (b) For the conduct and direction of the route of funerals.
- (c) For controlling the establishment of cemeteries, so that they may not be placed in unsuitable localities, and for ensuring the proper use and management thereof.
- (d) For the removal of the inmates from any house, hut, shanty, tent, or other building or premises, and for preventing the use or occupation thereof until the danger has passed.
- (e) For the taking of any measures necessary to purify any house, hut, shanty, tent, or other building, or any premises, and to prevent any risk arising from the condition thereof.
- (f) For the destruction or removal of any house, hut, shanty, tent, or other building, or the execution of any alterations thereto, or of any work thereupon, or upon any premises:

Provided that the powers under this sub-section shall not be enforced in respect of any house or building of a permanent character, and constructed by skilled workmen, and not being a privy, shed or structure of a like character, except by a special order in writing made upon the recommendation of the Health Officer for the Colony, and signed by the Minister on behalf of the Government.

- (g) For carrying out any other measures which may be deemed necessary for preventing the outbreak or for checking the spread of disease.

26. Every owner or driver of a public conveyance, shall immediately provide for the disinfection to the satisfaction of the Sanitary Inspector of such conveyance after it has to his knowledge conveyed

Regulations which may be made on outbreak or threatened outbreak of epidemic or infectious disease.

Disinfection of public conveyances: conveyance of patients.

any person suffering from an infectious disease or the body of any person that has died from infectious disease, or any article, matter, or thing that has been exposed to infection from any such disease, and if he fails to do so he shall be liable to a penalty not exceeding Ten Pounds sterling; but no such owner or driver shall be required to convey any person so suffering, or any article, matter, or thing so infected, until he has been paid a sufficient sum to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

27. Any person who shall cease to occupy, or knowingly (the onus of proof to the contrary of which shall lie upon such person) let for hire any house, room, part of a house, hut, shanty, or tent in which any person has been suffering from any infectious disease, without having such house, room, part of a house, hut, shanty, or tent, and all articles therein liable to retain infection, efficiently disinfected to the satisfaction of the Sanitary Inspector, shall be liable to a penalty not exceeding Twenty Pounds sterling. For the purposes of this section, the keeper of any hotel shall be deemed to let for hire part of a house to any person admitted as a guest into such an hotel.

Vacating or letting for hire houses requiring disinfection.

PART IV.

Boroughs and Townships.

28. The operation of this Act may from time to time be extended by order of the Governor in Council to the Boroughs of Pietermaritzburg and Durban, or to either of them, subject to the special provisions hereinafter contained.

Act may be extended to Pietermaritzburg and Durban.

29. Every such order shall be published in the *Natal Government Gazette*, and shall continue in force until revoked, and after the revocation thereof shall continue in force only to such extent as may be necessary for determining questions of compensation or of rights or liabilities arising in connection with the administration of this Act during the currency of the order, or for the trial and punishment of offences committed during that period.

Publication and duration of order so extending the Act.

30. Such order may withhold from operation in either borough any specified powers under this Act, or may require that any specified powers under the Act shall not be exercised without the approval in writing of the Minister, or of the Board of Health, as the case may be.

Special terms of order.

31. Such order may contain any modifications in detail of the provisions of this Act which may appear to be necessary in order to avoid any difficulty arising from a conflict between this Act and the Laws relating to the boroughs, or to meet the special conditions of either borough :

Modification by such order of provisions of the Act.

Provided always that no greater powers shall be defined in the order than are contained in this Act, and that nothing in the order shall take away or lessen any right of compensation or other remedy under this Act to persons injuriously affected by anything done in pursuance of this Act.

Order may be varied.

32. Every such order may be varied by a subsequent order similarly made and published, provided that no such later order shall affect any right to compensation or other remedy which may have arisen before the date of the later order.

By-laws of Pietermaritzburg or Durban.

33. Subject to the foregoing provisions of this Act, and to the terms of any order made by the Governor in Council as aforesaid, the Town Council of either borough to which this Act may apply shall have power to make by-laws in the ordinary manner for any matters for which the Governor in Council is by this Act empowered to make regulations.

Borough Officers.

Subject also as aforesaid, the powers and authority of the Health Officer of the Colony and of District Health Officers may in either such borough be exercised by duly qualified medical practitioners appointed by the Town Council, and the powers of Inspectors and other officers may be exercised by similar officers appointed by the Town Council.

Contraventions of by-laws.

34. Contraventions of any such by-laws shall be cognisable in the same Courts as have cognisance of contraventions of ordinary by-laws, and may be punished by fine not exceeding Fifty Pounds sterling, or imprisonment, with or without hard labour, for any term not exceeding six months, or by both fine and imprisonment as aforesaid, or by such imprisonment in default of the payment of a fine.

Application of Secs. 58, 59, and 60 to Pietermaritzburg or Durban.

35. When this Act applies to either borough, the provisions of Sections 58, 59 and 60 shall *mutatis mutandis*, extend to by-laws of the borough, and to all acts and orders of the medical officer of health of the borough, and for the purposes of the said sections the medical officer of health for the borough shall have all the authority given by the said sections to District Health Officers, and to the Health Officer for the Colony; but the certificate which the Minister is by the said Section 60 empowered to give shall be given by him only, and not by any officer of the borough.

Removal of medical officer of either borough.

36. No medical officer appointed to carry out the provisions of this Act within either borough shall be removable from his office during the currency of the Order in Council, without the approval in writing of the Minister, notwithstanding that such officer may have been appointed by any municipal authority.

Returns of notified diseases: annual returns and reports.

37. The Health Officers of Pietermaritzburg and Durban, or, if there be no Health Officer in either one or the other Borough, the Town Clerk shall send in at the end of every

week to the Health Officer of the Colony a return, on forms to be prescribed by the Health Officer of the Colony, of the number of cases of notifiable disease notified during the week past; and at the end of each year a return of such numbers for the year past, together with the total population of the town, as far as derivable from the usual returns in the town. The Health Officers of these Boroughs shall also send every year to the Health Officer of the Colony a copy of their annual report to the authorities of the said Boroughs.

38. The Health Officer for the Colony shall at all times have power and authority by himself or by any person specially authorised by him in writing to make an inspection of either of the Boroughs of Pietermaritzburg or Durban, or any part of them, and to enter upon any premises therein, for the purpose of ascertaining whether the objects of this Act are being efficiently carried out, or whether any condition exists which is likely to be a source of danger to the public health, notice of such intended inspection having previously been given to the Borough Authorities with a view to their assistance and co-operation.

Inspection by Health Officer for the Colony of Pietermaritzburg or Durban

This section and the preceding section shall take effect immediately upon the commencement of this Act.

39. If either of the said boroughs to which this Act has been applied shall fail to make and enforce any necessary regulations, or if the Town Council shall fail, by its medical or other officers, to carry out efficiently the objects of this Act, it shall be lawful for the Governor in Council to make any such regulations and enforce the same, and generally to carry out the objects of this Act in such borough in such manner and by such persons as he may direct:

Enforcement of regulations by Governor in Council in case of default by either borough.

Provided that no greater charge than one-eighth of the borough revenues for the preceding municipal year shall in any one year be placed upon the borough revenues by, or by reason of, anything done under the authority of this section, and any greater cost shall be defrayed from the general revenue of the Colony.

Limit of charges to be defrayed from borough revenues.

40. Save as in the preceding section specially excepted, the cost of the administration and execution of this Act in either of the said boroughs, and any liabilities arising therefrom, shall be borne by the revenues of the said boroughs respectively.

Cost of Act in either borough.

41. In any municipal borough other than those of Pietermaritzburg and Durban, and any township constituted under Law No. 11, 1881, this Act shall be carried out as in other parts of the Colony, subject to the special provisions hereinafter set forth. Such boroughs and townships are in the following sections referred to as towns, and the Town Council of such borough, and the Local Board of such township, are together referred to as the town authority.

Administration of Act in other towns.

By-laws.

42. The Governor in Council may authorise the town authority to make and enforce in the ordinary manner by-laws for any specified purposes for which the Governor in Council is empowered to make regulations, and may attach any conditions to the exercise of such powers.

Contraventions of the by-laws made under this section shall be cognisable and punishable as hereinbefore provided in respect to by-laws of Pietermaritzburg and Durban.

Delegation of powers to town officers: arrangements for administration of Act.

43. The Governor in Council may also arrange for entrusting to the town officers any of the powers and authority given by this Act to District Health Officers or to Inspectors or other officers, or may make such arrangements as are suitable for carrying out this Act in harmony with the institutions of the town.

Varying, renewing, or revoking Order in Council.

44. Any Order of Council made under the preceding sections may from time to time be varied or renewed by a later order, and may be revoked, but without prejudice to anything done or to any obligation or liability which may have been incurred.

Action in case of default by town authorities.

45. If at any time the town authority fails to carry out the objects of this Act in a satisfactory manner, the Governor in Council may direct any necessary action to be taken without reference to the powers or authority delegated to the town.

Cost of administration of Act in towns.

46. The cost of the administration and execution of this Act in a town, whether under the ordinary powers or under the powers deputed to the town, and any liability arising therefrom, shall be defrayed from the town revenues :

Provided that no charge exceeding in the whole during any one year one-eighth of the town revenues for the preceding municipal year shall be placed upon the town revenues in respect of anything done by order of Government, and not by the town authorities or officers.

Recovery of expenses.

47. Any expenses which by this Act are required to be borne by the revenues of a borough or township shall be recoverable by the Minister in any competent Court.

Powers of boroughs and townships not affected.

48. Nothing in this Act shall be deemed to abrogate lessen or affect the powers conferred upon any municipal borough or township by any other Law or Act, save so far as they may be inconsistent with this Act.

PART V.

Compensation : Offences : Legal Proceedings.

49. If any property is destroyed or injuriously affected by or under the orders of any person exercising authority under this Act, or if any person is under the like authority deprived of the occupation or use of any dwelling, building or premises or of any other property, such person shall be en-

Compensation for destruction of or injury to property.

titled to compensation for such destruction or injury, or for the loss or damage directly caused by such deprivation, subject to the provisions hereinafter contained.

This section shall not be deemed to apply to the articles enumerated in Section 3 of Act No. 14, 1899, and compensation in respect thereof shall be payable as provided in Section 4 of the said Act.

50. The foregoing section shall not be deemed to entitle any person to compensation if the necessity for anything so done is caused by his disregard of this Act, or of any regulations or by-laws, or of any other law, or by the existence of a nuisance which under the ordinary law it would be his duty to abate :

Certain cases excluded from compensation: saving as to buildings.

Provided, however, that this exception shall not take away the right of any person to compensation for the destruction or structural alteration or removal of a building of a permanent character, which had been built before the commencement of this Act, or which has since been built in conformity with the law.

51. When any building has been destroyed or any act has been done by which any interest or land is injuriously affected, questions respecting the adjustment of compensation between owners and other persons having interests by way of mortgage, tenancy or otherwise shall be determined according to the provisions of the Lands Clauses Consolidation Law of 1872.

Incorporation of terms of Lands Clauses Law.

52. For the purpose of deciding disputed claims for compensation, Magistrates shall have jurisdiction up to Two Hundred Pounds sterling, whether the cause of claim relates to movable or immovable property.

Jurisdiction of Magistrate.

53. Any such claim may, if the parties be willing, be brought before the Magistrate's Court by way of application upon the usual notice, or such notice may be waived by consent, and the Magistrate may, upon such application, hear and determine upon the claim.

Mode of procedure.

54. The contravention, infringement or wilful disobedience of any obligation or prohibition imposed by this Act, or by the regulations or by-laws thereunder, or of any order to which obedience is due as hereinbefore provided, shall be an offence.

What constitutes an offence

55. All offences, save as is hereinbefore provided in regard to contraventions of by-laws, shall be cognisable in the Courts of Magistrates, and shall be punishable by fine not exceeding Fifty Pounds sterling, or by imprisonment, with or without hard labour, for any term not exceeding six months, or by both such fine and imprisonment as aforesaid, or by such imprisonment in default of the payment of a fine ; or any such offence may be prosecuted by indictment in the Supreme Court, and upon conviction the offender shall be liable to a fine not exceeding Two Hundred Pounds sterling,

Punishment of offences.

or to imprisonment, with or without hard labour, for any period not exceeding two years, or to such imprisonment in default of the payment of a fine.

Indictment in certain cases for offences against by-laws.

56. If upon any representation made by a Mayor of a Borough, or the Chairman of a Local Board, it shall be made to appear to the Attorney-General that an offence has been committed against the by-laws under this Act, and that by reason of the gravity of the offence, or the public danger arising therefrom, or from the evil example thereof, it is desirable that the offence should be prosecuted in the same manner as a public crime, it shall be lawful for the Attorney-General to direct a prosecution against the accused person, and to prosecute the offence by way of indictment in the same manner as a contravention of this Act; and in any such proceedings the written direction given by him for the prosecution, or the indictment signed by him, shall be conclusive evidence that the prosecution was duly instituted according to the requirements of this section.

Other prosecutions not barred.

57. A prosecution or conviction under this Act shall not prejudice any other criminal prosecution to which the offender would otherwise be liable, provided that he be not twice punished for the same act.

Enforcement of and decision as to authority of District Health Officers: compensation.

58. If any question shall arise whether an order given or any act done or directed by a District Health Officer is lawful or not, the question shall in the first instance be referred to the Health Officer for the Colony, whose decision may be brought in review before the Magistrate by either party by way of motion upon notice, and the decision of the Magistrate shall in all cases be subject to an appeal to the Supreme Court:

Provided always that:—

- (a) If the Health Officer deems the matter to be of great urgency, he may insist upon the order being complied with, or the act carried out at once, and such instruction shall be promptly complied with;
- (b) If upon any subsequent application to a Magistrate the Health Officer for the Colony shall state in writing that he considers the order or act to be of urgent necessity, the Magistrate shall not have power to make any order interfering with the execution of such order, or the carrying out of such act;

Provided that this provision shall not be deemed to restrict the powers of the Supreme Court;

- (c) If by any final decision the order appealed from shall be declared to be unlawful, the person affected thereby shall be entitled to compensation from the public revenue for any direct loss or injury sustained.

59. If anything shall be condemned by a Health Officer as being a nuisance or as coming within any prohibition or restriction contained in this Act, or the regulations, and if a question shall arise whether it is so or not, the matter shall be proper for decision by the Courts of law according to their respective jurisdictions, subject, however, to the like provisions as are contained in the foregoing section.

Enforcement of and decision as to condemnation by Health Officer.

60. If any question shall arise whether any regulation made by the Governor in Council is within the authority of this Act, or as to the lawfulness or authority of any act or order of a Health Officer, and if a certificate under the hand of the Minister is presented to any Court before which such question is brought, that in the opinion of the Government there is urgent need in the public interest for such regulation, act or order, the Court shall not have any power to make any order interfering with the enforcement of such regulation or order, or the carrying out of such act.

Special forms for enforcement of orders of Health Officer in time of public danger.

Any such question shall be deemed to be brought before a Court if any suit, appeal, or application is made in which the validity or lawfulness of a regulation, order or act is either directly or indirectly brought into question.

This section shall not be in force unless the Governor shall at any time, by Proclamation, declare that public danger to the Colony exists by reason of the existence or threatened outbreak of epidemic or infectious disease; and, thereafter, this section shall be in force until such Proclamation shall have been revoked.

Given at Government House, Natal, this Twenty-sixth day of August, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.



“To amend the Law relating to the Adulteration and
Fraudulent Sale of Food and Drugs.”

BE IT ENACTED by the King’s Most Excellent
Majesty, by and with the advice and consent of the
Legislative Council and Legislative Assembly of Natal, as
follows :—

PART I.

Preliminary.

1. This Act may be known as the “Adulteration of
Food Act, 1901.”

2. Act No. 26 of 1898 is hereby repealed: Provided
that any contravention of any by-law thereunder committed
before the commencement of this Act may be prosecuted
and punished as if the said Act had not been repealed.

3. In this Act, unless the context otherwise requires :—

The word “Food” includes every article used for
food or drink by man other than drugs or
water, and any article which ordinarily enters
into or is used in the composition or prepara-
tion of human food; and also includes
flavouring matters and condiments.

The word “Butter” means the substance usually
known as butter, made exclusively from milk
or cream, or both, with or without salt or
other preservative, and with or without the
addition of any colouring matter.

The word “Cheese” means the substance usually
known as cheese, containing no fat derived
otherwise than from milk.

Short title.

Repeal.

Interpretation
of terms.

- The word "Margarine" means all substances, whether compounds or otherwise, prepared in imitation of butter, and whether mixed with butter or not.
- The word "Drug" includes medicine for internal or external use.
- The word "Importer" includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of or in any wise entitled to the custody or control of an article imported into this Colony by land or sea.
- The word "Town" means a municipal borough or a township constituted under Law No. 11, 1881, or any like Act.
- The word "Minister" means the Minister having charge of the Department of Agriculture.
- The expression "Government Analyst" means any person in the service of the Government as an analyst or analytical chemist, or specially appointed by the Minister to analyse foods or drugs.

PART II.

Adulteration and other Offences. Importation and Sale of Food and Drugs.

4. No person shall mix, colour, stain, or powder, or order or permit any other person to mix, colour, stain, or powder any article of food with any ingredient or material, so as to render the article injurious to health, with intent that the same may be sold in that state, and no person shall sell any such article so mixed, coloured, stained, or powdered. Adulterating food.
5. No person shall, except for the purpose of compounding as hereinafter described, mix, colour, stain, or powder or order or permit any other person to mix, colour, stain, or powder any drug with any ingredient or material so as to affect injuriously the quality or potency of such drug, with intent that the same may be sold in that state, and no person shall sell any such drug so mixed, coloured, stained, or powdered. Adulterating drugs.
6. No person shall be liable to be convicted under either of the two last foregoing sections in respect of the sale of any article of food, or of any drug, if he shows to the satisfaction of the Court that he did not know of the article of food or drug sold by him being so mixed, coloured, stained, or powdered as aforesaid, and that he could not with reasonable diligence have obtained that knowledge. Grounds of excuse for selling adulterated food or drugs.

Sale of food or drugs to prejudice of purchaser.

7. No person shall sell, to the prejudice of the purchaser, any article of food, or any drug, which is not of the nature, substance, and quality of the article demanded by such purchaser: Provided that an offence shall not be deemed to have been committed under this section in the following cases:—

- (a) Where any matter or ingredient not injurious to health has been added to the food or drug, because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or drug, or conceal the inferior quality thereof;
- (b) Where the food or drug is a proprietary medicine, or is the subject of a patent in force, and is supplied in the state required by the specification of the patent;
- (c) Where the food or drug is compounded as in this Act is mentioned;
- (d) Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

When drug deemed to be sold to prejudice of purchaser.

A drug shall be deemed to be sold to the prejudice of the purchaser:—

- (e) If being sold under the name given to a drug in the British Pharmacopœia, it is not of the strength, quality, or purity of the standard prescribed by the British Pharmacopœia.
- (f) If it is professedly sold as being of any strength or purity, and its strength or purity are not as represented.

Compound foods and compounded drugs.

No person shall sell any compound article of food or compounded drug not composed of ingredients in accordance with the demand of the purchaser.

Liability in certain cases avoided by affixing label stating that food or drug is mixed.

8. No person shall be guilty of any such offence as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health, and not intended fraudulently to increase its bulk, weight or measure, or conceal its inferior quality, if at the time of delivering such article or drug he shall supply to the person receiving the same a notice, by a label conspicuously and legibly written or printed on or with the article or drug, to the effect that the same is mixed.

Abstracting part of food so as to deteriorate it.

9. No person shall, with the intent that the same may be sold in its altered state without notice, abstract from an article of food any part of it so as to affect injuriously its quality, substance, or nature, and no person shall sell any article so altered without making disclosure of the alteration.

10. If there is imported into Natal any of the following articles, namely :—

Importation of margarine, adulterated or impoverished butter, milk, etc.

(a) Margarine, except in packages, conspicuously marked "Margarine," or

(b) Adulterated or impoverished butter (other than margarine), milk, or cream, or other article of food to which the Governor may by Proclamation direct that this section shall apply, except in packages or cans conspicuously marked with a name or description indicating that the butter or milk or cream or other article has been so treated,

the importer shall be guilty of a contravention of this Act.

For the purposes of this section an article of food shall be deemed to be adulterated or impoverished if it has been mixed with any other substance, or if any part of it has been abstracted, so as in either case to affect injuriously its quality, substance, or nature.

11. No substance coming within the definition of margarine shall be sold except under the name of margarine, and under the conditions prescribed by this Act, or by the by-laws thereunder.

Margarine, sale of.

12. Every person manufacturing, importing, or dealing in margarine shall conform to the following regulations :

Regulations regarding margarine

Every package, parcel, or vessel, whether open or closed, containing margarine, shall be conspicuously marked "margarine" on the top, bottom and sides, in printed capital letters, and every person selling margarine by retail, save in a package duly marked as aforesaid, shall in every case deliver the same to the purchaser in a paper wrapper, on which shall be conspicuously printed "margarine" in capital letters.

13. The Governor in Council may, after such enquiry as he may deem necessary, make regulations for determining what deficiency in any of the normal constituents of genuine milk, cream, butter, or cheese, or what addition of extraneous matter or proportion of water, in any sample of milk (including condensed milk), cream, butter or cheese, shall for the purposes of this Act raise a presumption, until the contrary is proved, that the milk, cream, butter, or cheese is not genuine, or is injurious to health, and an analyst shall have regard to such regulations in certifying the result of an analysis.

Regulations for determining what shall create a presumption that milk, cream, butter, or cheese is not genuine, or is injurious.

14. Every person shall be guilty of a contravention of this Act who, in respect of an article of food or drug sold by him as principal or agent, gives to the purchaser a false warranty in writing, or gives with the article sold a label falsely describing the same.

False warranty or label.

PART III.

Analysis.

Town Analysts.

15. (1) The Town Council of any town may appoint one or more persons possessing competent knowledge, skill, and experience, as analysts of all articles of food and drugs sold within such town, and shall pay to such analyst such salary or allowance as they may think fit.

(2) A person so appointed is hereinafter called the town analyst.

(3) In the case of towns not being Municipal Boroughs, provision for analyses shall be made by the Minister.

(4) Nothing in this section shall be deemed to require that a town analyst shall be resident in the town for which he is appointed.

(5) If there be no appointed analyst for any town, the submission of samples to a Government analyst, who may be willing and permitted to analyse the same, and any certificate given by him, shall have the same authority as if he were an appointed town analyst.

Meaning of "proper officer"

16 For the purposes of the following sections relative to the taking of samples the expression "proper officer" means:—

- (a) Any district surgeon or health officer, any officer appointed by Government, and charged with the execution of this Act, and any person authorised thereto by the regulations under this Act;
- (b) Any police officer or a police constable acting under the direction of a police officer;
- (c) In a town, any person charged by the Town Council with the execution of this Act, or authorised thereto by the by-laws;

and of "analyst."

and the expression "analyst" means

- (d) In the case of samples taken by a proper officer on behalf of Government, a Government analyst;
- (e) In the case of samples taken by the proper officer of a town, a town analyst.

Procuring and analysing samples.

17. A proper officer may procure any sample of food or drugs, and if he suspect the same to have been sold to him contrary to any provisions of this Act, or of the regulations or by-laws, shall submit the same to be analysed by the public analyst, and such analyst shall, with all convenient speed, analyse the same, and give a certificate of such analysis to such officer, wherein he shall specify the result of the analysis.

The provisions of this section shall also apply to the procuring at the place of delivery of samples of milk, or any other article of food in course of delivery to the purchaser or consignee, in pursuance of any contract for the sale to such purchaser or consignee.

18. If a proper officer shall apply to purchase any article of food, or any drug exposed to sale, or on sale by retail on any premises, or in any shop or stores, or in any street or place of public resort, and shall tender the price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonably requisite, and the person exposing the same for sale shall refuse to sell the same to such officer, such person shall be liable to a penalty not exceeding Ten Pounds.

Refusal to sell for analysis.

19. Any person who wilfully obstructs or impedes a proper officer in the course of his duties, or by any gratuity, bribe, promise, or other inducement, prevents or attempts to prevent the due execution of his duty, shall be guilty of a contravention of this Act.

Obstructing an officer.

20 Any purchaser of an article of food or a drug shall be entitled on payment of a sum not exceeding ten shillings and sixpence to the town funds, in the case of an article purchased in a town, and in the case of a purchase elsewhere, to the Government analyst of the district if such analyst has been appointed, to have such article analysed by such analyst, and to receive from him a certificate of the results of such analysis. Such certificate shall be in the form of the Schedule to this Act, or to the like effect.

Right of purchaser to obtain analysis.

Certificate of analysis.

21. The procedure for obtaining an analysis shall be as follows :—

Procedure for obtaining analysis.

The purchaser shall, after the purchase has been completed, forthwith notify to the seller, or his agent selling the article, his intention to have the same analysed by the public analyst, and shall offer to divide the article into three parts, to be then and there separated, and each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall, if required to do so, deliver one of the parts to the seller or his agent.

He shall afterwards retain one of the said parts for future comparison, and submit the third part, if he deems it right to have the article analysed, to the analyst.

PART IV.

Regulations and By-Laws.

22. The Governor in Council may from time to time make regulations for carrying out the purposes of this Act, and for all matters not specially provided for in this Act, which may be necessary for giving full and complete effect to the provisions of this Act.

Regulations for purposes of this Act.

A Town Council may from time to time make by-laws in the manner prescribed by law for carrying out the purposes of this Act within the town, and for all matters not specially provided for in this Act which may be necessary for giving full and complete effect to the

By-laws.

objects and intention of this Act within the town; but so that they be not in derogation of the lawful authority of Government.

Such regulations or by-laws may provide punishments for any contravention thereof, not exceeding the punishments hereinafter provided for contraventions of this Act for a first offence, and for subsequent offences respectively.

PART V.

Legal Proceedings.

Contravention
of Regulations
and By-laws

Jurisdiction

23. All contraventions of this Act or of the regulations shall be cognisable in the Courts of Magistrates.

Prosecution
under By-laws.

24. All contraventions of the by-laws under this Act shall be prosecuted and tried in the manner provided for the prosecution and trial of offences under the ordinary by-laws of towns.

Prosecution for
offences in
towns.

All offences committed in towns, and cognisable by the Magistrates' Courts may be prosecuted on behalf of the town authorities by any person authorised to prosecute offences under the by-laws, but without prejudice to any right of prosecution on behalf of the Crown for offences other than those under by-laws.

Punishment of
offences

25. Any person guilty of a contravention of this Act, for which no other punishment is specially provided, shall be liable

For a first offence, to a fine not exceeding Twenty Pounds, with the alternative of imprisonment, with or without hard labour, for not more than one month.

For a second or subsequent offence, to a fine not exceeding Fifty Pounds, with the alternative of imprisonment, with or without hard labour, for not more than three months.

In the case of a second or subsequent conviction, if the offence, in the opinion of the Court, was committed by the personal act, default, or culpable neglect of the accused, and if the Court is of opinion that a fine will not meet the circumstances of the case, such person shall be liable to imprisonment as last aforesaid, without the option of a fine.

Production of
certificate of
analysis in
evidence.

26. In any prosecution under this Act, or under the regulations or by-laws, the production of the certificate of the public analyst in the prescribed form shall be sufficient evidence of the facts therein stated, unless the defendant requires that the analyst shall be called as a witness.

Grounds of
defence.

27. If the defendant in any prosecution proves to the satisfaction of the Court that he purchased the article in question as the same in nature, substance, and quality as that demanded of him by the purchaser, and with a written war-

ranty or invoice to that effect, that he had no reason to believe at the time that he sold it that the article was otherwise, and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution.

If the person charged be an employee, he may avail himself of proof that his employer purchased the article as aforesaid.

28. In any prosecution for selling any article to the prejudice of the purchaser, it shall be no defence to allege that the purchaser, having bought only for analysis, was not prejudiced by such sale. Neither shall it be a good defence to prove that the article of food or drug in question, though defective in nature, or in substance, or in quality, was not defective in all three respects.

Disallowance of certain grounds of defence.

PART VI.

Miscellaneous.

29. The expense of executing this Act in any town shall be borne by the funds of such town, and all fines recovered for contravention of the town by-laws, or for any offences prosecuted on behalf of the town as hereinbefore provided, shall be paid to the funds of the town.

Town funds to bear cost and receive fines.

30. Nothing in the preceding section shall be deemed to impose upon a town the expense of acts done or appointments made on behalf of the Government in the course of the general administration of the Act, or the expense of public prosecutions on behalf of the Crown.

Saving as to cost of Government Acts and prosecutions.

SCHEDULE.

Form of Certificate.

To.....(insert name of person submitting article for analysis).

I, the undersigned, public analyst for the....., do hereby certify that I received on the.....day of..... 19 , from.....(Insert name of person delivering sample) a sample of.....for analysis (which was weighed.....), (When the article cannot be conveniently weighed, this passage may be erased, or the blank may be left unfilled), and have analysed the same, and declare the result of my analysis to be as follows :—

I am of opinion that the same is a sample of genuine

Or

I am of opinion that the said sample contained the parts as under, or the percentage of foreign ingredients as under :
Observations.*

As witness my hand this.....day of.....

A.B.,

at.....

*Here the analyst may insert at his discretion his opinion as to whether the mixture (if any) was for the purpose of rendering the article portable or palatable, or of preserving it, or of improving the appearance, or was unavoidable, and may state whether in excess of what is ordinary, or otherwise, and whether the ingredients or materials mixed are or are not injurious to health.

In the case of a certificate regarding milk, butter, or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

Given at Government House, Natal, this Ninth day of September, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 46, 1901.

HENRY McCALLUM,
Governor.

E.



R.

ACT,

To repeal, and re-enact with amendments, the "Labour Tout Regulation Act, 1896."

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. This Act may be cited as the "Touts Act, 1901."

Short Title.
Repeal.

2. Act No. 36, 1896, entitled the "Labour Tout Regulation Act, 1896," is hereby repealed, but such repeal shall be without prejudice to anything done, or any right acquired or liability incurred thereunder, save as is otherwise provided in the next succeeding section.

3. Every license issued under the said repealed Act which may be current at the date of the taking effect of this Act shall be deemed to be a license issued under this Act, and the holder of such license shall be required to conform to the terms of this Act.

Existing Licenses.

4. For the purposes of this Act the expression "tout" shall mean any person who shall, by himself or by any persons employed by him, and whether in his own name or otherwise, procure, or attempt to procure, seek for, or engage Natives in this Colony for service to be rendered to another person, or shall supply, or contract to supply, Natives to be employed in work of any kind.

Definition of "tout."

Services shall be deemed to be rendered to another person if the Natives are employed in or about the business of another person, whether or no any agreement may have been made under which the Natives are paid by the person who procured them, or are regarded as being his servants, and notwithstanding any other agreement which may be made with a view to avoiding the effect of this section.

"Services rendered to another person."

Employés in
touting business
also deemed
touts.

5. Any person employed to procure, seek for, or engage Natives shall also be deemed to be a tout. Nevertheless, if any person charged with touting without a license shall satisfy the Court that he was merely incidentally employed to engage servants for domestic, farm, or other personal service for his employer, and shall also satisfy the Court that he was not in any way making a business of procuring Natives, or acting for or in the business of a tout, he shall be acquitted.

Prohibition of
touting for
service outside
Colony.

6. No person shall be allowed to tout for or engage Natives for any services to be performed outside this Colony.

This section shall not apply to persons taking out of the Colony Natives in actual service at the time, the onus of proof whereof shall be with the master.

Annual license.

7. Every tout shall take out an annual license from the Magistrate of the Division in which he intends to procure, engage, or seek for labourers and servants, and such license shall not have any effect or validity outside the Magisterial Division in which it is granted.

Discretion in
issue of license.

8. Such licenses shall be issued only to persons approved by the Magistrate, who may refuse to issue any license.

Appeal against
refusal.

9. Any person who is refused a license may appeal to the Secretary for Native Affairs, who may direct the Magistrate to issue a license or uphold the refusal to grant the license, without being required to give any reasons for his decision.

License fee.

10. The charge for every such license shall be Five Pounds Sterling for each year, or portion of a year, ending on the 31st day of December.

License not
transferable.

11. No such license shall be transferable.

Contract by tout
to cease on entry
of Natives into
service.

12. Every contract made with Natives by a tout, or by any person following the calling of a labour agent or the like, for services to be rendered to another person, shall cease and determine as between the Native and the tout or labour agent as soon as the Native shall enter into the service for which he was engaged, and no such agreement shall be capable of being directly or indirectly renewed as between the tout and any such Native whilst such Native is in the employment of any other person.

Registration of
contracts.

13. Every employer, to whom any Natives are supplied by a tout, shall, before the Natives enter into his service, take them before the Magistrate or a Justice of the Peace of the Division (appointed for that purpose) in which the service is to be rendered; and such Magistrate or Justice of the Peace shall register the contract of each Native with the requisite particulars in a book to be kept by him in the form of the Schedule of this Act, and shall hand the certificate of registration to the employer.

Registration books shall be supplied by the Government to Magistrates and Justices of the Peace.

Any employer failing to comply with this section shall be liable to a fine not exceeding Five Pounds Sterling for each Native whose contract is not registered as prescribed.

Wages of
Natives pro-
cured by a tout

14. The wages of every Native procured by a tout or other agent shall be paid in full by the employer to the

Native at the rate agreed with the native and no deduction therefrom shall be made on account of any debt by the Native to the tout or agent, or any fee or other payment by the employer of the tout or agent.

15. Whoever shall procure or attempt to procure, ply, or seek for Natives, or otherwise act as a tout within the meaning of this Act, without being provided with a license, shall, on conviction thereof before a Magistrate, be liable, for every such offence, to pay a fine not exceeding Twenty-five Pounds Sterling, or, in default of payment, to be imprisoned with or without hard labour, for any term not exceeding six months.

Unlicensed touting.

16. No tout or labour agent shall enter upon any private land, or upon any Crown land, or Native Location, without having first obtained the consent of the resident owner, or in the case of a non-resident owner, the consent of his agent, if any of the private land, or, in the case of Crown Lands and Locations, the consent of the Magistrate.

Permit-sion required before entry on any land for touting.

Any person contravening this section shall be liable to a fine not exceeding Twenty Pounds Sterling, or imprisonment, with or without hard labour, for any term not exceeding three months.

17. Whoever shall (whether licensed as a tout or not) directly or indirectly, either by himself or by an agent, by the offer of higher wages or greater benefits, or by any other means, cause, induce, or persuade, or attempt to cause, induce, or persuade, or aid or assist in causing, inducing, or persuading, any servant, by words or by any other means, to leave his service, or to violate any agreement of service, whether in writing or not in writing, whether such service is actually being performed, or has to be performed at any future time, shall, on conviction thereof before any Magistrate, be liable to pay a fine not exceeding Twenty-five Pounds Sterling, or, in default of payment, to be imprisoned, with or without hard labour, for any term not exceeding six months, and if holding a license under this Act, he shall also be liable to forfeiture of such license.

Enticing servants from their employ-ment.

In the case of a contravention of this section by any person acting in the employ of a tout (whether licensed or unlicensed), such tout shall also be deemed guilty of such contravention, and all persons so liable may be prosecuted either together or separately.

It shall not be a defence to any charge under this section that the accused person did not know that the servant or apprentice was in employment, or agreement of service.

18. Every person who shall conceal, employ, or retain, or counsel, aid, or abet in concealing employing, or retaining, any servant or apprentice who shall have deserted from the service of any master, or otherwise absconded or absented himself from such service shall, on conviction thereof before any Magistrate, be liable to pay a fine not exceeding Twenty-five Pounds Sterling, or in default of payment to be imprisoned, with or without hard labour, for any term not exceeding six months, and if licensed under this Act, to forfeiture of such license.

Harbouring deserting servants or apprentices.

Penalty for not exhibiting license.

19. If any licensed tout shall, on demand at any time by any Magistrate, Justice of the Peace, constable, or officer of the law, refuse to produce or to show his license, he shall, on conviction thereof before a Magistrate, be liable to pay a fine not exceeding Five Pounds Sterling, or in default thereof to be imprisoned for any term not exceeding three months.

This Act not to be in bar of other remedies.

20. This Act shall not exempt any person from any action, suit, or other proceeding which might, but for the provisions of this Act, be brought against him.

Exemption of persons in service of Crown.

21. Nothing in this Act shall apply to any person who, as regards any of the matters referred to in this Act, is engaged solely by and in the immediate service of His Majesty's Imperial or Colonial Government.

SCHEDULE.

Registration Certificate.	:	Registration Certificate.
Touts Act, 1901.	:	Touts Act, 1901.
Date	:	Date
Employer.....	:	Employer ..
Place of Service.....	:	Place of Service.....
.....	:
Servant's Name.....	:	Servant's Name.....
Chief	:	Chief.....
Division in which resident	:	Division in which resident
.....	:
Period of Contract..	:	Period of Contract
.....	:
Rate of Wages.....	:	Rate of Wages
Magistrate or Justice of the Peace by whom this Book is kept.....	:	(Signature of Magistrate or Justice of the Peace).

.....
Division of.....

Given at Government House, Natal, this Ninth day of September, 1901.

By command of His Excellency the Governor,
CHARLES J. SMYTHE,
Colonial Secretary.

HENRY McCALLUM,
Governor.



ACT,

“To amend the Courts Act, 1898.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. Section 11 of the Courts Act, 1898, Sub section (a) of Section 52, and the words “including the people called Griquas and Hottentots” occurring in Section 5 of the said Act are hereby repealed.

Judges' Salaries;
Griquas and Hottentots: Return of Criminal Cases.

2. The Judges of the Native High Court shall be paid out of the Revenue of the Colony yearly salaries as follows:—

Salaries and Pensions of Judges.

Judge President	...	...	£1,000
Each other Judge	...	...	£900

All such Judges shall be officers within the Pension Law, 1874, and their salaries shall not be liable to any deduction by way of contribution to the Superannuation Fund created by the Civil Service Act of 1894.

3. Any two Judges of the Native High Court shall form a quorum of the said Court.

Quorum of Court: Decision in event of difference.

The procedure in the event of a difference of opinion when only two Judges are sitting shall be such as may be provided by rules of the said Court.

4. The following crimes shall be deemed to be within the provisions of Section 29 of the Courts Act, 1898:—

Extension of jurisdiction of Court.

Culpable homicide and assault of any kind, whenever committed by a Native upon a Native: Provided that if such crime shall have been committed either by or upon two or more persons, any of whom is not a Native, the crime shall not be cognizable in the Native High Court: Provided further that in so far as a

charge of assault may be necessary to support an indictment for robbery, such assault shall be cognizable in the Supreme Court.

Arson, when committed only upon a Native hut or house or other Native dwelling.

5. The provisions of the Courts Act, 1898, or of this Act, shall not prevent a person charged in the Supreme Court or the Native High Court with any crime within the jurisdiction of the Court from being convicted and sentenced for any less crime than that charged in the indictment, for which it would otherwise be competent to convict upon such indictment, notwithstanding that such less crime may be one which under the provisions of the Courts Act, 1898, or of this Act, would ordinarily be excluded from the jurisdiction of the Court.

6. The Attorney-General may direct that any criminal case be tried by the full Court.

7. The appeal provided for in Sub-section (d) of Section 56 of the Courts Act, 1898, may, if the appellant so desires, be made directly to the full bench of the Native High Court instead of to a single Judge.

8. In addition to the lists of prisoners required by Section 64 of Ordinance No. 18, 1845, and Law No. 27, 1888, to be furnished to the Supreme Court, lists of all Natives confined in the several gaols of the Colony who may be awaiting trial or may not have been committed for trial, shall be furnished by the keepers of gaols to the Registrar of the Native High Court.

9. The Registrar of the Supreme Court shall transfer to the Registrar of the Native High Court the records which by the 4th Section of Act No. 2, 1894, and the 13th Section of Act No. 13, 1895, were transferred to the Supreme Court, together with the schedules and the books, documents, papers and chattels which were in terms of the said sections lodged with the Registrar of the Supreme Court; and the Registrar of the Native High Court shall thereafter have the charge of such records in like manner as of the records of the Native High Court.

Given at Government House, Natal, this Twenty-third day of December, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

Jurisdiction of Supreme Court or Native High Court in regard to conviction for a less crime than that charged.

Trial of criminal cases by full Court.

Appeal to full bench in Magistrate's Court cases.

Gaol returns.

Transfer of records from Supreme Court.

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“To amend the Indian Immigration Amendment Act, 1895.”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The rates of wages to be stipulated for in the covenant made by any Indian woman under the second section of Act No. 17, 1895, shall be one-half of the respective rates provided for in the said section, or such other special rate as may be mutually agreed on by the employer and the Indian woman, but in no case less than one-half of the respective rates aforesaid.

Rate of wages of Indian women on re-indenture.

2. The annual payments to be made by the successive employers of indentured Indian Immigrants as provided in section 14 of the said Act shall be fixed by the Indian Immigration Trust Board in their discretion: Provided that such annual payments by a second or succeeding employer under renewed indenture shall in no case exceed the annual payments made by the first employer under the original indenture.

Trust Board may fix the annual instalments payable by successive employers.

3. The moneys accruing from the annual payments made as aforesaid by first and subsequent employers of indentured Indians may be used by the Indian Immigration Trust Board for the repayment of any moneys borrowed or debts incurred in the introduction of Indian immigrants, or they may be applied towards the cost of introducing further Indian immigrants, or of returning Indian immigrants to India, or for such other purpose as the said Board shall deem necessary.

Purposes to which the moneys may be applied.

Given at Government House, Natal, this Twenty-third day of December, 1901.

By command of His Excellency the Governor,
CHARLES J. SMYTHE,
Colonial Secretary.

[No. 49, 1901.]

HENRY MCCALLUM,
Governor.

E.



R.

ACT,

“To facilitate the identification of Native Servants.”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. This Act shall not come into force unless and until the Governor shall, by Proclamation in the *Natal Government Gazette*, notify that it is His Majesty’s pleasure not to disallow the same, and thereafter it shall come into operation on such date as the Governor may appoint by the same or any other Proclamation.

2. In this Act :—

“Servant” shall mean any native employed for hire, wages, or other remuneration to perform any handicraft or engage in any bodily labour in agriculture or manufactures or otherwise, or in domestic service, or as a boatman, porter, miner, driver, herd or other occupation of a like nature.

“Master” shall mean any person employing for hire, wages, or other remuneration any native servant. For the purposes of this Act the word “Master” shall mean and include any body corporate, company, society or individual.

“Service,” “Contract of Service,” and the like expressions shall be understood in reference to the foregoing definitions.

Commencement
of Act.

Interpretation
of terms

3. This Act is not to apply to natives rendering service to a landlord in lieu of rent, when such service is rendered upon the farm on which the natives live, nor to any other service performed on the land on which they live.

Exclusion of natives rendering farm service in lieu of rent.

4. A pass granted to any Native under Law No. 48, 1884, or under any Law or Act for regulating the introduction of labourers into Natal, shall be a sufficient identification pass for all the purposes of this Act, for so long as such pass remains in force.

Pass under Law 48, 1884, to suffice for purposes of this Act.

5. No native shall after the commencement of this Act enter into a contract of service, or offer himself for engagement as a servant in this Colony, or (save as is hereinafter excepted), continue in any employ as a servant, or be registered as a togt labourer, or under Law No. 21, 1888, unless he shall have obtained the pass provided for in this Act, and every person intending to engage a native as a servant shall first require the native to produce his pass.

Obligation upon natives to obtain pass before taking service.

Such pass is in this Act referred to as an identification pass.

6. Any native who is in service at the date of the commencement of this Act, or who, during a term of service loses his identification pass, may obtain a temporary pass, as hereinafter described, from the office of the Magistrate of the Division where he is employed.

Temporary passes.

7. One of the officers attached to each Magistrate's Office in the Colony shall be appointed by Government as a Pass Officer for the purpose of signing and issuing identification passes and temporary passes. In his absence, or if he be prevented from attending, any other officer of the Department may, with the Magistrate's written approval, sign and issue such passes on his behalf.

Pass Officers.

8. The officer shall attend daily during the ordinary office hours to receive applications for passes.

Attendance of Pass Officer.

9. For the purpose of obtaining an identification pass a native shall attend before the Pass Officer of the Division in which he resides, and shall furnish to the Pass Officer the particulars necessary to be entered in the register.

Application for pass.

10. Before granting an identification pass or temporary pass the Pass Officer shall in every case satisfy himself, so far as the circumstances seem to require, that the application is proper, and may in his discretion withhold the issue of a pass until he is satisfied that it ought to be granted. In case of doubt the officer may require the native to be accompanied by his kraal head, or by some accepted person, to testify to his identity, and the correctness of the information given.

Enquiry and decision.

No such pass shall be granted if the Pass Officer is satisfied that the applicant is already under a contract of service.

11. The Pass Officer shall not issue a pass to any woman, or to any female child, or to any male child appear-

Women and children.

ing to him to be under the age of fifteen years, without the consent of the husband, parent or guardian, as the case may be.

Identification passes : particulars of :

12. Identification passes, with their counterfoils, shall be in the form of Schedule A, printed on durable material, and bound in books.

They shall be numbered consecutively year by year, and the register thereof shall be kept in such manner as may be prescribed by the Secretary for Native Affairs.

to be kept by native and exhibited.

Every native to whom an identification pass is issued shall keep it always in his possession, and shall exhibit it whenever called upon to do so by his master, or by a police officer or constable.

Master to keep labour book.

Every master employing a native servant, other than a registered togt labourer, shall keep a labour book, in which he shall copy the identification pass of every native whom he may employ.

Master not to keep pass.

The master shall on no pretext keep a servant's identification pass, unless with the consent of the Native.

Master not complying with Act to the no remedy against servant

13 If any master employs any native servant without having required such servant to produce his identification pass, or without having copied it in his labour book, he shall not be entitled to sue or prosecute such servant under the Masters and Servants (Native) Act of 1894, or to have any other remedy against such servant in respect of his contract, or any breach thereof.

Form and duration of temporary pass.

14. A temporary pass shall be in the form of Schedule B, and the period thereof shall in no case exceed six months, but it may be renewed upon the Pass Officer being satisfied that the former contract of service still subsists.

A temporary pass shall not be available for the purposes of any new contract of service.

New pass to replace lost pass.

15. A native who has lost his identification pass may obtain a fresh pass from the office in which the former pass was issued, upon satisfying the Pass Officer of the fact, and upon payment of a fee of one shilling.

This payment shall not be required in the case of a temporary pass to take the place of an identification pass lost during service.

Change of residence.

16 If any native who has obtained an identification pass in one Magisterial Division shall change his residence to another Division he shall present his pass to the Pass Officer of the Division into which he has removed. The Pass Officer shall record the pass, and inform the officer by whom the pass was issued, who shall record the change of residence.

Record by Pass Officer of convictions of certain crimes.

17. If a native who is in service is convicted of any of the crimes to which this section applies, the Clerk or Registrar of the Court shall, as soon as conveniently may be, inform the Pass Officer by whom the pass was issued of the

particulars of the conviction and sentence, and such officer shall record the same, and shall make a note thereof against the entry of registration.

This section shall apply to all crimes of the following classes or akin thereto :—Theft, fraud, rape, and all crimes of indecency.

18. The Governor in Council may from time to time make rules for the purpose of carrying out the provisions of this Act, and for regulating any matters necessary for giving full and complete effect to the same. All such rules shall be published in the *Natal Government Gazette*.

Rules.

19. Any native who shall after the first day of January, 1902, enter into a contract of service, or be or continue in service without having an identification pass, as required by this Act, shall be guilty of a contravention of this Act.

Offence of being in service without a pass.

20. The following shall also be contraventions of this Act :—

Other Offences

Making any false statement or pretence for the purpose of obtaining or assisting anyone to obtain an identification pass, or a duplicate or copy thereof.

Using a false pass, or one belonging to another person, for the purposes of deceit.

Using any deceit for the purpose of evading the provisions of this Act.

The withholding of a native's identification pass.

21. All contraventions of this Act, or of any Rules thereunder, shall be cognisable in the Courts of Magistrates, and shall be punishable according to the ordinary criminal jurisdiction of the said Courts.

Jurisdiction over offences

SCHEDULE A.

Identification Pass Counter-foil. Act No. , 1901, Schedule A. Division .. No..... Date of Issue..... Name..... Residence*..... Father's Name..... Kraal Head..... Chief.....	IDENTIFICATION PASS. (Act No. , 1901, Schedule A). Magisterial Division of .. No..... Date of Issue..... Name..... Residence..... Father's Name..... Kraal Head..... Chief..... (Signature)..... Pass Officer,
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* State here whether Location, Crown Lands, Mission Reserve or Private Lands,

SCHEDULE B.

Temporary Pass Counterfoil	TEMPORARY PASS.
Act No. , 1901, Schedule B.	(Act No. , 1901, Schedule B).
Division	Magisterial Division of
No.....	No.....
Date of Issue.....	Date of Issue.....
Name.....	Name
Place of Service.....	Place of Service.....
Employer	Employer.....
Term for which Pass is to endure.....	Term for which this Pass is to endure
<i>(N.B.—This term must not exceed Six Months).</i>	(Signature).....
	Pass Officer.

Given at Government House, Natal, this Twenty-third day of December, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 50, 1901.]

HENRY McCALLUM,

Governor.



“To amend the Master and Servants (Native) Act, 1894.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Section 36 of Act No. 40, 1894, is hereby repealed, and the following section is enacted in lieu thereof :—

Any servant who shall be tried for an offence under this Act shall return to his master immediately after the trial, or, if sentenced to imprisonment immediately upon completion of his term of imprisonment, and if he shall not do so he shall be deemed guilty of the offence of being unlawfully absent from his master's premises within the meaning of Sub-section (2) of Section 26 of this Act, and he may be arrested by any constable and brought before the Magistrate and tried summarily, and it shall not be necessary in such a case for the master to lay a complaint or to appear in support of the charge, provided that it sufficiently appear by other evidence that such offence was committed.

Given at Government House, Natal, this Twenty-third day of December, 1901.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.



COLONY OF NATAL.

ACTS

OF THE

PARLIAMENT OF THE COLONY OF NATAL,

PASSED IN THE

FIRST SESSION

OF THE

THIRD COLONIAL PARLIAMENT,

1902.

PIETERMARITZBURG :

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1902.

COLONY OF NATAL.

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[No. 1, 1902.]

HENRY McCALLUM,
Governor.



“To continue the operation of the Public Health Act, 1901.”

WHEREAS Act No. 44, 1901, known as the Public Health Act, 1901, will expire on the 31st day of December, 1902, and it is expedient that it should be continued in force until the 31st day of December, 1903 :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Act No. 44, 1901, known as the Public Health Act, 1901, shall be and remain in force and operation from and after the 31st day of December, 1902, until the 31st day of December, 1903.

Given at Government House, Natal, this Second day of May, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 2, 1902.]

HENRY McCALLUM,
Governor.



“To amend the Letters of Administration and Foreign Probates Act of 1894.”

WHEREAS it is expedient to amend the Letters of Administration and Foreign Probates Act, 1894 :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Section 16 of the said Act is hereby repealed, and the following enacted in place thereof :—

16. The Executor or Trustee of any proved will to which the first or second part of this Act may apply, shall be empowered to appoint, by power of attorney, an agent in this Colony to do all or any thing that the executor or trustee may himself be required or entitled to do under any such will.

Given at Government House, Natal, this Second day of May, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 3, 1902,]

HENRY McCALLUM,
Governor.



“To amend the Law against Gambling.”

BE IT ENACTED by the King's Most Excellent Majesty,
by and with the advice and consent of the Legislative
Council and Legislative Assembly of Natal, as follows:—

1. The provisions of Law No. 25, 1878, in regard to
lotteries, shall extend and apply to all lotteries for money or
money prizes, or for securities for money, or for land
or any other thing whatsoever, whether such lotteries be
known as sweeps or under any other name.

Extension of
Law 25, 1878, to
all lotteries.

2. Every person who shall—

- (a) Establish a lottery, or do any act in preparation
for a lottery;
- (b) Conduct or assist in conducting a lottery, or take
any part in it;
- (c) Sell, deliver, or offer any ticket or share or the
like in a lottery, or take any part in the disposal
thereof;
- (d) Knowingly allow any house or room or premises
under his control to be used for or in connec-
tion with a lottery;
- (e) Print, circulate, or in any way publish any
advertisement or notice of a lottery or proposed
lottery;

Prohibition of
acts in connec-
tion with
lotteries.

shall be guilty of an offence and shall be liable—

- (a) ~~Upon conviction in a Magistrate's Court, to~~
a fine not exceeding Fifty Pounds sterling, or
to imprisonment, with or without hard labour,
~~for any term not exceeding six months;~~

(b) ~~Upon conviction in the Supreme or a Circuit Court,~~ to a fine not exceeding Two Hundred Pounds sterling, or to imprisonment, with or without hard labour, for any term not exceeding one year.

3. It shall be immaterial whether the lottery in respect of which any act in this Colony is charged, was held, or was intended to be held, in this Colony or elsewhere.

Given at Government House, Natal, this Second day of May, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

Act to apply to lotteries to be held in Natal or elsewhere.

B.



R.

ACT,

“For the regulation and control of fishing and other vessels plying on or near the coasts of Natal.”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. In this Act the word “Vessel” means any ship, boat, or other vessel plying on or near to the coasts of Natal, or in any port or harbour thereof. Interpretation.

From the above definition there shall be excluded :—

1. All ships to which Law No. 1, 1890, applies.
2. Ships registered elsewhere than in Natal and plying to or from any port outside Natal.

- 2.** The Governor in Council may from time to time make and alter regulations for any of the following matters : Regulations.
- (a) The classification of vessels. Classification.
 - (b) The requirements as to construction of any class of vessel, the equipment of sea-going vessels with boats, life-saving apparatus, lights and other things proper for their safety and that of their passengers. Construction and equipment.
 - (c) Permission to carry passengers, and the number of passengers which may be carried. Passengers.
 - (d) The periodical survey of vessels, and all matters relative to certificates of survey, including the cancellation thereof. Survey and certificates.
 - (e) The inspection of vessels and the obligation of compliance with any requirements pointed out upon such inspection. Inspection.
 - (f) All matters necessary for enforcing the requirements of this Act or of the regulations. Other matters.

Penalties.

3. The regulations under this Act may appoint penalties not exceeding Fifty Pounds sterling for the contravention or disregard of any such regulation, except as is hereinafter specially provided.

Going to sea without proper certificate, equipment etc.

4. If a vessel plies or goes to sea or attempts to do so without having the appropriate certificate and exhibiting the same as may be required by the regulations, or without having in good order and condition the equipment required by the regulations, or without having done any repairs or fulfilling any other lawful requirement by an Inspector, the owner and the Master shall each be liable to a fine not exceeding Fifty Pounds sterling.

Jurisdiction of Magistrates.

5. All contraventions of this Act or the regulations shall be cognizable in the courts of Magistrates.

Detention of Vessels.

6. Any vessel attempting to go to sea without the necessary certificate or without complying with the requirements of this Act or of the regulations may be detained by any proper officer of Customs or of the Port.

Given at Government House, Natal, this Second day of May, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 5, 1902.]

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“To make special provision for the registration in certain cases of deaths of persons belonging or attached to the Imperial Military Forces in Natal, or to a Police, Volunteer, or other Military Force of Natal.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. If there shall be produced to the Registrar-General:—

- (a) A list furnished by the Deputy Assistant Adjutant-General of His Majesty's Forces in Natal, or other officer acting in a like capacity, containing the names of any officers or soldiers of the Military Forces, or attached thereto, or of any inmates of a Military hospital or of any town or place occupied by the Military Forces or of any camp of refuge or the like, who shall have died in Natal, and showing also the place and date of each death, and the rank or capacity in which each such person was serving ; or

- (b) A list furnished by such officer as aforesaid, or by the Adjutant of Natal Police or the Staff Officer of Volunteers, or an officer acting in a like capacity, containing the names of any officers or persons belonging or attached to a Police or Volunteer Force of Natal, or any other Military Force of this Colony, who shall have died whilst on active service, such list

Special registration of deaths upon returns furnished by the D.A.A.G.

and upon returns furnished by the Police or Volunteer Department.

showing also the place and date of each death and the rank or capacity in which each such person was serving,
 the Registrar-General shall be authorised to register the deaths of the persons named in such list.

2. The mode of such registration may be prescribed by rules from time to time made by the Governor in Council.

3. This Act shall apply to all such deaths as aforesaid as shall have occurred in and after the month of September, 1899.

4. Sections 21 and 25 of Law No. 16, 1867, or the similar provisions of any like Act, shall apply to registration entries made in terms of this Act.

Given at Government House, Natal, this Second day of May, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
 Colonial Secretary.

Rules as to
 mode of regis-
 tration.

Application
 of Act.

Joint construc-
 tion.

[No. 6, 1902.]

HENRY McCALLUM,
Governor.



“To make special provision regarding the pension to be paid to Robert Russell, Superintendent of Education, upon his retirement from the Public Service.”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The pension payable to Robert Russell, Superintendent of Education, whenever he may retire from the Public Service of the Colony, shall be at the rate of Seven Hundred and Fifty Pounds Sterling per annum, payable monthly.

Given at Government House, Natal, this Second day of May, 1902.

By command of His Excellency the Governor,
CHARLES J. SMYTHE,
Colonial Secretary.

[No. 7, 1902.]

HENRY McCALLUM,
Governor.



“To amend Act No. 29, 1897, entitled Act ‘To make provision for the old age of certain persons in the public employ.’”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The superannuation allowance or annuity provided for by Section 14 of Act No. 29, 1897, shall be computed upon the average of salary for the five years immediately preceding the year in which the retirement of a contributor takes place, and not upon the average of salary for the whole time during which he shall have contributed to the superannuation fund.

2. This Act shall apply only to retiring allowance or annuities commencing after the date that this Act shall have come into force.

Given at Government House, Natal, this Second day of May, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

Computation of
superannuation
allowance.

Application
of Act.

HENRY MCCALLUM,
Governor.

E.



R.

ACT,

“To increase the borrowing powers of the Mayor and Councillors of the City of Pietermaritzburg.”

WHEREAS the Mayor and Councillors of the City and Borough of Pietermaritzburg are desirous of paying off the balance of the cost of the erection of the New Town Hall Buildings, and of erecting a New Police Station, and a New Market Hall with Cold Storage Buildings, at an estimated cost of One Hundred Thousand Pounds (£100,000) Sterling :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The short title of this Act shall be “The Pietermaritzburg Consolidated Stock Act, 1902.”

Short title.

2. The Mayor and Councillors of the City and Borough of Pietermaritzburg are authorised to borrow up to but not exceeding a total sum of One Hundred Thousand Pounds (£100,000) Sterling, to be used for the purpose of paying off the balance of the cost of the erection of the New Town Hall Buildings, for the erection of a New Police Station, and for the erection of a New Market Hall with Cold Storage Buildings, in accordance with the amounts approximately estimated in the Schedule to this Act.

Authority for and application of Loan.

3. The Mayor and Councillors of the City and Borough of Pietermaritzburg are authorised to issue in the manner provided by Law No. 20 of 1888, new Consolidated Stock for the moneys borrowed under this Act, and the Stock

Stock.

Interest. issued under this Act shall bear interest at a rate not exceeding four per centum per annum, and shall be deemed to be Consolidated Stock within the meaning of the said Law No. 20 of 1888, and shall be a charge upon, and shall, with the interest thereon, be payable out of the rents, rates, and general revenue of the Borough in the same way as if the stock issued under this Act had been issued under the said Law No. 20 of 1888.

Saving of other claims.

4. Nothing in this Act, and nothing done under the provisions of this Act, shall take away, abridge, or prejudicially affect any right or interest by way of priority or otherwise, of any person in or to the rates, rents, or general revenue of the City and Borough.

SCHEDULE.

Balance of cost of erection of Town Hall Buildings	£63,500
Cost of erection of New Police Station ...	10,000
Cost of erection of New Market Hall, with Cold Storage Buildings	26,500
	<u>£100,000</u>

Given at Government House, Natal, this Twenty-third day of May, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 9, 1902.]

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“To regulate the Fencing of Public Roads.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. Section 44 of the Fencing Law, ^{11. 30} 1887, is hereby repealed.

Repeal.

2. In this Act the expression “Public Road” means a public road maintained by Government, but not being a main trunk road proclaimed to be such, as hereinafter provided. The word “proprietor” includes a tenant or occupier.

Interpretation.

3. It shall be lawful for the proprietor of any land over which a public road passes to erect gates over such road subject to the provisions of this Act, but not otherwise.

Erection of gates over public roads

4. A proprietor wishing to erect gates over a public road shall give a month's notice in writing to the Chief Engineer, Public Works Department (who is hereinafter referred to as the Chief Engineer), and shall publish a notice of his intention at least twice in a newspaper published in the Colony, the first publication being not later than one week after the notice to the Chief Engineer. Such notice shall as closely as may be follow the form of the schedule of this Act, and shall contain as precise a description as possible of the site of the intended gates.

Notice of intention to erect gates.

5. Any person having objections to the erection of the proposed gates shall notify the same in writing to the Chief Engineer and the proprietor of the land on which it is proposed to erect such gates.

Notice of objections.

Enquiry by
Chief Engineer

6. The Chief Engineer shall make any enquiries he may think necessary, and shall take into consideration any objections lodged with him, and if he thinks any objections important he shall allow the applicant an opportunity of answering them, and if he shall think fit he may call the parties before him at such place as he may appoint.

Decision of
Chief Engineer.

7. The Chief Engineer shall give his decision on any application in writing, and shall state the grounds thereof, and the decision shall be notified to the parties.

Refusal of
permission.

8. Permission to erect gates shall be refused unless in the opinion of the Chief Engineer their position or other circumstances will not render them dangerous or otherwise detrimental to the public interests.

Appeal to
Minister.

9. If any person interested is aggrieved by the decision he may appeal to the Minister in charge of the Department of Roads, whose decision shall be final.

Gates not to be
erected without
permission.

10. No gates shall be erected upon a public road unless and until the application therefor shall have been granted

Joint appli-
cation.

11. In the case of a road which divides the lands of different proprietors, such proprietors may combine in an application for leave to erect gates.

Character and
construction of
gates: up-keep.

12. Gates erected under this Act shall be swing gates sufficient to allow the reasonable free use of the road, having regard to the traffic thereon; such gates shall have a balance catch or other free fastener, and shall be of such width and construction as the Chief Engineer shall determine. They shall at all times be kept in good order by the proprietor at his own expense.

Liability of
proprietor.

13. The proprietor shall be liable for any accident, loss, or injury arising from the negligent or wrongful use by him or his agents or servants of any gates erected over a public road, or from the gates or any accessory thereof being in bad repair, or defective in construction or condition.

Exemption of
Government
from liability.

No liability shall attach to the Colonial Government or to the public revenue by reason of any accident, loss or injury arising from any of the aforesaid causes.

Compulsory
repair or
alteration.

14. If the proprietor fails to keep any gate and its approaches in good condition, both as to construction and repair, it shall be lawful for the Chief Engineer, or any officer deputed by him for that purpose, after one week's notice to the proprietor, or earlier if there be pressing cause, to make or cause to be made any necessary repairs or alterations, and he may recover the cost thereof from the proprietor in the Magistrate's Court.

Removal of
gates for misuse
or defect.

In the event of any repeated or continued misuse or neglect or defect in connection with such gates the said officer may, upon notice to the proprietor, apply to the Magistrate for an order for the removal of the gates without compensation or for any other order which may appear proper.

Exclusion of
main trunk
road.

15. No gates shall be erected upon any main trunk road.

16. The Governor in Council may from time to time, by Proclamation, declare any road to be a main trunk road or may similarly declare that any main trunk road shall cease to be such from a date specified in the Proclamation.

Creation and disrating of main trunk roads.

17. Whenever a road upon which gates are erected is proclaimed as a main trunk road, the proprietor shall remove the same within one month after receiving notice from the Chief Engineer to do so, or within such further time as the Chief Engineer may in writing allow.

Removal of gates on proclamation of main trunk road.

18. The Chief Engineer shall be entitled at any time to order the removal of any gates which may be erected under this Act, or which may have been erected before the passing of this Act, over a public road, and within one month after receiving notice to that effect the proprietor shall remove the gates specified in the notice.

Removal of any gate by order of Chief Engineer.

19. Whenever any by-road, on which gates shall have been erected, shall be proclaimed as a Public Road, the Chief Engineer may allow such gates to remain, provided they in all respects comply with the requirements of this Act, and in such cases all the provisions of this Act shall apply to such gates.

Gates erected before proclamation of public road.

20. Every person not being the sole proprietor, or having his authority, who shall pass through any gate provided in pursuance of this Act, or to which this Act shall apply, shall immediately after passing through the same, with or without any vehicle or animals in his care, close and fasten such gate, or cause the same to be closed and fastened under pain of a fine not exceeding Five Pounds, or in default of payment thereof to imprisonment, with or without hard labour, for a term not exceeding one month.

Closing and fastening gates.

21. Any person not being the sole proprietor, or having his authority, who shall open or unfasten any gate provided in pursuance of this Act, or to which this Act shall apply, except for the purpose of then and there passing through the same with or without any vehicle or animals in his care, or at the request of some person or persons then and there desiring so to pass, shall be liable to a fine not exceeding Ten Pounds, or in default of payment thereof to imprisonment, with or without hard labour, for a term not exceeding two months.

Offence of unlawfully opening gates.

22. All contraventions under this Act shall be cognisable in the Magistrates' Court.

Jurisdiction

23. Nothing in this Act contained shall prevent any person who deems that he has sustained loss or damage by or in consequence of the leaving open of any gate erected in accordance with the provisions of this Act from bringing an action for the recovery of such loss or damage.

Saving of claims for damages.

SCHEDULE.

Notice is hereby given, that it is my intention to erect gates upon the farm.....across the public road fromto.....at the following point (*here describe as accurately as possible the site of the intended gates*).

Notice of any objections must be given in writing to the Chief Engineer, Public Works Department, Pietermaritzburg, and to me, on or before the (*here specify the date of the expiry of the notice to the Chief Engineer*).

(Name)

Address,.....

Given at Government House, Natal, this Twenty-third day of May, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,

Colonial Secretary.

[No. 10, 1902.]

HENRY McCALLUM,
Governor.



“To incorporate the Natal Institute of Architects.”

WHEREAS it is expedient to incorporate the Members of “The Natal Institute of Architects” to enable it the more effectually to carry out its objects and to hold, transfer, mortgage, and otherwise deal with immovable property in this Colony in its Corporate name:

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. The Members of the Natal Institute of Architects shall be and they are hereby incorporated, and declared a body corporate with perpetual succession, save as hereinafter provided, and shall sue and be sued in its Corporate name.

Incorporation of Institute

2. In the event of the subscriptions and fees actually paid by the members in any two successive years falling below the sum of Fifty Pounds (£50) sterling for each year, the said Institute shall, *ipso facto*, cease to be incorporated as from the first day of January in the following year.

In certain events Institute to cease to be incorporated.

3. The objects of the Institute are the promotion and advancement of Architectural Art and Practice, and its allied Arts, Sciences, and Crafts, and the maintenance of the honour and the interests of the Profession of Architecture, and to do any other lawful acts or things which may be considered necessary to attain any or all of the above objects.

Objects of Institute.

Powers of
Institute.

4. The said Institute shall and may in its Corporate name acquire by purchase, taking on lease, exchange or otherwise, lands and buildings and all other property corporeal or incorporeal which the Institute may from time to time think proper to acquire for the attainment of all or any of the objects for which it is founded and which may lawfully be held by it, to sell, improve, manage, develop, mortgage, dispose of, or otherwise deal with, all or any part of such property of the Institute, and to maintain, alter, or add to any buildings erected upon such land or other property of the Institute : Provided always that all Acts, Deeds of Transfer, Leases, Mortgages, or other Bonds, and Deeds required to be registered by the Registrar of Deeds of this Colony shall contain a reference to this Act, and shall be passed or executed by the President or Vice President for the time being of the said Institute when duly authorised thereto by the Council of the said Institute under the Common Seal thereof, or by his Attorney duly authorised in that behalf.

Liability of
members.

5. Every member of the said Institute shall be liable in respect of debts incurred during his membership, for a sum of Ten Pounds (£10) sterling, and no more, and such sum shall be additional to the subscription payable by him in respect of the current year.

Rules and
regulations.

6. The said Institute shall have power to make, rescind, and alter rules and regulations for the admission and expulsion of its members and for the management and control of its affairs, and until any new rules and regulations shall have been formed and adopted, the existing rules and regulations or Articles of Association of the Institute shall be and continue in force as if they were rules of the Institute hereby incorporated, and all members now holding office in the Institute shall continue and hold the same office under the Institute hereby incorporated.

Ownership of
property, how
to be laid.

7. In any criminal prosecution, preliminary enquiry, or proceeding, or in any warrant, indictment, or other proceedings at law, it shall be sufficient if any goods or other things, which shall or may be set out in any such indictment, warrant, or other proceeding, shall be described and said to be the property of the Institute, and the Institute shall be described therein by its Corporate name.

Given at Government House, Natal, this Twenty-third day of May, 1902.

By command of His Excellency the Governor,
CHARLES J. SMYTHE,
Colonial Secretary.

[No. 11, 1902.]

HENRY McCALLUM,
Governor.



“To amend and extend the provisions of the Village Water Supply Act, 1897.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. This Act and Act No. 19, 1897, shall be read together and may be jointly referred to as the “Village Water Supply and Public Works Acts 1897 and 1902.”

Joint construction of Acts.

2. If at any time a memorial shall be presented to the Governor signed by not less than three-fourths of the resident householders of a Village to which Act No. 19, 1897, applies, praying that works may be carried out within the Village for road or street making or improvement, or for sanitation or for other purposes of Village improvement, the Governor may, after such enquiry as he shall require, direct such works or any part of them to be carried out.

Application and authority for construction of improvement works.

3. A Village to which the provisions of Act No. 19, 1897, have not yet been applied may be brought under the separate provisions of this Act, or under the joint provisions of this Act and Act No. 19, 1897, in manner provided by the said Act of 1897, upon a memorial for that purpose in terms of Section 5 of the said Act, setting forth the works proposed to be constructed.

Application of Acts to villages not already under Act 19, 1897.

4. The powers and authority given by the said Act of 1897 shall extend *mutatis mutandis* to all matters relative to works carried out under this Act.

Incorporation of powers under Act of 1897.

5. Section 13 of Act No. 19, 1897, shall be repealed without prejudice to anything done or any By-laws thereunder, and the following Section shall be enacted in lieu thereof :—

Repeal

By-laws.

The Governor may, under By-laws published from time to time, exercise any of the following powers :—

- Rates. (a) He may impose upon the lands and immovable property of the village, and levy and get in all such rates as may be required for the cost of the construction, maintenance and repair of waterworks and other works carried out under this Act and for any other purposes in connection therewith.
- Valuation. (b) He may determine the basis and mode of valuation for the purposes of the rates, and may make such exemptions as may from time to time be considered proper in the public interest of lands held and used for public purposes or for the purposes of a church, school, or hospital, or charitable institutions.
- Charges for water. (c) He may make such charges as may be proper for the supply and use of water for domestic, industrial, or irrigation purposes respectively.
- Rules. (d) He may make rules for all other purposes necessary for giving full and complete effect to this Act.

Meetings for election of Committees.

6. As soon as may be after the passing of this Act, and thereafter in the month of January in each year, the Magistrate shall call a meeting of persons who are owners and occupiers of lands in every village to which this Act or Act No. 19, 1897, applies, and whose names are also on the Voters' Roll of the Division.

For this purpose he shall affix to the Court-house board, and publish at least twice in a newspaper published in the Colony, a notice calling a meeting of all such owners and occupiers as aforesaid, to be held at a specified place and time not less than fifteen days from the date on which the notice is fixed to the Court-house board.

Magistrate to preside. Who may vote.

7. The Magistrate shall preside at the meeting. Every person being a registered owner or occupier of land within the village subject to rates under this Act, or Act No. 19, 1897, and whose name also appears on the Voters' Roll for the Division, shall be entitled to vote.

Committee.

8. The meeting may elect a Committee not exceeding three in number, for the purpose of advising the Government in any matters relative to the administration of the said Acts. Such Committee shall hold office until the next election, and any vacancy occurring in the interval may be filled up by the remaining members.

Given at Government House, Natal, this Twenty-third day of May, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 12, 1902.]

HENRY McCALLUM,
Governor.



“To authorise the construction of a Narrow Gauge Railway from Kearsney to Mapumulo.”

WHEREAS J. L. Hulett and Sons, Limited, of Kearsney in the County of Victoria, in the Colony of Natal, are desirous of constructing a Railway for the conveyance of passengers, goods, and merchandise, from a point on the Stanger and Kearsney Railway, near Kearsney, in the County of Victoria, to a point at or near Mapumulo, in the said County, to be worked by means of steam, electricity or other motive power :

AND WHEREAS it is expedient to authorise the said J. L. Hulett and Sons, Limited, to construct such Railway :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. This Act may be cited for all purposes as “The Kearsney and Mapumulo Railway Act, 1902.”

Short title.

2. The said J. L. Hulett and Sons, Limited, of Kearsney aforesaid, or their successors, administrators, and assigns (hereinafter called the “Company”), are hereby authorised and empowered to carry on, complete, and maintain the said intended Railway, according to the powers, rules, orders and directions hereinafter set forth and expressed for that purpose, and by that name shall sue and be sued and appear in all Courts of this Colony, and shall have and use a common seal with the name of the Company thereon.

Authority to J. L. Hulett and Sons as a railway company.

Authority to
make railway.

3. The Company shall, and they are hereby authorised by themselves, their deputies, agents, officers, and workmen, to make, complete, and maintain a Railway with proper works and conveniences adjoining thereto, or connected therewith, for the passage of wagons and other carriages to be propelled by steam, electricity, or other motive power, from a point on the Stanger and Kearsney Railway, near Kearsney, in the County of Victoria, to a point at or near Mapumulo, in the said County, as the same is shown on the Plans thereof, filed with the Clerk of the Legislative Council and the Clerk of the Legislative Assembly.

Taking of land.

4. The Company shall be entitled to enter upon and take possession of so much of the following lands as may be required for the purposes of the said Railway, and as shown on the plans before referred to, and to erect thereon all buildings, sidings, crossings, railway telegraph and the like, required in connection with the said Railway, namely :—

- (a) Lot 28, Umvoti, Victoria County.
- (b) Lot 44, Umvoti, Victoria County.
- (c) Lot 46, Umvoti, Victoria County.
- (d) Eglington.
- (e) Prospect.
- (f) Taurus.
- (g) Lange Spruit.
- (h) Umvoti Native Location.
- (i) Mapumulo (American) Mission Reserve.
- (j) Umpumulo (Norwegian) Mission Reserve, being lands situate and lying north of the Umvoti River, in the said County of Victoria.

Gauge, construction, and maintenance.

5. The Railway hereby authorised shall be made upon a safe and reasonable gauge, and shall be laid and maintained in such a manner wheresoever it runs across any road or street used for traffic that the uppermost surface of the rails shall be on a level with the surface of the street or road.

Road crossings.

6. If the Railway crosses any public road, whether now existing or which may hereafter be made, or any public right-of-way now existing, the Company, upon the request of the Minister of Lands and Works shall :—

- (a) Make and maintain such level crossings or other works as are necessary for the proper use of the road or right-of-way ;
- (b) Erect such fences, creeps, or other appliances as may be necessary to prevent animals using the road from straying on the Railway :

Provided that no such request made by the Minister of Lands and Works shall require more to be done in the way of works and erections than is required under the Act No. 40 of 1899.

Character of
road crossings,
fences, etc.

7. All such works, fences, and other things as aforesaid shall be of such kind, dimensions, and construction as shall be directed by the Chief Engineer of the Public Works Department, and shall be made and maintained to his satisfaction. If the Company shall neglect or fail to make and

maintain in good order any such work, fence, or other thing, it shall be lawful for the said Engineer by himself or by any other person whom he may authorise, to enter upon the Railway and to do anything that may be necessary to make good the default of the Company, and the Company shall be liable to repay to the Government the whole cost of anything so done.

8. The Company shall repair all damage done to a road or right-of-way, by or in consequence of any works in connection with the Railway, or by the use thereof. Injury to roads.

9. If any difficulty shall arise respecting the kind, dimensions, or construction of any crossing, fence, or other work in connection with a road or right-of-way, or as to the reasonableness of the requirements of the Chief Engineer of the Public Works Department, the same shall be determined by the Minister of Lands and Works. Determination of differences respecting road crossings, etc.

10. The Company shall, upon the request of the owners or occupiers of the lands adjoining the Railway, make and maintain the following works for their accommodation:— Crossings and fences on private lands.

(a) Such and so many crossings as shall be necessary for making good any interruptions caused by the Railway to the use of the lands.

(b) Sufficient fences for separating the lands taken for the Railway from the adjoining lands, and for protecting cattle or other stock from straying upon the Railway: Provided that this section shall not be deemed to abrogate any contract by which any person may have agreed to forego the right to claim any such crossing or fence.

Provided that no such request made shall require more to be done in the way of works and erections than is required under the Act No. 40 of 1899.

11. If any difference shall arise respecting any matter provided for in the preceding section it shall be determined by arbitration. Arbitration.

12. The said Railway shall not be open for public traffic until it shall have been certified to be fit for such traffic by an Engineer to be appointed by the Governor. Opening railway.

13. The Company shall levy tolls and make charges for the conveyance of passengers, goods, merchandise, and others upon such Railway, such tariff of tolls and charges being subject to the approval of the Governor in Council. And the Governor in Council shall have full power and authority to revise and if necessary reduce or increase such tolls and charges from time to time: Provided, however, that the Company shall under no circumstances be required to convey goods or merchandise at a less rate than shall apply at the time to goods and merchandise conveyed on the Natal Government Railways at ordinary as distinguished from special rates. Fares and charges.

14. The Company may use on the Railway authorised by this Act, cars and carriages with flanged and other wheels, Flanged wheels.

suitable to run on the prescribed rails, and, subject to the provisions of this Act, the Company shall have the exclusive use of the said Railway for cars or carriages with such wheels as may be suitable to run on the prescribed rails.

Motive power.

15. The cars, carriages, trucks, or other vehicles used on the said Railway may be propelled by animal, steam, or other motive power.

Liability for injuries.

16. The Company shall be answerable for all accidents, damages, and injuries happening through their wrongful act or default, or through the wrongful act or default of any person in their employment, by reason or in consequence of any of their works or of their engines or carriages, and shall save harmless all road and other authorities, companies, or bodies, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.

By-laws.

17. The Company may, subject to the approval of the Governor in Council, make by-laws with respect to

The fares chargeable to passengers using the Railway and for the carriage of goods on the Railway authorised to be constructed under this Act, and for regulating the traffic thereon ;

Frauds by passengers attempting to avoid payment of their fares ;

The interference with or obstruction of any of the works authorised under this Act by any person ;

The arrest and detention of offenders against any such by-laws ;

The prohibiting of any person carrying, or requiring to be carried on the Railway, any goods which may be of a dangerous nature ;

The prohibiting of any person using the Railway, or any portion thereof, unless duly authorised by the said Company ;

And to impose any penalties for the breach of any such by-laws, provided that no penalty shall exceed a fine of £5 sterling, or in default of payment of any such fine, imprisonment with or without hard labour for a period not exceeding one month.

Prosecution.

18. The Company shall be empowered to prosecute by any person whom they may appoint, any offenders against such by-laws, before the Magistrate of the Division in which such offence is committed.

Incorporation of lands clauses law.

19. The "Lands Clauses Consolidation Law" No. 16 of 1872, is, except when expressly varied by this Act, incorporated with and forms part of this Act.

Government may require particulars of cost, revenue, etc.

20. The Company shall be bound if required to furnish the Governor in Council with full particulars as to the cost of construction of the said Railway, and also of the revenue and expenditure of the same from time to time.

Power of purchase by Government.

21. The Governor in Council shall be empowered subject to the approval of Parliament, at any time, after giving not less than six months' notice, to purchase and take the

whole of the works authorised by this Act, and the Company shall be required to sell, transfer, and hand over to the Colonial Government the works so purchased, and the purchase price shall be paid to the Company.

22. Any such purchase shall be effected according to the provisions of the Law No. 16 of 1872 : Provided

Terms of purchase.

- (a) That the purchase price shall be determined according to the value of the works to the Government at the time of purchase, without any addition in respect of compulsory purchase, statutory rights, goodwill, or profits, save as is provided in sub-section (b) ; and
- (b) That there shall be added to the value ascertained as aforesaid, an amount as interest, equal to 5 per cent. per annum on the capital expended, if the works be purchased before completion, and if purchased at any time thereafter, an amount equal to 10 per cent. on the value ascertained as aforesaid.

23. The Governor in Council may from time to time make such regulations as he may deem expedient for securing the safety of the public from personal injury, or from fire or otherwise, and may from time to time rescind, alter, or repeal such regulations. Any regulations so made or amended by the Governor in Council, in pursuance of this section, shall have the like effect in every respect as if they had been included in this Act. Notice in writing shall be given by the Government to the Company of any such regulations, or of any repeal or alteration thereof at least a month before the regulation, repeal, or alteration is made by the Governor in Council.

Regulations by Governor in Council for protection of public.

Given at Government House, Natal, this Twenty-third day of May, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 16, 1902.]

HENRY McCALLUM,
Governor.



“To amend the Pension Laws.”

BE IT ENACTED by the King’s Most Excellent Majesty,
by and with the advice and consent of the Legislative
Council and Legislative Assembly of Natal, as follows :—

Repeal.

1. Act No. 26, 1897, entitled an Act “To amend the Pension Law No. 22 of 1874,” is hereby repealed.

Officer over 55
years of age
may be required
to retire.

2. It shall be lawful for the Governor in Council to require any officer of the Civil Service to retire from the public service at any time after he shall have attained the age of fifty-five years, upon a pension calculated in terms of the Pensions Law, 1874, and in such case the limit of ten years appointed by Section 3 of the said Law shall not apply to such officer.

Certain officers
may retire after
attaining 55
years of age.

3. Any officer of the Civil Service who shall have attained the age of fifty-five years, and who shall have served for a period of not less than thirty years (only such service being reckoned as can be counted for the purpose of pension) may retire from the public service upon a pension calculated according to the Pensions Law, 1874. In the case of officers of the Civil Service who received their first appointments in consideration of special professional qualifications, the term of service required as aforesaid shall be twenty, in place of thirty, years.

Any woman
may so retire.

Any woman on the fixed establishment who shall have served as aforesaid for a period of not less than ten years shall, upon attaining the age of fifty-five years, be entitled to retire upon a pension calculated according to the Pensions Law, 1874.

4. Every officer of the Civil Service, and every person coming within the provisions of the Pensions Law, 1874, shall be required to retire from the public service upon attaining the age of sixty-five years. Compulsory retirement at 65 years.

This section shall not apply to the Judges of the Supreme Court or of the Native High Court. Exceptions.

Given at Government House, Natal, this Twenty-sixth day of May, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 17, 1902.]

HENRY MCCALLUM.
Governor.

E.



R.

ACT,

To amend Act No. 34, 1895, entitled an Act "To amend the Indian Immigration Trust Board Law, 1874."

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Section 5 of Act No. 34, 1895, shall be repealed, and the following shall be enacted in lieu thereof, that is to say :—
The Indian Immigration Trust Board of Natal (hereinafter referred to as the Board) shall consist of ~~seven members~~, to be elected by five divisions of the Colony as follows :—

Division No. 1.—Victoria County and the Province of Zululand, two members.

Division No. 2.—The counties of Durban, Alexandra, and Alfred, two members.

Division No. 3.—The County of Pietermaritzburg, one member.

Division No. 4.—The Counties of Umvoti and Weenen, one member.

Division No. 5.—The County of Klip River, one member.

Three members of the Board shall form a quorum.

2. Nothing in the foregoing section shall be deemed to affect the constitution of the Board until the first election of members shall have been held under this Act.

3. An election of one member for the Division No. 2 and one member for the Division No. 5 shall take place in the month of May, 1902, or as soon thereafter as conveniently may be. Such members shall hold office until

Constitution of Board.

Quorum.
Present constitution to remain till next election.

Election of additional members.

the next ensuing general election of members of the Board shall take place in ordinary course. The members holding office at the date of the passing of this Act shall thereupon be deemed to be members for the respective Divisions Nos. 1, 2, 3, and 4, as defined by this Act.

Present members.

4. Any member elected under the provisions of Section 9 of Act No. 34, 1895, shall hold office until the next ordinary general election of members of the Board.

Tenure of office by members elected to vacancies.

5. This Act shall be read and construed jointly with Act No. 34 1895, as one Act.

Joint construction.

Given at Government House, Natal, this Twenty-sixth day of May, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 18, 1902.]

HENRY McCALLUM,
Governor.



“To amend and extend the operation of the ‘Grass Burning Act, 1895,’ and to provide for enquiries into fires occurring along the Natal Government lines of railway in the Colony.”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Extension of
Grass Burning
Act to railway
and adjacent
lands through-
out Colony.

1. The Grass Burning Act, 1895, shall, anything in the said Act notwithstanding, extend to and be in operation throughout the Colony, so far as relates to lands occupied by the Natal Government Railway, and to lands through which any such Railway runs, or which abut upon railway lands, in same manner as if the said lands, and the Magisterial Divisions in which they may be situated, had been brought under the said Act by proclamation of the Governor in manner as in the said Act provided ; and for the purposes of this Act the Department of the Natal Government Railways shall be deemed to be an owner or occupier of a farm within the meaning of the said Act.

Inquiry by
Magistrate
in case of fire
near railway.

2. Whenever a fire occurs on lands abutting upon a railway and damage is caused thereby, then upon the request of any superior officer of the railway, or upon such information being given by any other person as shall satisfy the Magistrate that there is reasonable ground to believe that the fire may have been caused by sparks or coals from a railway engine or through the act of some person working the same, the Magistrate shall hold an enquiry as to the cause of the fire. Such request must be made, or such information must be given, within seven days after the fire.

3. The Magistrate shall at once cause the scene of the fire to be inspected and examined, and shall also, if possible, proceed thither and inspect the place himself. Inspection of scene of fire.
4. The Magistrate shall summon before him all such persons as he may require, and shall examine such persons on oath, and shall take down their evidence in writing. Taking evidence.
5. Any person summoned as a witness, and making default shall be liable to a fine not exceeding Ten Pounds Sterling, and may be brought before the Magistrate under arrest to give his evidence; and for the purpose of any perjury or contempt or the like committed by witnesses, the enquiry shall be deemed to be a judicial proceeding in the Magistrate's Court. Witnesses.
6. The evidence taken at the enquiry shall lie at the Magistrate's office, and may be inspected and copied by anyone acting under the direction of a superior officer of the railway, or by or on behalf of the person on whose request the enquiry was held, or any person whom the fire may have injured. Evidence open to inspection by certain persons.
7. The expenses of the witnesses shall be paid as in criminal cases, and the costs of the enquiry shall be borne by the general revenue. Expenses and costs.

Given at Government House, Natal, this Twenty-sixth day of May, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 19, 1902.]

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“To extend the provisions of Section 11 of the Customs
^{50/98} Union and Customs Duties Act, 1898.”

WHEREAS by Section 11 and by Schedule II, Class V,
of the Customs Union and Customs Duties Act, 1898,
it is enacted that the Customs duties upon the articles therein
enumerated shall be suspended during a period of three years
from the date of the commencement of the said Act :

AND WHEREAS by Act No. 11, 1901, the said period of
three years was extended to four years, which period will
expire on the 31st day of December, 1902, and it is expedient
to further extend the period to the 30th day of June, 1903 :

BE IT THEREFORE ENACTED by the King's Most Ex-
cellent Majesty, by and with the advice and consent of the
Legislative Council and Legislative Assembly of Natal, as
follows :--

1. The period of three years specified in Section 11, and
in Class V of the Second Schedule of the Customs Union
and Customs Duties Act, 1898, shall be extended for a
further period of six months, that is to say up to and includ-
ing the 30th day of June, 1903.

Given at Government House, Natal, this Twenty-sixth
day of May, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

Suspension of
duty on wheaten
flour and meal.

[No. 20, 1902.]

HENRY McCALLUM,
Governor

E.



R.

ACT,

“ To authorise the construction of a Tramway from the Southern Boundary of the Town Lands of the Borough of Durban to a point near the New Brighton Railway Station, and for powers to generate electric current and to transmit the same either along the route of the said Tramway or elsewhere in the County of Durban.”

WHEREAS Sir Benjamin Wesley Greenacre, K.B., Charles Hitchins, Meyrick Bennett, William Palmer, Harry Colenso Winder, Abraham Matthews, Allan Macgregor Ritchie, William Strong, George Ward Palmer, and John Christopher Palmer, all of Durban, in the Colony of Natal, are desirous of constructing a Tramway for the conveyance of passengers, goods, and merchandise, from a point where the main South Coast Road crosses the Umbilo River on the Southern Boundary of the Town Lands of the Borough of Durban aforesaid, and along the main South Coast Road to Merebank Railway Station, and along certain Public Roads to a point at or near New Brighton Railway Station, in the County of Durban aforesaid, to be worked by means of electricity or other motive power :

AND WHEREAS the said promoters are also desirous of obtaining powers to generate electric current, and to transmit the same for the purposes of the said Tramway, or for the purposes of supplying such current for lighting or other purposes to the owners or occupiers of the lands adjacent or near to the said Tramway, and to transmit and supply the same for the purposes aforesaid elsewhere in the County of Durban :

AND WHEREAS it is expedient that such powers as aforesaid should be given :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and the Legislative Assembly of Natal, as follows :—

1 This Act may be cited as the “Durban County Tramways, Lighting, and Electric Current Supply Act.”

2. In the interpretation of this Act, the word “Promoters” shall include the said Sir Benjamin Wesley Greenacre, K.B., Charles Hitchins, Meyrick Bennett, William Palmer, Harry Colenso Winder, Abraham Matthews, Allan Macgregor Ritchie, William Strong, George Ward Palmer, and John Christopher Palmer, their heirs and successors, and any Company or Corporation to which they may sell or transfer their undertaking, or the rights, privileges, and powers conferred upon them by this Act.

The word “road” shall be taken to mean the whole space reserved as such road, and not only the hardened or formed portion thereof.

3. The Lands Clauses Consolidation Law, 1872, in so far as applicable, and save and except where varied by this Act, shall be incorporated with this Act.

4. The Promoters are hereby authorised and empowered, subject to such terms as may be imposed by the Government in the contract referred to in Section 5 hereof, to construct, carry on, complete and maintain the said Tramway, and to erect standards, posts, supports, or other requisite appliances, whether above or below the surface of the ground, for wires or cables, for transmitting electric current for the purposes of the said Tramway, or for the purpose of supplying the same for lighting and other purposes to the owners or occupiers of lands adjacent or near to the said Tramway, and to transmit and supply the same for the purposes aforesaid and elsewhere in the County of Durban, according to the powers, rules, orders and directions hereinafter set forth and expressed for that purpose.

5. The Promoters and the Government of Natal are hereby authorised to contract with each other for the purpose of the Promoters acquiring from the Government aforesaid, whether by way of letting, hiring, or granting, and upon such terms as may be mutually agreed upon, the following rights :—

- (a) The right of constructing the said Tramway aforesaid along the hereinafter mentioned public roads ; and the right of working the same :
- (b) The right of erecting or constructing and working standards, posts, supports, or other adequate appliances, whether above or below the surface of the ground, for wires or cables on and along the hereinafter mentioned public roads, for the purpose of transmitting or carrying electric

current, together with the right of working or transmitting along such wires or cables electric current for lighting or other purposes :

- (c) The right of erecting or constructing and working standards, posts, supports, or other adequate appliances, whether above or below the surface of the ground, for wires or cables for the purpose of transmitting electric current, together with the right of working or transmitting along such wires or cables electric current for lighting or other purposes.

6. The Promoters shall not extend the wires and cables aforesaid beyond one mile from the route of the said tramway, unless at the written request of two-thirds of the occupiers of the lands which will be affected by such extension : Provided that the consent of the Governor in Council shall be necessary to any such extension.

7. The Promoters shall be and they are hereby authorised and empowered, subject to such terms as may be imposed by the Government in the contract referred to in Section 5 hereof, by themselves or their deputies, agents, officers, employees or workmen, to construct, carry on, complete and maintain a tramway in a proper and workmanlike manner, and with all conveniences adjoining thereto or connected therewith for the passage thereon of cars and other carriages to be propelled by electric or other motive power along the hereinafter mentioned public roads, from a point where the main South Coast Public Road crosses the Umbilo River on the Southern Boundary of the Town Lands of the Borough of Durban, and along the main South Coast Public Road to Merebank Railway Station, and from there in an Easterly direction along the public road crossing part of the farm "Clairmont" to the boundary of the farm "Wentworth," then along the public road between Lots 9 and 10 of "Wentworth," then turning North-easterly along the public road passing through and bordering Lots 10 to 41 and passing through Lots 42, 44, 46, and 48, and thence passing through Lots 22, 18, 13, 12, 9 and 2 to 25, 26 and 27, terminating at a point near Fynnland Station, where the road meets the railway, and also along the public road, leaving the main South Coast Road near the Clairmont Station, and along the public road crossing the farm "Clairmont" to the boundary of the farm "Wentworth," and following the public road in the North-west boundary of Lots 32, 30, 28, 26, 24, and between Lots 24 and 22—until it meets the public road already described through Lots 10 and 41 "Wentworth," as the same is shown in the plan thereof filed with the Clerk of the Legislative Council and the Clerk of the Legislative Assembly.

8. The Promoters shall be and they are hereby authorised and empowered, by themselves or by their deputies, agents, officers, employees, or workmen, to erect or construct standards, posts, supports, or other adequate appliances, whether above or below the surface of the ground, for wires or cables on

and along the hereinbefore mentioned public roads, for the purpose of transmitting electric current, together with the right of working or transmitting along such wires or cables electric current for lighting or other purposes, and further to erect or construct standards, posts, supports, or other adequate appliances, whether above or below the surface of the ground, for wires or cables, for the purpose of transmitting electric current, together with the right of working or transmitting along such wires or cables electric current for lighting or other purposes.

9. The Promoters, for the purpose of carrying out any of the works authorised by this Act, shall have the right to enter upon the public roads as aforesaid and break up the same for the purpose of laying down the said Tramway or standards, posts, supports, or other adequate appliances : Provided that, prior to such entry, the said Promoters shall give at least seven days' notice, in writing, to the Minister of Lands and Works for the time being, notifying their intention of so entering upon the public road aforesaid, and all Tramways or standards, posts, supports, or other adequate appliances, shall be laid down as speedily as possible and with as little detriment or inconvenience to the public as circumstances admit, and the road restored to the same condition in which it was before the said works were made. And any excavations made in the roadway shall be properly fenced in and protected, and lighted at night, and the Promoters shall be responsible for any damage to person or property arising from the making of such excavations, and not arising from the negligence of the person injured.

10. The work of laying any portion of the said Tramway crossing over the line of the Natal Government Railways shall be carried out by the Natal Government Railway Department at the expense of the said Promoters, and upon written notice by the Promoters to be directed to the said Department at least seven days before the commencement of the work required to be done. The Promoters shall bear the expense and costs attaching to the construction of any works necessary to be carried out in connection with the laying down of any Tramway and for the protection of the Railway Line at the places where the same shall cross the said Railway Line.

11. The Tramway hereby authorised shall be made upon the same gauge as is adopted in the electric tramway system of the Borough of Durban, and shall be laid down and maintained in such manner that the uppermost surface of the rails shall be on a level with the surface of the road. Such Tramway shall be laid down upon such side or part of the public roadways as may be approved by the Government of Natal.

12. The said Tramway shall not be open for public traffic until the same shall have been certified to be fit for such traffic by an Engineer to be appointed by the Governor in Council,

13. The Promoters may carry passengers, parcels, goods, and merchandise upon such tramways, but subject to the power of the Governor in Council to cancel the right of carrying goods and merchandise by proclamation in the *Natal Government Gazette*, after giving six months notice of such intention: Provided that such notice shall not take effect earlier than five years from the date of the promulgation of this Act.

14. The Promoters may levy tolls and charges for the conveyance of passengers, which shall not exceed Twopence (2d.) per mile or fraction of a mile: Provided that if the route be laid off in stages, then the passenger fare for a stage may be computed at One Penny (1d.) if the stage does not exceed one-third of a mile, at Three Halfpence (1½d.) if the stage is over one-third but does not exceed two-thirds of a mile, and at Twopence (2d.) if the stage is over two-thirds of a mile and does not exceed one mile. The rates, tolls, and charges for the conveyance of parcels, goods, and merchandise shall be made according to a tariff to be approved of by the Governor in Council: Provided further that the Governor in Council may, from time to time, revise, and, if necessary, reduce or increase the said tolls and charges, and also with power to the Governor in Council, from time to time, to revise and reduce the tolls and charges to be made for the conveyance of passengers.

A list of all tolls and charges shall be exhibited in a conspicuous place inside and outside each of the cars or carriages used on the said Tramway.

15. The Promoters may use on the Tramways authorised by this Act cars or carriages with flanged or other wheels suitable to run on the prescribed rails, and, subject to the provisions of this Act, the Promoters shall have the exclusive use of the said Tramway.

No car or carriage used on the Tramway shall extend beyond the outer copes of the wheels of such car or carriage more than twenty inches on each side.

16. The cars, carriages, or other vehicles used on the said Tramway may be propelled by electricity or such other motive power as may be approved by the Governor-in-Council.

17. Subject to the acquisition of powers from the said Government in terms of this Act, the Promoters shall have the right to contract with the owners or occupiers of land in the County of Durban for the supplying of electric current, and to charge and demand from any such person or persons so contracting, rates and charges not exceeding those set forth in the schedule hereto annexed marked "A": Provided that the Governor in Council shall have the power from time to time to revise, and, if necessary, reduce such rates and charges.

18. The Promoters may make Bye-Laws, and, from time to time, alter and repeal same, with respect to:—

- (a) The regulation of the traffic on the said Tramways, including the regulation of speed ;
- (b) The charges to be made to persons requiring to be supplied with electric current ;
- (c) The interference with or obstruction by any person of any of the works authorised under this Act ;
- (d) The prevention of the commission of any nuisance in or upon any car or carriage, or in or against any premises belonging to the said Promoters, and for regulating the travelling in or upon any car or carriage belonging to them.
- (e) The prohibiting of any person using the Tramway or any portion thereof unless duly authorised by the Promoters.
- (f) The general management and control of the said Tramway.

Any such Bye-laws may impose reasonable penalties for offences against the same not exceeding 40s. for each offence, with or without further penalties for continuing offences not exceeding 10s. for each day during which the offence continues. All tolls, penalties, and charges made under this Act or made under any Bye-law made in pursuance of this Act may be proceeded for in any Court of competent jurisdiction in this Colony.

No such Bye-laws shall become operative until the same shall have received the sanction of the Governor in Council and shall have been promulgated in the *Natal Government Gazette* or in such other manner as the Governor in Council may direct.

19. Subject to the sanction of the Governor in Council, the said Sir Benjamin Wesley Greenacre, K.B., Meyrick Bennett, Charles Hitchins, William Palmer, Harry Colenso Winder, Abraham Matthews, Allan Macgregor Ritchie, William Strong, George Ward Palmer, and John Christopher Palmer shall have the right and power to sell to any public company or Corporation, all their rights, privileges, and powers under this Act, and upon such sanction being given, all such rights and privileges vested in them shall be transferred to and vested in the said public company or Corporation, which public company or Corporation shall *ipso facto* be deemed to have taken over all the obligations and liabilities of the said Sir Benjamin Wesley Greenacre, K.B., Charles Hitchins, Meyrick Bennett, William Palmer, Harry Colenso Winder, Abraham Matthews, Allan Macgregor Ritchie, William Strong, George Ward Palmer, and John Christopher Palmer.

20. Subject to the acquisition of rights from the Government aforesaid, the Promoters shall be entitled to erect standards, posts, supports, and construct other adequate appliances, whether above or below the surface of the road, for wires or cables on and along any such by-roads, private roads, or rights-of-way, for the purpose of transmitting

electric current, together with the right of working or transmitting along such wires or cables electric current for lighting or other purposes.

21. The Promoters, subject to the acquisition of rights from the Government as aforesaid, shall have the right to purchase or take such lands as may be necessary for the purposes of constructing the said Tramway or for the carrying out and completion of any of the works under and by virtue of the powers and privileges granted to them by this Act : Provided that if the taking of any such lands shall cause damage to any person or his property such person shall be entitled to compensation or recompense, to be settled in case of difference as if the claim constituted damage to land within the meaning of the 65th Section of the Lands Clauses Consolidation Law.

22. Every electric cable, wire or attachment of any such cable or wire which shall be carried along or across any by-road, private road, or right-of-way, in the case of the same being above the surface of the earth, shall be placed at least eighteen feet from the ground, provided also that free use or enjoyment of any private right-of-way or road across which any such line of communication shall be carried shall not be hindered or obstructed.

23. In all cases, all standards, posts, supports, or other adequate appliances for wires or cables used for the purpose of transmitting electric current, whether above or below the surface of the road, or electric light wires, shall be erected and maintained not to cause any danger to any person using the private roads, by-roads, or rights-of-way.

24. Any person convicted of wilfully or negligently injuring any portion of the Promoters' property, or any of the works authorised by this Act, shall be liable to a penalty for each offence not exceeding Ten Pounds, or, in default, imprisonment, with or without hard labour, for any period not exceeding one month.

25. The Promoters shall be answerable for all accidents, damages, and injuries happening through their act or default, or through the act or default of any person in their employment, by reason or in consequence of their works, cars, or carriages, and for all damage done by electrolysis, or otherwise resulting from electric leakage, and shall save harmless all road and other authorities, companies, or bodies, collectively or individually, and their officers and servants, from all damages and costs in respect of such damages, accidents, and injuries.

26. The Governor in Council may from time to time make such regulations, in accordance with the regulations for the time being of the Board of Trade of the United Kingdom applicable to Local Authorities or Municipalities, subject to such modifications as he may think expedient, but in no case more stringent, for securing the safety of the public from personal injury, or from fire or otherwise, and for minimising, as far as may be reasonable, any interference

with the electric wires, lines, and apparatus of the Government, or any other authority, company, or person, and may from time to time rescind, alter, or repeal such regulations. Any regulations so made or amended by the Governor in Council, in pursuance of this section, shall have the like effect in every respect as if they had been included in this Act. Notice in writing shall be given by the Government to the Promoters of any such regulations, or of any repeal or alteration thereof, at least a month before the regulation, repeal, or alteration is made by the Governor in Council.

27. No person shall be entitled to carry or to require to be carried on any tramway any goods which may be of a dangerous nature; and if any person send by any tramway any such goods, without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the bookkeeper or other servant of the Promoters with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding Twenty Pounds for every such offence; and it shall be lawful for the Promoters to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

28. If any person travelling or having travelled in any carriage on any tramway avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such carriage beyond such distance, and refuses to pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuses or neglects, on arriving at the point to which he has paid his fare, to quit such carriage, every person shall for every such offence be liable to a penalty not exceeding Forty Shillings.

29. Nothing in this Act or in any Bye-law made under this Act shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which any tramway is laid, whether on or off the tramway, with carriages not having flange wheels, or wheels suitable only to run on the rails of the tramway.

30. Notwithstanding anything in this Act contained, the Promoters shall not acquire or be deemed to acquire any right other than that of user in any road along, over, or across which they may erect any posts, standards, or supports, or other adequate appliances for carrying their wires or cables, nor shall anything in this Act contained take away or affect any power which the Government or the owners, commissioners, undertakers, or lessees of any railway or tramway may have by law to widen, alter, or divert or improve any such railway or tramway.

31. Nothing in this Act shall take away or abridge any power at present, or which may be hereafter, vested in the Government of Natal, or any local board or authority for any purpose required by the said Government, or for which said local board or authority is constituted, or by any

company, body, or person to open, or to break up any road along, or across which any tramway may be laid, or electric posts, standards, or wires may be erected for the purpose of laying down, repairing, altering, or removing any pipes for the supply of gas or water, or any tubes, wires, or apparatus for telegraphic or other purposes, or any other purpose whatsoever : but in the exercise of any such power, the Government, local board, company, body, or person shall be subject to the following restrictions :—

- (a) They shall cause as little detriment or inconvenience to the Promoters as circumstances permit :
- (b) Before they commence any work, they shall give to the Promoters notice of their intention to commence such work, specifying the time at which they shall do so, such notice to be given twenty-four hours at least before the commencement of the work.

32. The Promoters shall be bound, if required, to furnish the Governor in Council with full particulars as to the cost of construction of the works authorised under this Act, and also of the revenue and expenditure of the same from time to time.

33. The Governor in Council or any Municipal Corporation, Local Board, or other Local Authority, which may hereafter have jurisdiction over the lands served by the said tramway shall be empowered subject to the approval of Parliament, at any time, after giving not less than six months notice, to purchase and take the whole of the works authorised by this Act, and the Promoters shall be required to sell, transfer, and hand over to the Colonial Government, or any such Corporation, Board, or Authority the works so purchased, and the purchase price shall be paid to the Promoters.

Any such purchase shall be effected according to the provisions of the Law No. 16 of 1872 : Provided

- (a) That the purchase price shall be determined according to the value of the works at the time of purchase, without any addition in respect of compulsory purchase, statutory rights, goodwill, or profits, save as is provided in sub-section (b) ; and
- (b) That there shall be added to the value ascertained as aforesaid, an amount as interest, equal to 5 per cent. per annum on the capital expended, if the works be purchased before completion, and if purchased at any time thereafter, an amount equal to 10 per cent. on the value ascertained as aforesaid.

34. Nothing in this Act shall be deemed to create a monopoly in favour of the promoters.

35. In the event of the Borough of Durban at any time being extended so as to include all or any portion of the route of such tramway, or should any Municipal Corporation

township, or other local authority, be established on any portion traversed by such route, then the promoters shall be bound to observe and conform to any bye-laws or regulations enforced by such borough, township, or local authority.

36. This Act shall lapse if the construction of the said tramway shall not be commenced within twelve months from the promulgation thereof in the *Natal Government Gazette*, or if the construction of the said tramway shall not be completed within three years of the said promulgation.

37. This Act shall come into force upon and after the promulgation of same in the *Natal Government Gazette*.

SCHEDULE "A."

CURRENT FOR LIGHTING PURPOSES.

	s.	d.	
For Consumers burning under 2 units per lamp installed per month	1	0	per unit
For Consumers burning over 2 units per lamp installed per month	0	10	" "
For large Consumers of 500 units and upwards per month	0	10	" "
<i>(With rebate of 5 per cent. as discount.)</i>			
For Consumers of 1,000 units and upwards per month... ..	0	10	" "
<i>(With a rebate of 10 per cent. discount.)</i>			
Minimum charge to all Consumers, except Churches, 10s. per month for each installation.			

CURRENT FOR POWER PURPOSES.

Conditional on Motors not being used between the hours of 5 p.m. and 9 p.m. of each and every day, except by permission of the Company's Engineers, or except when current is measured by separate meter :—

	d.	
For each unit consumed up to 100 units per one-horse power per month	7	per unit.
For each unit consumed over 100 units per horse power up to 200 units	6	" "
For each unit consumed above 200 units per horse power per month	5	" "

Given at Government House, Natal, this Twenty-sixth day of May, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,

Colonial Secretary.

[No. 21, 1902.]

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“To amend the Criminal Law.”

BE IT ENACTED by the King’s Most Excellent Majesty,
by and with the advice and consent of the Legislative
Council and Legislative Assembly of Natal, as follows :—

1. Every person who

- (1) Keeps or manages, or acts or assists in the management of, a brothel; or
- (2) Being the tenant, lessee or occupier of any premises, knowingly permits, or permits after notice from any police constable or officer of police, or any householder, such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution; or
- (3) Being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge, or after notice from any police constable or officer of police or any householder, that such premises or some part thereof, are or is used, or with the knowledge that the same are or is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof as a brothel,

Punishment of persons keeping or having any concern in a brothel.

shall be liable

- (a) To a fine of not less than Ten Pounds Sterling, and not exceeding Twenty Pounds Sterling, or in the discretion of the Court to imprisonment for any term not exceeding three months with or without hard labour; and

- (b) On a second or subsequent conviction to imprisonment for any term not exceeding six months with or without hard labour.

When any premises or any part thereof are used for any such purposes as aforesaid, written notice thereof given by a police constable or officer, or by any householder, to the lessor, or landlord, or to the agent of the lessor or landlord, or to the tenant, lessee, or occupier of such premises, shall be conclusive proof of knowledge on his part.

2. The lessor of any premises used wholly or in part as a brothel, or for the purposes of habitual prostitution shall be entitled to apply to the Magistrate for the summary ejection of any person or persons who may be using such premises or any part thereof as a brothel or for the purposes of habitual prostitution, and such Magistrate shall be entitled after enquiry, to order the summary ejection of such person or persons. No fees of Court shall be charged for any such process or the execution of any such process.

3. The Town Council of a Borough, or the Local Board of a Township, established under Law No. 11, 1881, or any like Act, may make By-Laws for any purposes connected with the administration of this Act, and for the prosecution of offences thereunder, and all fines and penalties imposed for offences in Boroughs or Townships shall be paid to the Borough or Township Fund.

Given at Government House, Natal, this Twenty-sixth day of May, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

Ejection of persons using premises as a brothel.

By-laws.

[No. 22, 1902.]

HENRY McCALLUM,
Governor.



“To indemnify the Governor of the Colony, and the Officer Commanding His Majesty’s Forces in Natal, and all persons acting under their authority and in good faith, in regard to acts during the existence of Martial Law.”

WHEREAS the state of war mentioned in Act No. 41, 1901, still continues, and the Proclamation of the 23rd day of October, 1899, placing this Colony under Martial Law, remains in force :

AND WHEREAS Military operations have, since the passing of Act No. 41, 1901, been necessarily carried on in this Colony, and for the carrying out of such operations and for the maintenance of good order and government, His Excellency the Governor and the Officer for the time being Commanding His Majesty’s Forces in this Colony, and the Military, Volunteer, and Civil authorities of this Colony, may be responsible in person or purse for acts done by them in good faith in pursuance of such objects as aforesaid, and it is, therefore, expedient to extend a further indemnity upon the same terms as are set forth in the said Act No. 41, 1901, to persons who, in good faith, have acted for the suppression of hostilities and the maintenance of good order and government :

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. All actions, indictments, and legal proceedings, civil, criminal, or mixed, against His Excellency Colonel Sir Henry Edward McCallum, K.C.M.G., Governor of Natal, or the Honourable Sir Henry Bale, K.C.M.G., lately administer-

Indemnification
of the Governor
and others in
respect of cer-
tain Acts.

ing the Government of Natal, or the Officer for the time being Commanding His Majesty's Forces in Natal, or against any such authorities or officers, Civil, Military, or Volunteer, or other persons acting as aforesaid, for or by reason of any matter or thing, commanded, ordered, directed, or done for the suppression of hostilities or the maintenance of good order and government, or for the public safety, whether done before, during, or after the existence of Martial Law, but in furtherance of the objects for which it became necessary to proclaim Martial Law, shall be discharged and become and be made void ; and every person by whom such act, matter, or thing shall have been advised, commanded, ordered, directed, or done for the purposes aforesaid, whether before, during, or after the existence of such Martial Law, shall be freed, acquitted, discharged, released, and indemnified against all and every person and persons whomsoever in respect thereof.

Indemnification of persons who have acted under authority of the Governor, etc.

2. All officers and other persons who have acted under the authority of His Excellency Colonel Sir Henry Edward McCallum, K.C.M.G., or the Honourable Sir Henry Bale, as Deputy-Governor of the Colony of Natal, or any officer acting under them, or under the authority of the General Officer Commanding His Majesty's Forces in Natal, or who have acted *bonâ fide* for the purposes and during the time aforesaid, are hereby indemnified in respect of all acts, matters, and things done in the suppression of hostilities and the maintenance of good order and government and the public safety ; and such acts so done are hereby made and declared to be lawful and are confirmed.

Sentences of military tribunals.

3. All sentences passed by any Court Martial or by any Court or person exercising judicial functions under the authority of the General Officer Commanding His Majesty's Forces in Natal, or of any officer of His Majesty's Forces purporting to exercise authority in that behalf, since the date of the aforesaid Proclamation of 23rd October, 1899, which sentences have been passed upon persons not ordinarily subject to Military Law in respect of acts, crimes, or offences committed during the existence of Martial Law as aforesaid, are hereby confirmed and approved, and in so far as the same shall not have been already carried into effect, shall be deemed to be sentences passed by duly and legally constituted Courts of this Colony, and shall be and remain in force and shall be carried out in the same manner as the sentences of the Courts of Law of this Colony.

In so far as may be necessary for giving effect thereto in Natal, this Section shall also apply to all sentences passed since the aforesaid date upon any person who had theretofore been domiciled or resident in Natal, by any Court-Martial or by any Court or person exercising judicial functions under the authority of the General Officer Commanding His Majesty's Forces in any part of Africa south of the River Zambezi, which was or has since become a part of His Majesty's Dominions ; and all persons so sentenced for the crime of treason shall be deemed to have been convicted of

treason within the meaning of Clause 12 of the Royal Charter of 15th July, 1856.

The production of a document purporting to be the record of the judgment or sentence of any such Court-Martial, Court, or person as aforesaid, endorsed with the signature of the Officer for the time being Commanding His Majesty's Forces in Natal, shall be sufficient proof for all purposes of any such judgment or sentence.

4. His Excellency the Governor at any time, in order to prevent or remove any doubt which might exist or may arise whether any act alleged to have been done under the authority of the Governor or of the Supreme Chief, or under the authority of the General Officer Commanding His Majesty's Forces in Natal, or to have been done *bonâ fide* for any of the purposes aforesaid, was so done, may by a certificate in writing under his hand declare such acts to have been done, either under such authority or *bonâ fide* for the purposes aforesaid: and any such certificate under the hand of the Governor for the time being, shall in all cases be conclusive evidence that such acts were so done respectively.

Governor's certificate as to acts done under authority or *bonâ fide*.

5. All proclamations, regulations, arrangements, and orders made by His Excellency the Governor, and under his authority, for authorising and regulating trade between this Colony and the Orange River Colony, and for the collection and payment of Customs Duties and for any other matters relative to Customs upon goods and things exported to or imported from the Orange River Colony, are hereby ratified and confirmed, and the same shall, save so far as they may already have been altered or revoked, be of legal force until they shall be revoked by order of His Excellency the Governor; and His Excellency the Governor and the Colonial Treasurer, and all officers and persons acting under the authority of any such proclamation, regulation, arrangement, or order, shall be indemnified and kept harmless in respect of any payments made or acts done under such authority as aforesaid.

Ratification of trade and Customs arrangements made in regard to Orange River Colony.

6. His Excellency the Governor and the Colonial Treasurer of Natal, and all other persons concerned, shall be indemnified and kept harmless in respect of any payments which have been made by the Colonial Treasurer from the Consolidated Revenue Fund for meeting expenses occasioned by the state of war heretofore subsisting, but which have not been authorised by any Act of Supply.

Given at Government House, Natal, this Second day of June, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 23, 1902.]

HENRY MCCALLUM,
Governor.



“To empower the Indian Immigration Trust Board to raise a loan not exceeding £250,000.”

WHEREAS the Indian Immigration Trust Board of Natal has from time to time borrowed from the Colonial Government sums of money in excess of the loans for which special authority has been made by law :

AND WHEREAS the said Board is desirous of raising a loan of Two Hundred and Fifty Thousand Pounds Sterling to be used for the repayment of the sums due to the Government and in the payment of the cost of introducing indentured Indian immigrants into Natal, in anticipation of the receipt of the contributions payable by the employers of such Indians :

AND WHEREAS, by reason of the public interests involved, it is expedient that the Colonial Government should guarantee the repayment of the loan to be raised as aforesaid :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows.—

Short title.

1. This Act may be cited as the “Indian Immigration Trust Board Loan Act, 1902.”

Authority for loan.

2. The Indian Immigration Trust Board of Natal (hereinafter called the Board) are authorised to borrow from time to time moneys not exceeding in the whole the sum of Two Hundred and Fifty Thousand Pounds Sterling (£250,000).

3. The moneys borrowed under this Act shall be applied to the following purposes and no other, that is to say :—

Application of loan.

- (1) The immediate repayment of all sums borrowed from the Colonial Government, together with interest thereon at the rate of four per centum per annum from the respective dates when the loans were made by the Government.
- (2) The defraying of the costs of and connected with or incidental to the introduction into Natal of indentured Indian immigrants and their return to India.

4. The moneys hereby authorised to be borrowed shall be raised upon debentures, which the Board is hereby specially authorised to issue under the signature of the Chairman and the counter-signature of the Secretary, in such form and for such amounts and subject to such terms and conditions as may be determined by resolution of the Board, with the approval of the Colonial Treasurer, and subject always to the provisions of this Act.

Debentures.

5. The principal sums secured by the debentures shall bear interest at a rate not exceeding four per centum per annum, and shall be repaid within twenty-five years from the first day of July, 1902.

Interest : repayment.

6. The moneys secured by any debenture passed under this Act and the interest thereon shall be and are hereby declared a first and preferent charge upon the rents and revenues of the Board, and in particular upon the contributions which may be from time to time payable to the Board by the employers of indentured Indian immigrants.

Loan made a preferent charge.

The Chairman of the Board upon being thereto authorised by a resolution of the Board, shall be empowered to sign and execute any bond or other document in pursuance of the provisions of this section, and for giving full and complete effect thereto.

Bond may be passed.

7. The moneys borrowed under this Act and the due payment of the principal and interest to become payable under the debentures shall be guaranteed by the Colonial Government, and shall be a charge on the general revenue of this Colony.

Guarantee by Colonial Government.

The guarantee shall be in such form as shall be determined by the Governor in Council, and shall be signed by the Colonial Treasurer.

8. The Board shall enter into such agreement and furnish such security as the Governor in Council may deem necessary for the protection of the Colonial Government in respect of the guarantee to be given as aforesaid.

Agreement and security for protection of Government.

9. Subject to the preference given to the holders of debentures issued under this Act all moneys which may be paid by the Colonial Government under the guarantee to be given as aforesaid, shall be a first and preferent charge upon the rents and revenues of the Board, and in particular upon the contributions payable from time to time by the employers of indentured Indian immigrants.

Preference for moneys paid under Government guarantee.

Contributions to
sinking-fund.

10. The Board shall, half-yearly, commencing from the 1st day of January, 1903, appropriate and set apart from the revenues of the Board a sum of money not less than one per centum of the principal moneys borrowed under this Act, and such sum shall be paid to such persons not being less than two in number as shall be named by the Governor in Council as trustees for the sinking fund hereinafter provided for.

Formation of
sinking-fund.

11 The trustees shall accumulate the money so paid to them to form a sinking-fund for the repayment of the loan authorised by this Act, by investing the same and the income thereof in some one or more securities of the Imperial Government of Great Britain, or of the Government of a Colony of Great Britain, or other securities approved by the Governor in Council.

Purchase of
debentures out
of sinking-fund.

12. The trustees may from time to time apply any part of the sinking fund in the purchase of debentures issued under this Act. All debentures so purchased, and the interest coupons attached thereto, shall be immediately cancelled and destroyed.

Application of
sinking-fund.

13. Subject as last aforesaid, the sinking fund shall be applied in payment, as and when the same shall become due, of the principal moneys for the time being owing on debentures issued under this Act.

Given at Government House, Natal, this Thirty-first day of May, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 24, 1902.]

HENRY McCALLUM,
Governor.



“To empower the Governor in Council to acquire suitable lands in the Colony for the settlement thereon of persons of European descent who will beneficially occupy and improve the lands so acquired, and for other public purposes.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. This Act may be cited as “The Land Acquisition Act, 1902.” Short title.

2. The Governor in Council may, and is specially authorised to acquire, by purchase, exchange, or by expropriation, any lands in the Colony which may be deemed suitable for the settlement thereon of persons of European descent who will beneficially occupy and improve the lands so acquired, or which may be required for such other public purposes as the Governor in Council may deem necessary: Provided always, however, that lands which are already beneficially occupied to the satisfaction of the Governor in Council, shall be held exempt from expropriation. Authority to acquire lands.

3. The Governor in Council may, through the Minister having charge of the administration of this Act, negotiate with any owner of lands, in any part of the Colony, for the purchase or exchange of any lands which the Government may have determined to acquire for the purposes of this Act, and may conclude such purchase or exchange as the case may be at such price and on such terms and conditions as the Governor in Council and the owner of the said lands may eventually agree upon, and may upon conclusion of such purchase or exchange execute, or cause to be executed, all deeds of transfer and writings, and may do and perform all such acts as may be necessary for the completion of such purchase or exchange. Purchase and exchange of lands.

Compulsory
expropriation

4. If no agreement be come to between the owner and the Government with reference to the sale and purchase or exchange of any lands which the Government may have determined to acquire for the purposes of this Act, the Governor in Council through the Minister, may, and is specially authorised to expropriate such lands compulsorily in the manner provided in the Lands Clauses Consolidation Law, 1872, which said Law is, except as is varied by this Act, incorporated with and forms part of this Act, and the Government shall be a Corporation for the purpose of the said Law and of this Act, and shall hold and exercise all the powers and privileges of a Corporation under the said Law, 1872.

Transfer of
acquired lands.

5. The owner of any lands acquired under this Act shall duly transfer the same to the Colonial Government, and for that purpose shall execute all such documents as may be necessary: Provided, however, that in the event of the refusal or neglect of such owner to transfer the same, then the Supreme Court may, on notice to the owner, summarily order the same to be transferred by the Registrar of Deeds in the name and on behalf of such owner.

Expropriation
of part or whole
of a block of
lands.

6. Whenever the Government shall propose to expropriate part only of a block of land which, in the opinion of the owner, will materially and prejudicially affect the utility or occupation of the remainder, the owner shall be entitled to claim before the arbitration appointed under the said Lands Clauses Consolidation Law, 1872, that the entire block shall be expropriated or none, and the said arbitration shall decide the said claim in addition to the question or questions submitted to them under the provisions of the said Lands Clauses Consolidation Law, 1872.

Creation of
public reserves.

7. The Governor in Council shall have power to make all necessary Reserves for public purposes out of any of the lands acquired or expropriated under this Act, but no such lands shall be appropriated for private or ecclesiastical endowments.

Duration of
Act.

8. This Act shall be and remain in force and operation from the date of the promulgation thereof to the thirty-first day of December, 1903.

Regulations.

9. The Governor in Council shall have power to make rules and regulations for the proper carrying out of the provisions of this Act.

Given at Government House, Natal, this Nineteenth day of June, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 25, 1902.]

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“To amend the Code of Native Law,”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

PART I.

REGISTRATION OF BIRTHS AND DEATHS.

1. It shall be the duty of every kraal head to report, or cause to be reported, to the official witness, within three days, every birth and death occurring at his kraal or among any inmates thereof, giving such particulars as are required for registration.

Report by kraal head of births and deaths.

2. It shall be the duty of the official witness to report to the Magistrate, within thirty days, every birth and death occurring amongst the natives of the district in his charge. Such report shall give all the particulars necessary for registration.

Report by official witness to Magistrate.

3. The official witness shall be entitled to be paid by the Magistrate a fee of one shilling for each birth or death reported by him.

Fee to official witness.

4. A Register of births and a Register of deaths of natives shall be kept in the office of the Magistrate in such manner and with such particulars as shall be prescribed by the regulations.

Registers.

At the close of each year the Registers shall be sent to the Secretary for Native Affairs, and shall be filed in his office.

Regulations.

5. The Governor in Council may from time to time make regulations for all matters necessary for giving effect to this Act.

Such regulations may, amongst other things, prescribe the mode of reporting and registering births and deaths amongst natives not living in kraals, or make provision for any special case not expressly provided for by this Act.

Penalties for disregard of duty.

6. Any official witness, kraal head, or other person who shall disregard his duties under this Act or the regulations shall be liable to a fine not exceeding Ten Pounds Sterling.

Saving of other Laws.

7. Nothing in this Act shall be deemed to affect the provisions of Law No. 16, 1867, or of Act No. 5, 1896.

PART II.

REPORTING CRIME.

Report of murders, sudden deaths, and serious crimes.

8. It shall be the duty of every kraal head to report immediately and with all speed to his Chief, or, if the Chief resides in another Magisterial Division, to the District Headman, the occurrence of any murder or sudden death or any death under suspicious circumstances, or any serious crime taking place at his kraal or amongst its inmates; and the Chief or District Headman receiving the report shall at once report the same to the Magistrate with all speed.

The neglect of any duty under this section shall be an offence.

Joint construction of Laws.

9. This Act and Law No. 19, 1891, and the Acts amending the said Law, shall be read and construed together as one Act.

Given at Government House, Natal, this fourth day of October, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,

Colonial Secretary.

[No. 26, 1902.]

HENRY McCALLUM,
Governor.



“To empower the Natal Native Trust to take or to grant the use of water from rivers flowing through Trust Lands.”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The Natal Native Trust shall be empowered to lead and use water from any river, both banks of which belong to the said Trust, for supplying power for industrial purposes, and to construct weirs and other necessary works, and may also lease to any person, for a term not exceeding fifty years, the right to take and use such water as aforesaid, and to construct the necessary works.

2. This Act shall not be deemed to prejudice the rights of riparian owners upon any such river, above or below the point at which any water may be led out.

Given at Government House, Natal, this fourth day of October, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 27, 1902.]

HENRY McCALLUM,
Governor.



“To empower the Natal Native Trust to raise a Loan of Fifty Thousand Pounds Sterling, for the purposes of Irrigation.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The Natal Native Trust, constituted and incorporated by Royal Letters Patent bearing date the 27th day of April, 1864, is hereby empowered to borrow, from time to time, moneys not exceeding in the whole the sum of Fifty Thousand Pounds Sterling.

Authority to borrow £50,000

The Natal Native Trust is in this Act shortly referred to as the Trust.

2. The moneys to be borrowed under this Act shall be used and applied for the following purposes, that is to say : The Irrigation of lands belonging to the Trust, the construction of weirs, furrows, and all other necessary works connected therewith, and any other purpose necessary for carrying out any such schemes of irrigation.

Application of loan.

3. The moneys hereby authorised to be borrowed shall be raised upon debentures issued either in England or Natal, each debenture being for a sum of One Hundred Pounds sterling or a multiple of One Hundred Pounds, and the loan shall be raised upon the most favourable terms which can be obtained.

Debentures.

4. The principal sums secured by the debentures shall bear interest at a rate not exceeding four per centum per annum, and shall be repaid within forty years from the first day of July, 1902.

Interest.

5. The moneys borrowed under this Act and the interest thereon shall be a charge upon the lands, rents, and revenues of the Trust. Loan charged upon lands, etc., of the Trust.

6. The Secretary to the Trust shall half-yearly, from the date of the raising of the loan, or of any part thereof, appropriate and set apart from the revenues of the Trust a sum of money not less than one per centum of the principal moneys borrowed under this Act for forming a sinking fund, and such sum shall be paid to such persons, not being less than two in number, as shall be named by the Governor in Council as trustees for the sinking fund. Sinking Fund.

7. The said trustees shall accumulate the moneys so paid to them to form a sinking fund for the repayment of the loan authorised by this Act, by investing the same and the income thereof in some one or more securities of the Imperial Government of Great Britain or of the Government of a Colony of Great Britain. Formation and investment of Sinking Fund.

8. The trustees may from time to time apply any part of the sinking fund in the purchase of debentures issued under this Act. All debentures so purchased, and the interest coupons attached thereto, shall be immediately cancelled and destroyed. Purchase of Debentures out of Sinking Fund.

9. Subject as last aforesaid, the sinking fund shall be applied in payment, as and when the same shall become due, of the principal moneys for the time being owing on debentures issued under this Act. Payment of Principal out of Sinking Fund.

10. A special account shall be kept of rents and revenues received from lands brought within any irrigation scheme wholly or partly paid for out of the moneys borrowed under this Act, and such rents and revenues shall be used and applied as follows:— Application of moneys from lands brought within irrigation schemes.

- (a) For the payment to the trustees of the sinking fund of the half-yearly sum of not less than one per centum hereinbefore required to be paid to them.
- (b) For the payment of interest upon the debentures under this Act.
- (c) For the payment of the cost of the administration of this Act and of the expenses in and about the upkeep of the works authorised by this Act.

Given at Government House, Natal, this fourth day of October, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 28, 1902.]

HENRY McCALLUM,
Governor.



“To make better provision in regard to the Togat labour system in Boroughs.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

Borough By-laws.

Meaning of “togt man.”

Supersession of Togat Regulations of 1874, by By-laws of Pietermaritzburg or Durban.

Conditions on which Natives may reside in a Borough.

1. The Town Council of any Borough constituted under Law No. 19, 1872, may from time to time make By-laws in the ordinary manner for all the purposes of this Act. Such Town Council is hereinafter referred to as “the Town Council,” and the expression “togt man” as used in this Act means a day labourer or a person employed in service otherwise than under monthly or longer engagement, or a jobber, and applies only to natives.

2. Upon the promulgation in the *Natal Government Gazette* of any By-laws made under this Act by the Town Council of Pietermaritzburg or Durban, the Proclamation by Sir Benjamin Chilley Campbell Pine, dated the 27th day of March, 1874, known as the Togat Regulations, shall cease to apply to such Borough, and section 296 of the Schedule to Law No. 19, 1891, known as the Code of Native Law, shall thereupon be repealed as regards such Borough: Provided that nothing done nor any liability or penalty incurred under the said Proclamation shall be affected by reason of the provisions of this section.

3. No Native shall be allowed to live in any Borough which has adopted by-laws under this Act, unless he be the proprietor or renter of any house or land within the Borough, or is in the monthly or yearly service of a resident in the Borough, or becomes registered under the By-laws as a togt man.

This section and the By-laws shall not apply to a native resorting to a town for the purposes of any judicial proceeding, or by the direction of his chief, or in the course of any lawful employment or service, or of any domestic or other business requiring a visit to the town, the proof of all which exceptions shall rest with him.

Save as aforesaid, every native remaining in such a Borough for more than five days shall be obliged to become registered as a togt man and to comply with the By-laws.

4. The By-laws may amongst other things :

Scope of Togg
By-laws.

- (a) Provide for the registration of togt men ;
- (b) Require that togt men shall reside in a compound or other place specially provided by the Town Council or licensed under this Act ;
- (c) Provide for the approval and licensing of private compounds for togt men, and for regulating their erection, structure, maintenance, and inspection, and for their being kept in a proper and sanitary condition ;
- (d) Make any proper or necessary rules for the conduct, supervision and regulation of compounds and the like places, and for the orderly behaviour of persons using the same, and for the observance by them of any proper discipline ;
- (e) Require togt men to wear badges and to comply with the directions regarding the same ;
- (f) Charge fees for the registration of togt men and for their residence in a compound or other place, and for any other advantages of the togt system ;
- (g) Require togt men to take service by the day under such conditions and for such rate of wages as the by-laws shall appoint ;
- (h) Provide for any other matters necessary or proper for giving full and complete effect to the objects of this Act.

Such By-laws may exclude from any of their provisions any classes of natives to whom it would be inconvenient to apply this Act, notwithstanding that they may come within the foregoing definition of togt men.

Exclusion of
certain classes
of Natives.

5. A license fee of £3 per annum may be charged by the Town Council for each private compound. The granting or refusal of a license shall be in the discretion of the Town Council, without any right of appeal, provided that the granting of such license shall not be deemed to create a vested interest or right of renewal.

Licenses for
private com-
pounds.

6. All revenues derived from fees, licenses, and fines under this Act and the Regulations to be framed thereunder, shall be kept in a Special Account, and shall not be used otherwise than in the administration of the Act.

Application of
togg revenue.

7. When the Town Council shall have provided compounds for the accommodation of togt men no person shall house or harbour any togt man, or any native who is by this

Natives not to
be harboured
except as pro-
vided.

Act required to be registered as a togt man, except in a compound.

Contraventions.

8. All contraventions of this Act or of the By-laws shall be prosecuted and punished in the same manner as contraventions of ordinary By-laws made under the provisions of Law No. 19, 1872, or of any like Act.

Given at Government House, Natal, this Twenty-fifth day of October, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 29, 1902.]

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“To continue the operation of Law No. 9, 1882, entitled Law ‘To continue with certain amendments, the Law No. 25, 1880,’ entitled Law ‘To provide for the Management and Working of the Natal Government Railways.’”

WHEREAS by Act No. 6, 1901, provision is made for the continuance in force and operation until the 31st day of December, 1902, of the Law No. 9, 1882 :

AND WHEREAS the said Act No. 6, 1901, will expire on the 31st day of December, 1902 :

AND WHEREAS it is expedient that the said Law No. 9, 1882, should be continued in force and operation until the 31st day of December, 1903 :

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The Law No. 9, 1882, entitled Law “To continue with certain amendments, the Law No. 25, 1880,” entitled Law “To provide for the Management and Working of the Natal Government Railways,” shall be and remain in force and operation from and after the 31st day of December, 1902, until the 31st day of December, 1903.”

2. The words “Natal Government Railways,” whenever used in the said Law No. 9, 1882, shall include all Government Railways, now or hereafter to be constructed, and all Railways worked by the Natal Government Railways.

Given at Government House, Natal, this Fifth day of December, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 30, 1902.]

HENRY McCALLUM,
Governor.



“ To extend the operation of Act No. 22, 1902, entitled ‘ Act to indemnify the Governor of the Colony, and the Officer Commanding His Majesty’s Forces in Natal, and all persons acting under their authority and in good faith, in regard to acts during the existence of Martial Law.’ ”

WHEREAS Act No. 22, 1902, was promulgated on the 10th day of June, 1902 :

AND WHEREAS the state of war therein referred to ceased on the 31st day of May, 1902 :

AND WHEREAS, by Proclamation of His Excellency the Governor, published on the 4th day of October, 1902, the former Proclamations placing the Colony under Martial Law were revoked, save as to certain persons and things therein specially referred to :

AND WHEREAS it is expedient to extend the operation of Act No. 22, 1902, in order that the same may apply to acts and things done subsequently to the said 10th day of June, 1902, and prior to the commencement of this Act, in the like circumstances and for the same purposes as those acts and things to which the said Act No. 22, 1902, now applies :

BE IT THEREFORE ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The operation of Act No. 22, 1902, entitled " Act to indemnify the Governor of the Colony, and the Officer Commanding His Majesty's Forces in Natal, and all persons acting under their authority and in good faith, in regard to acts during the existence of Martial Law," shall be extended so that it shall in all respects and for all purposes have the same effect as if it had been promulgated on the date of the promulgation of this Act.

2. This Act shall not affect the past operation of the said Act No. 22, 1902.

Given at Government House, Natal, this Fifth day of December, 1902.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.



COLONY OF NATAL.

ACTS

OF THE

PARLIAMENT OF THE COLONY OF NATAL,

PASSED IN THE

FIRST SESSION

OF THE

FOURTH COLONIAL PARLIAMENT,

1903.

PIETERMARITZBURG :

“TIMES” PRINTING AND PUBLISHING COMPANY, LTD.

1903.

No. of Act.	Title.	Page.
15.—	“To increase the Borrowing Powers of the Town Council of the Borough of Durban ”	42
16.—	“To authorise and empower the Mayor and Councillors of the City and Borough of Pietermaritzburg to transfer to themselves the Remainder of the Public Outspan No. 5, and the Public Outspan No. (5) in the said Borough, at present held by them in trust inalienable as outspans or grazing grounds for the use of travellers and the Burgesses of the said Borough, free from all trusts and servitudes at present affecting the same, and to declare the said pieces of land to be portions of the Town Lands of the said Borough ” ...	44
17.—	“To apply a sum not exceeding £1,250,000 for the services of the year ending the 30th day of June, 1904 ” ...	46
18.—	“To increase the Borrowing Powers of the Town Council of Pietermaritzburg ” ...	47
19.—	“To enable the Town Council of the Borough of Newcastle to borrow £10,000, and to extend the water supply of the Borough of Newcastle ” ...	49
20.—	“To increase the borrowing powers of the Town Council of the Borough of Ladysmith.” ...	52
21.—	“To confer borrowing powers upon the Town Council of Dundee, in addition to the powers heretofore given to the Local Board of Dundee, for the purpose of enabling the Town Council to pay off an existing debt of Ten Thousand Pounds, borrowed by the Dundee Local Board under the provisions of the Dundee Loan and Waterworks Act, 1897, and to provide for the improvement and extension of the water supply ” ...	55
22.—	“To enable the Verulam Local Board to borrow a sum not exceeding Eight Thousand Pounds sterling for the purpose of supplying the Township of Verulam with water from the River Umhloti; to construct the necessary works for such purpose; to levy a water rate; and to prevent the pollution of water ”	59

No. of Act.	Title.	Page.
23.—“To	enable the Government of the Colony of Natal to enter into an Agreement with John William Sparks, Harry Sparks, John Thompson, Meyrick Bennett, William James Chapman, and John Henry Ernest Wall, providing for the laying down and working of an electric tramway from the terminus of the Borough Tramways at or near to the Old Toll Bar, Berea Road, Durban, to the Village of Sydenham, and also along the Government Main Road to a spot at or near the Umbilo Waterworks near Pinetown, and for generating and supplying the inhabitants in or about the Village of Sydenham aforesaid with electric light and electric power.” ...	63
24.—“To	amend the Durban County Tramways, Lighting and Electric Current Supply Act ” ...	74
25.—“To	amend the Election Petitions Act, 1895 ”	77
26.—“To	give effect to the fourth clause of the Articles of Surrender, signed at Pretoria on the thirty-first day of May, 1902, and to extend the operation thereof in this Colony ” ...	78
27.—“To	amend the Lung sickness Prevention Act, 1897 ” ...	80
28.—“To	make special provision in regard to the disease known as Rinderpest ” ...	81
29.—“To	make provision for preventing the spread of Rabies in Dogs ” ...	84
30.—“To	place closer restrictions on Immigration ”	86
31.—“To	amend the law relating to Brothels and Immorality ” ...	96
32.—“For	preventing the spread of the disease known as Rhodesian Redwater ” ...	102
*33.—“For	providing a sum not exceeding £6,558,168 18s. 5d. for the Public Service of the Colony for the year ending 30th June, 1904 ...	—
34.—“To	amend the Excise Act. 1901 ” ...	106
35.—“To	amend Act No. 37, 1901, entitled Act ‘To impose an Excise Duty upon Beer brewed in the Colony, and a Customs Duty upon Beer imported from countries belonging to the Customs Union’ ” ...	107
36.—“To	create a Militia Force ” ...	108

*Acts relating to Supply are not bound up in this volume.

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37.—	“To assimilate the Laws in force in the Province of Zululand with the general Laws of Natal”	125
38.—	“To authorise the Town Council of the Borough of Pietermaritzburg to provide a Main Sewerage Scheme for the Borough”	130
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40.—	“For empowering the Governor to raise a Loan for certain Public Works”	134
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42.—	“To empower the Trustees of Grey’s Hospital to apply certain moneys towards the purchase of land and the cost of New Hospital Buildings”	138
43.—	“To continue, with certain amendments, the Public Health Act, 1901”	139
44.—	“To amend the Law relating to Marriages of Natives by Christian Rites”	143
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47.—	“To amend the Code of Native Law”	151
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50.—	“To amend the Law relating to Foreign Seamen”	159

[No. 1, 1903.]

HENRY McCALLUM,
Governor.**E.****R.****ACT,**

“To provide for the annexation to the Colony of Natal of certain Territories now forming a part of the Transvaal Colony.”

WHEREAS it is the gracious pleasure of His Majesty the King that the Territories hereinafter mentioned shall be annexed to the Colony of Natal :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. This Act shall not take effect unless and until the Governor shall notify by Proclamation that it is His Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such date as the Governor shall notify by the same or any other Proclamation.

Commencement
of Act.

2. This Act may be known as “The Northern Districts Annexation Act, 1902.”

Short title.

3. From and after the taking effect of this Act the under-mentioned Territories, situated Northwards of the Colony of Natal, now forming a part of the Transvaal Colony, shall be annexed to and shall thenceforth form a part of the Colony of Natal, that is to say :—

Annexation of
Territories to
Natal.

The District of Vryheid,
The District of Utrecht,

A portion of the District of Wakkerstroom lying south of a line drawn from the North-eastern corner of Natal, East of Volksrust, to the head waters of the Pongolo River, and thence along that river to the border of the Utrecht District.

The aforesaid Territories are in this Act shortly referred to as the “Northern Districts.”

Boundaries,
how to be de-
termined.

4. The exact extent and boundaries of the territories forming the Northern Districts shall be determined by a Commission constituted and appointed in such manner as may be determined by His Majesty's Government. The boundaries so ascertained shall, as soon as conveniently may be, be published by Proclamation of His Excellency the Governor, and shall thereafter be the boundaries of the said Districts.

Laws may be
made for the
Northern
Districts.

5. Laws for the peace, order, and good government of the Northern Districts may be made by His Majesty with the advice and consent of the Parliament of Natal as provided in the Constitution Act of 1893 of the Colony of Natal.

Roman-Dutch
Law to be the
common Law.

6. Save as may be inconsistent with this Act, or with any Proclamation thereunder, the system, code, or body of laws commonly called the Roman-Dutch Law, as established in this Colony by Ordinance No. 12, 1845, shall be the common law of the Northern Districts.

Application of
Laws of Natal.

The Ordinances, Laws, and Acts of the Colony of Natal in force at the time of annexation shall, upon such annexation, apply to and be of force in the Northern Districts, except as may be otherwise provided by this Act, or by any Proclamation thereunder, and all laws theretofore in force in the said districts shall thereupon cease and determine :

Saving of ex-
isting rights
and liabilities.

Provided always that, except in so far as may be inconsistent with the laws of Natal, the provisions of this section shall not affect any right of action, or any other rights or obligations existing, or the liability to trial and punishment for any crime or offence committed, prior to the taking effect of this Act, or the validity of any judgment, order, or sentence of any Court, or the carrying out thereof, but provided also that the prosecution, enforcement, or carrying out of any such matters as aforesaid shall be effected by such means and in such manner as are allowed by the laws of Natal, or by any Proclamation or arrangement made in terms of this Act.

Temporary
provision for
modifying the
Law in the
Northern
Districts.

7. Until other provision shall be made by Act of Parliament, it shall be lawful for the Governor in Council by Proclamation to suspend the action or to modify the operation of any laws of Natal in their application to the Northern Districts, or to preserve in force any special laws of the Transvaal Colony as heretofore administered in the said Districts.

Any such Proclamation may be repealed or altered by a like proclamation.

No such Proclamation shall be issued after the commencement of the next ordinary annual session of Parliament following the general cessation of hostilities, unless it shall be otherwise ordered by any Act, or approved by resolution of Parliament.

Regulations
relating to
public officers.

8. The Governor in Council may make any regulations necessary for defining the status and tenure of office of any officer of the public service of the Northern Districts whose

services shall be retained after the annexation, and for the admission of any such officers to the Civil Service of Natal and to the advantages and obligations of the Acts relating thereto, saving in all respects as far as possible all existing rights and privileges, and so that the services of any such officer which would by the laws or regulations of the public service of the Transvaal Colony be reckoned for purposes of pension shall be reckoned as service for the purposes of pension under the laws of Natal.

No such officer, who shall before the annexation have acquired pension rights shall be required to contribute towards superannuation under the Civil Service Act, 1894, in respect of any services prior to the annexation, or in respect of any future services, unless he would by the laws in force in the said Districts before the annexation be required to contribute in respect of such future service.

Contributions
towards super-
annuation.

9. It shall be lawful for the Governor to pay out of the Consolidated Revenue Fund to all persons holding offices of profit under His Majesty in the Northern Districts at the taking effect of this Act, whose offices shall be abolished, or whose services the Governor may not require to retain, such compensation for loss of office as shall in each case be awarded by the Governor in conformity with the provisions of Law No. 3, 1872, as amended by Law No. 11, 1887.

Compensation
for loss of office.

10. All persons living in the Northern Districts who if in the Colony of Natal, would enjoy franchise rights, are hereby declared to be entitled thereto, but the exercise of such rights shall be postponed until the necessary provision shall have been made in that behalf by Parliament: Provided that a Bill for such purpose shall be submitted by the Governor to Parliament at its next ordinary annual session commencing after the general cessation of hostilities.

Franchise.

11. No person lawfully exercising any profession or carrying on any trade or business in the Northern Districts, for which profession, trade or business, at the time of the annexation an annual license is required by the laws of Natal, shall be required to take out any such license before the first day of January, 1903.

Annual
licenses.

Any deed executed or brought into use in the Northern Districts before the annexation shall be exempted from the operation of the laws of Natal relating to stamps.

Stamps or
deeds.

12. All grants and deeds of title existing and lawfully in force in the Northern Districts at the time of the annexation shall remain in force and effect.

Grants and
Titles.

13. The Governor in Council may make regulations for the record and registration of all instruments and deeds relating to property situated or to persons resident in the Northern Districts, which may have been registered in any public office of the Transvaal Colony, and for the transfer of such documents or copies thereof to the public offices of this Colony, and for the mode of authentication and proof thereof.

Records and
registration.

Conventions or agreements relative to legal proceedings.

14. The Governor may enter into any convention or agreement with the Governor of the Transvaal Colony with respect to the continuation of any proceedings, civil or criminal, pending at the time of annexation, and for the trial and determination thereof either by the Courts of the Transvaal Colony or by those of the Colony of Natal, as also with reference to the records thereof, and the execution and enforcement of the judgments, decrees, orders, or sentences of the Courts heretofore exercising jurisdiction in the Northern Districts, whether the same shall have been pronounced before or subsequent to the annexation.

Any such convention or agreement which may have been entered into before the commencement of this Act shall be deemed to have been made under this Act.

Supreme Court may make rules.

15. The Supreme Court may make any rules necessary for giving effect to the provisions of any such convention or agreement, and for regulating the mode of proof, execution and enforcement of any judgment, decree, order or sentence according to the intention of such convention or agreement.

Jurisdiction of Natal Courts.

16. The Supreme Court and all other Courts of Natal having jurisdiction in the Northern Districts shall respectively have jurisdiction for the continuance, trial, and determination of suits, prosecutions and other proceedings instituted in any Court of the Transvaal Colony before the annexation, but such jurisdiction shall be without prejudice to any jurisdiction which may be exercised by the Courts of the Transvaal Colony in terms of any such convention or agreement as is hereinbefore provided for.

Given at Government House, Natal, this Twenty-fourth day of January, 1903.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary

[No. 2, 1903.]

*Assented to by Order in Council.*HENRY MCCALLUM,
Governor.**E.****R.****ACT,**

"To amend the Indian Immigration Amendment Act, 1895."

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. This Act shall, save as is specially excepted, apply to the children of all Indian immigrants coming within the provisions of Section 2 of Act No. 17, 1895, whether such children shall have been born before or after the arrival of their parents in Natal. Application of Act.

2. This Act shall not apply to any person who shall have attained the age of majority (that is to say in the case of males sixteen years and in the case of females thirteen years) before the date of the taking effect of this Act, or to any lawfully begotten child born in Natal whose father was not at the time of its birth subject to the provisions of Act No. 17, 1895, or to the grandchildren or any later descendants of Indians to whom Act No. 17, 1895, applies. Exceptions.

3. Every Indian child to whom this Act applies shall, upon attaining the age of majority, be obliged : Obligations imposed upon Indian children to whom Act applies.

- (a) To go to India, or
- (b) To remain in Natal under indentures similar to and renewable in the same manner as the indenture referred to in Act No. 17, 1895, as amended by subsequent Acts, or
- (c) to take out year by year, in terms of Section 6 of Act No. 17, 1895, a pass or license to remain in the Colony :

Provided, however, that if such child attains majority before the completion of his father's first or any subsequent indenture, the operation of this section shall be suspended until the completion of such indenture.

In the case of a child whose father is dead or not in Natal, or whose mother was unmarried at the time of the child's birth, the above reference to the father's indenture shall be deemed to apply to the mother's indenture.

4. A child to whom this Act applies shall be entitled to a free passage to India in order to enable him to proceed thither at the end of the first or any renewed term of indenture of his father (or of his mother, as the case may be).

The right to a free passage shall however be lost

(a) If the father, or as in the above case, the mother, shall have completed a term of indenture during the child's minority and shall not have returned to India or entered into a fresh indenture in terms of Act No. 17, 1895.

(b) If the child does not go to India by the first opportunity available to him after attaining his majority or after the end of a term of indenture entered into under this Act.

5. The provisions of Act No. 17, 1895, and of all Laws and Acts construed therewith shall, so far as may be consistent with this Act, extend to all persons to whom this Act applies.

6. This Act shall not come into operation unless and until the Governor notifies by Proclamation in the *Natal Government Gazette* that it is His Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Governor shall notify by the same or any other Proclamation.

Given at Government House, Natal, this Third day of March, 1903.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

Free Passage
to India.

Joint construc-
tion of Acts.

Commence-
ment of Act.

[No. 3, 1903.]

HENRY BALE,
Administrator

“To provide for the Parliamentary Representation of the Northern Districts of Natal.”

WHEREAS by the Northern Districts Annexation Act, 1902, it is amongst other things provided that all persons living in the Northern Districts who, if in the Colony of Natal, would enjoy franchise rights, shall be entitled thereto, but that the exercise of such rights shall be postponed until the necessary provision shall have been made in that behalf by Parliament, and that a Bill for such purpose shall be submitted to Parliament at its next ordinary Session :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. This Act shall be known as “The Northern Districts Parliamentary Representation Act, 1903.”

Short title :
interpretation.

The expression “Northern Districts” as used in this Act shall mean the territories annexed to Natal in terms of the said Northern Districts Annexation Act, 1902.

2. The Legislative Council of Natal shall consist of thirteen members in place of twelve members as provided by Act No. 10, 1898.

Number of
Members of
Legislative
Council.

3. The Northern Districts shall be a district within the meaning of Section 19 of the Constitution Act, 1893, and one member of the Legislative Council shall be summoned therefrom : Provided that such member shall not be summoned before the first day of October, 1903,

Northern Dis-
tricts to be a
District within
Section 19 of
Constitution
Act.

Number of
Members of
Legislative
Assembly.

Sub-division of
Northern Dis-
tricts into two
Electoral Dis-
tricts.

Summoning of
Members of
Legislative
Council, and
Election of
Members of
Legislative
Assembly from
Northern Dis-
tricts

Application of
the Charter of
15th July, 1856

Voters' Rolls

4. The Legislative Assembly of Natal shall consist of forty-three members in place of thirty-nine members as provided by Act No. 10, 1898.

5. The Northern Districts shall be divided into two Electoral Districts, called the Vryheid Electoral District and the Utrecht Electoral District, respectively, and bounded as set forth in the Schedule to this Act, and two members of the Legislative Assembly shall be chosen for each of the said districts: Provided that no such member shall be chosen before the first day of October, 1903.

6. For the purpose of summoning a member of the Legislative Council and of the election of members of the Legislative Assembly, the districts created by this Act shall be treated and considered as if such members had been heretofore summoned and returned to the Legislative Council and Legislative Assembly, respectively, and as if their seats had become vacant, and the like proceedings shall *mutatis mutandis* be taken for filling such vacancies as would in such case be taken to fill the same.

7. The provisions of the Royal Charter of 15th July, 1856, in so far as they may be in force in the Colony of Natal, and all Laws and Acts of Natal relating to the registration and qualification of voters, the making out of Voters' Lists and the proceedings thereon, the qualification, summoning, nomination, and election of members of the Legislative Council and Legislative Assembly, respectively, and all matters connected therewith, shall be in force in and apply, *mutatis mutandis*, to the Northern Districts.

8. The Voters' Rolls for the electoral districts of the Northern Districts shall be brought into use on the first day of September, 1903.

SCHEDULE.

Electoral Districts.	Boundaries.
1. Vryheid Electoral District	The Pongolo River, from the confluence of the Pivaan River eastwards to the boundary of the Province of Zululand; thence in a southerly and south-westerly direction along the boundary of the Province of Zululand to the Umhlatuzi River; thence in a northerly direction along the boundary of the Province of Zululand to the confluence of the Umdhlenevu Spruit with the

SCHEDULE.

Electoral Districts.	Boundaries.
1. Vrijheid Electoral District	<p>Blood River; thence northwards along the Blood River to the southern point of the farm Lynspruit, No. 181; thence along the south-eastern and eastern boundaries of Lynspruit, No. 181; thence along the north-western boundary of Lynspruit, No. 181; thence along the eastern boundary of Weltevreden, No. 122; thence along the south-eastern boundary of Holkrantz, No. 123; thence along the southern boundary of Schuinhoek, No. 128; thence along the western boundaries of Witumveloos, No. 57, and Jagtpad; thence along the southern and eastern boundaries of Jagtpad; thence along the eastern boundaries of Witumveloos, No. 57, Onverwacht, No. 63, Schurverberg Hoek, No. 30, Pivaan, No. 45, and Nooitgedacht, No. 33; thence along the southern boundary of Nooitgedacht, No. 33, to the Pivaan River; thence along the Pivaan River to its confluence with the Pongolo River.</p>
2. Utrecht Electoral District	<p>The Pongolo River, from the confluence of the Pivaan River westwards to the confluence of the Intombi River; thence westwards along the northern border of this Colony to the boundary of Klip River County; thence in a southerly direction along the Buffalo River to the confluence of the Blood River; thence in a northerly direction along the Blood River to the confluence of the Umdhlenevu Spruit; thence in a northerly and north-easterly direction along the boundary of the Vryheid District to the confluence of the Pivaan and Pongolo Rivers.</p>

Given at Government House, Natal, this Twenty-second day of June, 1903.

By command of His Excellency the Administrator,

CHARLES J. SMYTHE,
Colonial Secretary.

HENRY McCALLUM,
Governor.



“To provide for a contribution to His Majesty’s Navy.”

WHEREAS it is desirable to recognise the importance of sea power in the control which it gives over the sea communications, and the necessity of a single Navy under one authority, by which alone concerted action can be assured :

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Interpretation.

1. In this Act the expression “the Admiralty” shall mean the Lord High Admiral of the United Kingdom for the time being, or the Commissioners for the time being for executing the office of Lord High Admiral of the United Kingdom.

Contribution to Navy.

2 From and after the taking effect of this Act, there shall be paid annually to the Admiralty, or such person as they may be pleased to appoint in that behalf, and in such manner as they may be pleased to direct, the sum of Thirty-five thousand pounds sterling (£35,000) out of the public revenue of this Colony as a contribution towards the annual expenditure by the Imperial Government in connection with His Majesty’s Naval Service.

Short Title.

3 This Act may be cited for all purposes as “The Navy Contribution Act, 1903.”

Given at Government House, Natal, this Eighth day of July, 1903.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 6, 1903.]

HENRY McCALLUM,
Governor.**E.****R.****ACT,**

“To amend Law No. 16, 1877, entitled Law ‘To provide for the promotion of Higher Education in the Colony of Natal, and for the establishment, maintenance, and direction of High Schools in the towns of Pietermaritzburg and Durban.’”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. So much of the proviso of Section 14 of Law 16, 1877, as limits the grants in aid of schools not established under that Law to one hundred pounds per annum for each such school, is hereby repealed.

Given at Government House, Natal, this Eighth day of July, 1903.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 7, 1903.]

HENRY McCALLUM,
Governor.

“To amend the Law relating to the Sale and Purchase of Land.”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Declaration of
name of
purchaser.

1. As often as any immovable property shall be sold by public sale, the auctioneer shall, before or at, or forthwith after, the closing of the bidding, ascertain from the bidder for whom he purchases, and if such bidder shall profess to purchase for some person other than himself, then the auctioneer, or his assistant, shall, in case the purchaser so disclosed shall be approved of, take down, in writing, the name of such bidder and of the purchaser for whom he purchases, and until the name of the purchaser, whether the bidder himself or someone else for whom he purchases, shall have been taken down, in writing, there shall be no sale to any person ; and the property may be again put up to competition : Provided that it shall not be necessary that the name of the person, for whom any bidder shall be purchasing, shall be announced publicly to the bystanders, if it be made known to the auctioneer, and be by him or his assistant taken down in writing as aforesaid.

Rights of
Auctioneer on
refusal to
declare.

2. Should any bidder, whose bid shall have been accepted by the auctioneer, refuse to declare, when called upon so to do by the auctioneer, for whom such bidder purchases, it shall be lawful for the auctioneer either to treat and consider such bidder as being himself the purchaser, and such bidder shall, in such case, be deemed and taken to be, to all intents and purposes, the purchaser ; or else, at his election,

to treat such bidding as null and void, and proceed afresh as if it never had been made : Provided that the auctioneer, having once made his election either to treat such bidder as the purchaser, or to proceed to sell afresh, shall not be at liberty afterwards to alter such election.

~~3. If, in any case, any bidder should declare, as aforesaid, the name of some person as his principal, who shall be taken down as the purchaser, and who shall afterwards refuse to accept the property purchased in his name, then, unless the bidder shall produce a sufficient authority, in writing, from such alleged principal, authorising such bidder to make such purchase for such principal, the bidder shall himself (without prejudice to other questions between the parties) be liable to pay transfer duty : Provided that such bidder, paying transfer duty, shall be entitled to recover the same from his principal, in case he shall succeed in proving that such principal did, in fact, give him authority to make the purchase in dispute.~~

Liability of
Agent or
Bidder.

~~4. The provisions of the last preceding section relative to purchases at public sales by agents for alleged principals, shall extend and apply, *mutatis mutandis*, to purchases made by agents for alleged principals, at sales not being public sales.~~

Application of
Section 3 to
private sales.

~~5. No auctioneer, broker, or agent shall take down, or receive in regard to any purchase, the name of any purchaser as purchasing in the manner commonly called and written "q.q.," or receive, in any other form, the name of any person as purchasing for an unnamed principal ; and any auctioneer, broker, or agent contravening this section of this Act shall incur and be liable to a penalty not exceeding Fifty Pounds Sterling.~~

Liability of
Auctioneer.

~~6. If in any case, the person whose name shall have been declared and taken down as the purchaser of any property, shall deny that he gave authority for the making of such purchase, or if, for any other reason, such person shall decline to accept such purchase, and the agent or alleged agent, shall be willing to take such property for his own individual account, and the vendor shall consent thereto, no transfer duty shall be payable upon the sale, or alleged sale, to the alleged principal ; but only a single transfer duty, as if the sale had been made, *ab initio*, to the alleged agent, in his individual capacity ; and the solemn declarations by Law required to be made, shall be altered in the manner indicated in the forms marked A and B in the schedule.~~

Exemption from
Transfer Duty.

~~7. Every private sale, or sale made otherwise than by auction, in regard to which the purchaser shall not profess to purchase for himself, in his individual capacity, shall be wholly null and void, unless at the time of making and completion thereof, the name of the principal for whom the purchase is made shall be disclosed, and inserted in the note or memorandum, in writing, if any, which may be made in regard to such sale,~~

Private Sales.

SCHEDULE.

FORM A.

I, A. B., do solemnly and sincerely declare that I sold to C. D., as the agent, or alleged agent, of E. F., on the _____ day of _____, 19____, and not before, the property following, namely: (here describe the property), for the sum of £ _____. And I declare that the said E. F. has declined to accept the property, and that the said C. D. has signified his willingness to take the same to and for his own individual account, for the said sum of £ _____, neither more nor less. And I further declare that there is not any agreement, condition, or understanding between me and the said C. D., whereby he has paid or is to pay to me or to any other person whomsoever, for or in respect of, or in connection with the purchase by him of the said property, any sum of money over and above the said sum of £ _____, save and except certain charges or payments which fall under or come within one or more of the heads or items of charges or payments other than purchase price.) And I further declare that I have not received, and that I am not to receive, nor has any other person received, nor is any other person to receive, for my use or benefit, or at my instance or request, any valuable consideration besides the sum of £ _____, save and except in so far as any of the charges above specified, and to be paid by the said C. D., might be held or taken to be payable for me or in my behalf. And I further declare that the said C. D., as the agent, or alleged agent, of the said E. F., is the only person who has ever purchased the said property, and that I never sold the same to any other person than, in manner aforesaid, to the said C. D., who with my consent and by virtue of the Act in that behalf provided, takes over the property aforesaid as his own. And I make this solemn declaration, conscientiously believing the same to be true.

(Signed) A. B.

Declared before me, this _____ day of _____, 19____.

day of

FORM B.

I, C. D., do solemnly and sincerely declare that I did, in the name of E. F., purchase from A. B., on the _____ day of _____, 19____, and not before, the property following, namely: (here describe the property), for the sum of £ _____, and I declare that the said E. F. has declined to accept the said property, and that the said A. B. has consented and agreed that I shall take over the said property as the purchaser thereof, for the sum of £ _____. And I further declare that I have not, nor has any person to my

[No. 8, 1903.]

HENRY MCCALLUM,
Governor.

“To authorise the amalgamation of the Title Deeds and Diagrams of contiguous properties owned by the same person.”

B E IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

Applications for
Certificates of
Registered
Title.

1. Any person being the registered owner of two or more pieces of land contiguous to each other, such pieces of land being represented by separate diagrams, may apply in writing to the Registrar of Deeds for a “Certificate of Registered Title” stating that such person is the registered owner of the land to be therein described according to a diagram, which diagram shall include, and indicate the aggregate extent of, the several pieces of land so held by such person, and be compiled in the Surveyor-General's Office.

Lands to form
portion of same
original Grant.

No person shall be entitled to apply for a certificate of registered title unless the lands, the subject of the application, form portions of the same original grant or transfer from the Crown, nor unless the lands are free from any registered mortgage.

Applicant to
submit Deeds,
&c.

2. The applicant shall, with his application, submit the several deeds of grant or of transfer under which he holds, with the diagrams belonging thereto.

Issue of Certifi-
cates in form
of Schedule.

3. The Registrar of Deeds may, upon receiving such application, grant and issue to the applicant a certificate of registered title, which shall be as nearly as is material in the form contained in the Schedule.

Endorsement
and retention of
existing Deeds.

4. At the time of granting any such certificate as aforesaid, the Registrar of Deeds shall cause all necessary endorsements or entries to be made upon the existing deeds of transfer, and in the registers in his office, showing the consolida-

tion of the applicant's title, and shall retain the deeds previously in the possession of the applicant.

Existing
Servitudes.

5. No servitude, terms or conditions affecting any of the lands included in a certificate of registered title, whether the same be shown upon the prior deeds of transfer or diagrams or by separate deed, shall in any way be affected by the amalgamation, but the particulars thereof shall be endorsed upon the said certificate of registered title, and any servitude shown upon the diagram of any of such lands shall be also shown upon the diagram attached to such certificate.

6. The Registrar of Deeds may in any case refuse to issue a certificate of registered title if it appears to him that any right or interest might be prejudiced by the issue of such certificate, or he may require that the consent of any person having an interest by way of servitude or otherwise be given before issue of such certificate.

Registrar of
Deeds may
refuse to issue
Certificate.

In case of such refusal the applicant may apply to the Supreme Court for an order authorising the Registrar of Deeds to issue a certificate of registered title, and the Supreme Court may upon such application make such order as may appear proper.

Application to
Supreme Court.

7. The certificate of registered title when issued by the Registrar of Deeds under the provisions of this Act, and the diagram attached thereto, shall be registered in the Offices of the Registrar of Deeds and Surveyor-General respectively, and shall stand in the place of the grants, deeds of transfer and diagrams previously held by the applicant in respect of the land therein mentioned or described, but no such certificate or diagram shall be deemed to confer upon the applicant any greater or other right than such as he had or possessed under such grants, deeds, or diagrams.

Registration of
Certificates.

8. Every certificate of registered title issued under this Act shall bear a stamp of Thirty Shillings, to be affixed to the duplicate original filed in the office of the Registrar of Deeds.

Stamp Duty.

SCHEDULE.

(Stamps, 30s.)

CERTIFICATE OF REGISTERED TITLE.

Granted pursuant to the provisions of Act No. 8, 1903.

KNOW ALL MEN WHOM IT MAY CONCERN :—

THAT WHEREAS _____ is the registered owner of the following pieces of land :—

(1) *(Describe the land)*
transferred to him on _____ by deed of transfer
No. _____

(2) *(Describe the land)*
transferred to him on _____ by deed of transfer
No. _____

AND WHEREAS the said _____ has made application under the provisions of Act No. 8, 1903, for the issue to him of a Certificate of Registered Title with a single diagram in place of the several deeds of transfer and diagrams relating to his said pieces of land, and it appears to me to be proper to grant the same :

NOW THEREFORE, in pursuance of the provisions of the above recited Act, I, the Registrar of Deeds, do hereby certify that the said _____ is registered as the owner of (*describe the land*) extending (*describe the boundaries indicated by the diagram*), as will more fully appear by the annexed diagram, subject to such conditions as are mentioned or referred to in the said (*describe the grants or deeds of transfer*).

AND by virtue of these presents the said _____, his heirs, executors, administrators, and assigns, now are, and henceforth shall be, entitled thereto, conformably to local custom, Government however reserving its right.

IN WITNESS WHEREOF, I, the said Registrar, have subscribed to these presents.

THIS done and executed at the Office of the Registrar of Deeds at Pietermaritzburg, in the Colony of Natal, on the _____ day of the month of _____, in the year of Our Lord one thousand nine hundred and _____

.....
Registrar of Deeds.

NOTE.—*When the Certificate is issued under an order of Court, the necessary recital of the order is to be made.*

Given at Government House, Natal, this Eighth day of July, 1903.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 9, 1903.]

HENRY McCALLUM,
Governor.**ACT,**

“To authorise the construction, equipment, and working of a Line of Railway in the District of Vryheid.”

WHEREAS a certain Line of Railway between Vryheid and the Border of Natal was in the year 1899 in course of construction for the Government of the late South African Republic, and remains incomplected at the present time :

AND WHEREAS the Territories of the South African Republic have become annexed to the British Dominion under the title of the Transvaal Colony.

AND WHEREAS certain portions of the Transvaal Colony, including the territory over which the aforesaid Railway passes, have been annexed to and now form part of the Colony of Natal :

AND WHEREAS, with the consent of His Majesty's High Commissioner for South Africa, acting on behalf of His Majesty the King, an agreement has been entered into between the Colonial Government of Natal and the firm of McLagan and Maby Brothers for the completion and equipment of the said Railway, and it is desirable that the authority of Law should be given for the completion, equipment, maintenance, and working of the said Railway :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. This Act may be cited as “The Buffalo-Vryheid Short Title Railway Act, 1903.”

[No. 10, 1903.]

HENRY McCALLUM,
Governor.



“To extend the provisions of Law No. 7, 1877, entitled Law ‘To regulate the importation, landing, storage, and carrying of dynamite and other explosive substances.’”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Law No. 7, 1877, shall apply to the importation of explosives over any inland border in like manner, *mutatis mutandis*, as to the importation of explosives by sea.

Given at Government House, Natal, this Eighth day of July, 1903.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary

[No. 11, 1903.]

HENRY McCALLUM,
Governor.**ACT,**

"To incorporate the Natal Museum.

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. A board of trustees, composed as hereinafter mentioned, shall be and is hereby constituted a body corporate by the name of "The Trustees of the Natal Museum," by which name such body corporate shall have perpetual succession and shall have a common seal, and shall, by the same name, sue and be sued in all Courts of this Colony, and shall be capable in Law to take, purchase, and hold to them and their successors any property movable or immovable, and to do all other matters and things incidental to or appertaining to a body corporate.

Board of
Trustees.

2. It shall be lawful for the trustees to alienate, mortgage, or otherwise dispose of any property, movable or immovable, belonging to the said museum, save as is hereinafter excepted, with the consent in writing of the Governor in Council, or to borrow moneys for the use and purposes of the said museum upon the security of any moneys granted to the museum from the public revenue.

Power of
alienation.

The powers under this section shall not, however, extend to the alienation or mortgage of or other charge upon the books, coins, or specimens, or the objects of science, art, or literature belonging to or kept at the museum, save by way of the sale or exchange of duplicate or spare articles.

Exclusion of
Exhibits.

3. The said body corporate shall consist of twelve trustees, who shall in the first instance be the following persons:—

Constitution of
Board.

Arnold Worthington Cooper,
Christopher John Bird,
George Thomas Plowman,

John Leslie Masson,
Ernest Hill,
William Anderson,
Claude Fuller,
Edmund Neville Nevill,
Herbert Watkins Pitchford,
Morton Green,
Charles Joseph Gray,
Henry Clifden Burnup.

- Vacancies. **4.** All vacancies which may occur among the trustees by death, resignation, absence from the Colony, removal from office or otherwise, shall be filled up by the Governor in Council, and all appointments of new trustees shall be published in the *Natal Government Gazette*.
- Quorum. **5.** At every meeting of the said trustees five trustees shall form a quorum, and all questions shall be decided by the majority of votes of the trustees present. The Chairman of the meeting shall have a deliberative vote, and, in the event of there being an equality of votes, he shall also have a casting vote.
- Management and superintendence. **6.** The said trustees shall have the entire management and superintendence of the affairs, concerns, and property of the said museum; and in all cases not provided for by this Act it shall be lawful for the said trustees to act in such manner as shall appear to them best calculated to advance the objects of the said institution.
- By-Laws. **7.** The said trustees shall have power and authority to make and also repeal or alter all such by-laws and rules touching and concerning the management and good government of the said museum, and the income and property thereof, and for all matters of procedure, and any other matters or things relative to the same, as to them may seem fit for the effectual attainment of the objects of the institution, the security of its property, and the administration of its concerns. No such by-laws or rules shall have effect until they shall have been approved by the Government and thereafter published in the *Natal Government Gazette*.
- Buildings and Lands. **8.** The museum buildings and the lands upon which they stand shall remain the property of the Government and shall be exempt from all municipal rates and taxes. This exemption shall not extend to lands or buildings owned or kept by the trustees otherwise than as the premises of the museum itself.
- Free Admission. **9.** The said Natal Museum shall be kept open free of charge to visitors during at least four days in the week.
- Reports. **10.** The said trustees shall once at least in every year, and also whenever the pleasure of the Governor shall be signified in that behalf, report their proceedings and the progress of the said institution to the Governor; and a copy of every such report shall be laid before Parliament within one

month after the commencement of each ordinary session thereof.

11. Accounts of the expenditure of the museum shall be furnished annually by the trustees to the Government for examination and audit, and in order that an abstract thereof may be published in the *Natal Government Gazette*.

Accounts of
Expenditure.

Given at Government House, Natal, this Eighth day of July, 1903.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 12, 1903.]

HENRY McCALLUM,
Governor.

“To amend the Post Office Law, 1884.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Additional
Regulations.

1. In addition to the purposes for which regulations may be made in terms of Section 4 of the Post Office Law, 1884, it shall be lawful for the Governor from time to time, to make and alter regulations for the insurance of and for the granting of compensation for the loss of or damage to letters, parcels, and packets forwarded through the post from any place in Natal to any other place therein.

Subject of
Regulations.

2. Such regulations may, *inter alia*, deal with the following matters :—

- (1) The conditions under which such letters, parcels and packets as aforesaid may be posted, conveyed and delivered.
- (2) The declaration or declarations necessary to be made as to the contents of letters, parcels, and packets desired to be insured.
- (3) The maximum amount for which any letter, parcel, or packet may be insured, or which may be granted as compensation in respect of the loss of or damage to such letter, parcel, or packet.
- (4) The fees chargeable for the insurance of such letters, parcels, and packets.
- (5) The articles which may or may not be contained in such letters, parcels, and packets.
- (6) The conditions under which the amount assured shall be paid, and under which claims for loss or damage shall be entertained.

(7) The period within which claims for compensation for letters, parcels, and packets, and insured letters, parcels, and packets may be entertained.

3. Nothing contained in or done under, or in pursuance of this Act, shall render the Postmaster-General, either in his personal or in his official capacity, or the Colonial Government, liable to any action or other legal proceeding whatsoever in respect or in consequence of any loss of or damage to any letter, parcel, or packet posted or received for transmission by post whether such loss or damage be occasioned by or arise from any act of neglect of any officer of the Post Office, or any other person, and the decision of the Postmaster-General on all questions arising between him and any person claiming payment in respect of the loss of or damage to any article enclosed in or forming part of any such letter, parcel, or packet shall be final and conclusive.

Immunity of Postmaster-General and Colonial Government.

4. It shall be lawful for the Governor, if he shall deem it expedient so to do, to make arrangements or conventions for extending to the United Kingdom, or any British Possession or Foreign Country, the system of insurance and compensation provided by this Act.

Extension to other Countries.

5. So soon as any such arrangement or postal convention shall have been made under the authority of this Act, the Governor may from time to time issue a Proclamation defining a time for such arrangement or convention to come into operation, and from and after such time the provisions therein as to any payments, insurance, or compensation thereunder, and the regulations therein set forth, shall be observed and have force of law.

Date of such Extension.

6. Copies of all arrangements or conventions made between the Government of this Colony and the Postmaster-General of the United Kingdom, or the proper authorities of any British possession or Foreign Country, and copies of all regulations or orders made by the Governor under the provisions of this Act, shall from time to time be laid before both Houses of Parliament within thirty days after the making thereof, respectively, if Parliament be in Session, and if Parliament be not then in Session within thirty days after the commencement of the next Session.

Copies of Conventions to be laid before Parliament.

7. Nothing in this Act contained shall be taken or deemed in any way to affect, impair or weaken the provisions of Section 47 of the Post Office Law, 1884.

Reservations.

8. This Act may be cited for all purposes as "The Post Office Law Amendment Act, 1903."

Short Title.

Given at Government House, Natal, this Eighth day of July, 1903.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 14, 1903.]

HENRY McCALLUM,
Governor.**E.****R.****ACT.**

“To provide for the entry by the Colony of Natal into a South African Customs Union, and to amend the Law relating to Customs Tariffs.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

Short title.

1. This Act may be cited as the Customs Union and Customs Duties Act, 1903.

Repeal of Act No. 50, 1898.

2. (a) The Customs Union and Customs Duties Act, 1898, is hereby repealed, without prejudice to anything done or any appointment made, or any right acquired or liability incurred thereunder.

Savings as to existing regulations.

(b) Any regulations made under the said repealed Act shall, save so far as they may be inconsistent with this Act, remain in force until other regulations shall have been made in lieu thereof under this Act.

Suspension of Sections 112 to 116 of Customs Act, 1899.

(c) Sections Nos. 112 to 116 inclusively of the Customs Consolidation and Shipping Act, 1899, shall be suspended during the continuance of this Act.

Joint construction with Customs Act, 1899.

(d) Save as aforesaid this Act, and the Customs Consolidation and Shipping Act, 1899, shall be construed together as one Act.

Notification of countries constituting or admitted to Customs Union.

3. The Governor in Council shall by proclamation notify the names of the Colonies, Territories, or States constituting a Customs Union (hereinafter referred to as the Union), and it shall be lawful for the Governor in Council from time to time by proclamation to declare the admission to the Union of any other Colony, or Territory, or State of South or Central Africa having a civilized Government.

Imposition of Customs duties.

4. In lieu of the duties imposed by the Customs Union and Customs Duties Act, 1898, there shall, subject to the provisions hereinafter contained, be levied and paid upon the

goods, merchandise, and things imported or brought into this Colony the duties as set forth in Classes I., II., III., and V. of the Schedule of this Act, and all such duties shall be paid to the general revenue of the Colony.

5. A rebate of the duties imposed by this Act shall be granted on any goods and articles the growth, produce, or manufacture of the United Kingdom of Great Britain and Ireland imported therefrom into Natal for consumption therein or in any Colony, Territory, or State of the Union, to the extent following:

Rebate upon goods and articles from the United Kingdom.

- (a) In the case of goods and articles liable to Customs duty under Class I., II., or V. of the Schedule of this Act, a rebate of twenty-five per cent. of any duty chargeable thereon at an *ad valorem* rate, but of no other duty, and
- (b) In the case of goods and articles liable under Class III. of the said Schedule to duty at an *ad valorem* rate of two and one-half per cent., a rebate of the whole of such duty:

Provided that the manufactured goods and articles in respect of which such rebate as aforesaid is granted shall be *bona fide* the manufactures of the United Kingdom, and that in the event of any question arising as to whether any goods or articles are entitled to such rebate as aforesaid the decision of the Minister having charge of the Department of Customs shall be final.

6. Whenever the Governor shall by proclamation declare that any British Colony, Protectorate, or Possession has made provision for granting equivalent reciprocal privileges to the Colonies and Territories belonging to the Union, a rebate similar to that for which provision is made by Section 5 of this Act shall be granted in like manner and under the like provisions to goods and articles the growth, produce, or manufacture of such British Colony, Protectorate, or Possession, from a date to be appointed in such Proclamation:

Similar rebate upon goods, etc., from British Colonies, granting equivalent reciprocal privileges to countries of Union.

Provided that such Proclamation shall not be made until the date to be so appointed shall have been mutually agreed upon by the Colonies, Territories, and States belonging to the Union.

7. On and after the coming into operation of the Convention signed at Brussels on the 5th day of March, 1902, between the United Kingdom and certain other Powers relative to the bounties on sugar (the date of which shall be notified by the Governor in the *Natal Government Gazette*), a special additional duty equivalent to any bounty which may be granted on sugar from any country which is not a party to the said Convention shall be levied and paid on the importation into Natal of such sugar.

Additional duty on bounty-fed sugar.

For the purposes of this section the term sugar shall include sugar products such as preserves, chocolates, biscuits, condensed milk and all other analogous products containing in a notable proportion sugar artificially incorporated.

Free list.

8. The goods, merchandise and things set forth in Class IV. of the Schedule of this Act shall, subject to the special provisions hereinafter contained, be admitted into this Colony free of duty.

Duty upon spirits made in the Union from produce of a country of the Union.

9. A duty of Customs shall be levied and imposed upon spirits distilled from the produce of and in any Colony, Territory, or State belonging to the Union when imported into this Colony, which duty shall be equivalent to the duty imposed by way of Excise according to the Laws of this Colony at the time of such importation upon spirits of the like class here distilled: Provided that, subject to any regulations to be made in that behalf, a rebate may be allowed of the whole or any part of the Customs duty upon any rectified spirits of wine distilled in any Colony, Territory, or State belonging to the Union from the produce of the vine and imported into Natal solely for use by chemists and druggists in the preparation of medicines, perfumery, and non-potable articles ordinarily sold in the course of their trade. Such regulations may provide for the placing of such rectified spirits in bond, and may empower the Collector of Customs, if he should in any way see fit to do so, to require that the medicines or their preparation as aforesaid shall be made in bond.

Rebate upon certain spirits of wine.

Duty on beer made in the Union.

10. A duty of Customs shall be levied and imposed on beer as defined in Act No. 37, 1901, brewed in any Colony, Territory, or State belonging to the Union, when imported into this Colony, which duty shall be equivalent to the duty imposed by way of Excise at the time of such importation upon beer brewed within this Colony.

Suspension of duty on foreign wheat, flour and meal for home consumption.

11. Notwithstanding anything to the contrary contained in this Act, the Customs duty imposed by this Act, upon wheat grown in any place not within the Union, and upon flour wheaten and wheaten meal, including pollard, manufactured from other than South African wheat and intended for consumption in this Colony shall be suspended until the Governor in Council shall, by Proclamation, notify that such suspension shall cease: Provided that such suspension shall not apply to the duties upon such articles as aforesaid which may be imported into and removed from this Colony into any other Colony, Territory, or State within the Union, unless a similar suspension is in operation in such Colony, Territory, or State, and, save as last aforesaid, the full duties shall be levied upon such articles so removed.

Bounty payable, during such suspension, on wheat, flour and meal from the Union.

12. So long as such suspension shall continue in force a bounty equivalent to the Customs duty so suspended shall be paid by the Government of Natal to the Government of any Colony, Territory, or State within the Union upon any wheat grown within the Union, or flour wheaten or wheaten meal, including pollard, produced and manufactured within the Union solely from wheat grown within the Union, and im-

ported upon a due declaration from such Colony, Territory, or State for consumption within this Colony.

Such payment shall be made in accordance with regulations mutually approved of by the Governor of this Colony and the Government to which such payment is to be made.

13. The Customs duty imposed by this Act upon fresh, chilled, and frozen meat, and on animals imported for slaughter, shall be suspended until the Governor shall, by Proclamation, notify that a majority of the parties to the Union have agreed that such suspension shall be removed, and on and after a date to be appointed by such Proclamation the Customs duty aforesaid shall be imposed and levied.

Suspension of duty on fresh, chilled, and frozen meat and slaughter animals.

14. The Governor in Council may by proclamation allow a rebate of the whole or any part of the Customs duty upon soap and other substances imported for and used exclusively in connection with the industry of wool washing, or upon methylated spirits or alcohol imported solely for manufacturing or scientific purposes within this Colony.

Rebate on wool-washers' soap and manufacturers' spirits.

15. Whenever any goods on which the duty has been paid in this Colony shall be removed to any Colony, Territory, or State within the Union, there shall be payable to the Government of such Colony, Territory or State ninety-five per cent. of the Customs Union duties collected under this Act on the said goods.

Payment of proportion of duty to Government of Union country to which goods are removed.

16. The Governor in Council may from time to time by proclamation grant a rebate of the whole or any part of the Customs duty payable upon any goods imported or warehoused on importation into this Colony and removed to any Colony, Territory, or State outside the Union.

Rebate on goods removed to country outside the Union.

17. Under the authority of the proper officer of Customs, and subject to such regulations as may be made in that behalf, goods warehoused under bond in any bonded warehouse lawfully appointed may, without the payment of duty before removal, be removed under bond from such warehouse to be re-warehoused in any duly appointed bonded warehouse in the Union.

Removal of goods in bond to a country in Union.

18. If the Government of any Colony, Territory, or State within the Union shall notify to the Government of Natal that any articles the importation of which is prohibited by Section 38 of the Customs Consolidation and Shipping Act, 1899, are allowed to enter such Colony, Territory, or State, such articles shall be allowed to pass through Natal to such Colony, Territory, or State, upon the payment of proper duty thereon, and subject to such precautions as may be prescribed by the regulations under this Act.

Transmission of articles prohibited under Customs Act.

19. Any person who shall contravene the provisions of this Act, or of any regulation thereunder, shall forfeit treble the duty-paid value of the goods concerned, or the sum of One Hundred Pounds Sterling, at the election of the Collector of Customs.

Punishment for contravention of Act or regulations.

Prosecutions.

Any such contravention shall be cognizable in the Court of the Magistrate, without prejudice to the jurisdiction of the Supreme Court.

This section shall not prejudice or affect any liability to prosecution or other proceeding under the Customs Consolidation and Shipping Act of 1899, provided that a person be not twice punished for the same act.

Forfeiture of goods imported in contravention of Act.

20. All goods the subject of a contravention of this Act or the regulations thereunder shall be liable to forfeiture in manner provided by the Customs Consolidation and Shipping Act of 1899.

Regulations.

21. The Governor in Council may from time to time make regulations providing for:—

- (a) The collection of the Customs duties provided for by this Act in respect of goods imported either by sea or across an inland border, or brought into the Colony in bond;
- (b) The payment to any other Colony, Territory, or State of the Customs duties collected in this Colony on the goods removed to such Colony, Territory, or State, subject to such deduction as is provided for by this Act.
- (c) For the rebate of Customs duties authorised by this Act.
- (d) For the warehousing and removal of the goods referred to in this Act, and for their conveyance to any place within the Union, whether in bond or otherwise, or to any place outside the Union;

and generally for all matters whatsoever necessary for fully and effectually giving effect to the provisions of this Act.

Commencement of Act.

22. This Act shall commence and take effect upon a day to be appointed by the Governor in Council by proclamation.

SCHEDULE.

CLASS I.—SPECIAL RATES.

	£	s.	d.
1. Ale, beer and cider: all kinds of strength exceeding 3 per cent. of proof spirit, per Imperial gallon	0	1	6
(and in addition ten per cent. <i>ad valorem</i>).			
Note.— <i>Vide</i> Section 10 of this Act.			
2. Acetic acid, per Imperial gallon	0	3	0
3. Animals, viz.:—			
(a) Cattle for slaughter, each	1	10	0
(b)—Sheep for slaughter, each	0	5	0
Note.— <i>Vide</i> Section 13 of this Act.			
4. Beads, known as “Kam beads,” per lb.	0	0	6

	£	s.	d.
5. Blasting compounds, including all kinds of explosives suitable and intended for blasting, and not suitable for use in firearms; and collodion cotton not intended for manufacturing purposes, per lb.	0	0	1½
6. Butter, butterine, margarine, ghee and other substitutes for butter, per lb.	0	0	2
7. Chicory and substitutes for coffee or chicory, per lb.	0	0	2
8. Coffee :—			
(a) Raw, per lb.	0	0	0¾
(b) Roasted, ground or mixed, per lb.	0	0	2
9. Cocoa and chocolate, unsweetened, per lb.	0	0	1
10. Cocoa and milk, chocolate and milk, and coffee and milk, per lb.	0	0	1
11. Condensed, desiccated or preserved milk or cream, per lb.	0	0	0½
12. Coals, per ton of 2,000 lbs.	0	3	0
13. Coke and patent fuel, per ton of 2,000 lbs.	0	2	0
14. Confectionery, including sweetened cocoa or chocolate, honey, jams, preserves, sweetmeats, candied or preserved ginger or chow-chow; and all other kinds compounded, made or preserved with sugar, but not including purely medicinal preparations properly classed as apothecary-ware, per lb.	0	0	2
15. Corn and grain, viz. :—Barley, maize, millet, oats, rye, wheat, beans and peas :			
(a) In the grain, or (b) crushed, flaked, ground, hulled, pearled, split or otherwise prepared, except oats not in the grain and bran, per 100 lbs.	0	1	0
(c) Flour, wheaten, or wheaten meal, including pollard, per 100 lbs.	0	2	0
Note.— <i>Vide</i> Free List and Sections 11 and 12 of this Act.			
16. Dates, per lb.	0	0	0½
17. Fish :—Cured, dried, pickled, preserved, pressed or smoked, not being of South African taking, per lb.	0	0	1
18. Fodder, viz. :—Chaff, hay, lucerne, oat-hay and other fodder, not otherwise described, but not including bran, per 100 lbs.	0	1	0
19. Fruits :—Preserved, of all kinds, bottled, tinned or otherwise preserved, including pulp and candied peel, per lb.	0	0	2
20. Fruits : Dried of all kinds, including almonds and nuts, per lb.	0	0	2

	£	s.	d.
21. Gunpowder and other explosives suitable for use in firearms, per lb.	0	0	6
(and in addition ten per cent. <i>ad valorem</i> .)			
22. Guns and gunbarrels, firearms:			
(a) Single, per barrel	1	0	0
(b) Double and other, per barrel	0	15	0
(and in either case in addition ten per cent. <i>ad valorem</i> .)			
23. Meats, including lard, fats, soups, and other similar substances used as food, but not including extracts and essences or tallow, per lb.	0	0	1
(<i>Vide</i> Section 13 of this Act.)			
24. Matches: (a) Wooden: In boxes or packages of not more than 100 matches, per gross of boxes or packages	0	2	0
In boxes containing more than 100, but not more than 200 matches, per gross of boxes or packages	0	4	0
and for every 100 additional matches, in boxes or packages, per gross of 100 matches	0	2	0
(b) Fusees, vestas or wax matches, or other patent lights used as such: in boxes or packages containing not more than 50, per gross of boxes or packages	0	2	0
In boxes or packages of more than 50, but not more than 100, per gross of boxes or packages	0	4	0
And for every 50 additional in boxes or packages, per gross of 50 matches	0	2	0
25. Onions, not preserved, per lb.	0	0	0½
26. Pickles, Sauces, Chutneys, Chillies and other condiments, per lb.	0	0	2
27. Pistols and revolvers, each	0	5	0
(and in addition ten per cent. <i>ad valorem</i> .)			
28. Soap, not including toilet soaps and soap powders and extracts, per lb.	0	0	0½
Note.— <i>Vide</i> Section 14 of this Act.			
29. Spices and turmeric, per lb.	0	0	2
30. Spirits:			
(a) Perfumed, per Imperial gallon	1	0	0
(b) Liqueurs and cordials exceeding 3 per cent. of proof spirit, per Imperial gallon	0	15	0
(c) Other sorts, exceeding three per cent. but not exceeding the strength of proof by Sykes' Hydrometer and so			

£ s. d.

	on in proportion for any greater strength, per Imperial gallon . . .	0	15	0
	(And in addition ten per cent. <i>ad valorem</i> on all the above classes of spirits.)			
	Note.— <i>Vide</i> Section 9 of this Act.			
31.	Sugar :			
	(a) Not refined, golden syrup, molasses, saccharum and treacle, per 100 lbs.	0	3	6
	(b) Refined, per 100 lbs.	0	5	0
	Note.— <i>Vide</i> Section 7 of this Act.			
32.	Tea, per lb.	0	0	4
33.	Tobacco :			
	(a) Cigars and cigarillos, per lb.	0	6	0
	(and in addition ten per cent. <i>ad valorem</i>).			
	(b) Goorak or Goorakco, and Hookah mixture, and all imitations or substitutes, per lb.	0	6	0
	(c) Snuff, per lb.	0	4	0
	(d) Cigarettes, per lb.	0	4	0
	(and in addition ten per cent. <i>ad valorem</i>).			
	(e) Manufactured and cut, per lb.	0	3	6
	(f) Manufactured but uncut, per lb.	0	3	0
	(g) Not manufactured but stemmed, per lb.	0	2	6
	(h) Not manufactured and unstemmed, per lb.	0	2	0
34.	Vinegar :			
	(a) Of standard strength, fit for immediate use as such (<i>i.e.</i> requiring no more than 40 grains of bi-carbonate of potash to neutralise one ounce Troy)			
	(1) In bottles or other vessels of the capacity of not more than one Imperial quart per Imperial gallon	0	1	0
	(2) In larger vessels or in bulk, per Imperial gallon	0	0	6
	(b) Concentrated extract or essence, of greater strength than above, per Imperial gallon	0	3	6
35.	Wine :			
	(a) Still wines not exceeding 20 per cent. of proof spirit, per Imperial gallon	0	4	0
	(b) Still wines exceeding 20 per cent., but not exceeding 50 per cent. of proof spirit, per Imperial gallon	0	8	0
	(c) Sparkling Wines, per Imperial gallon (and in addition ten per cent. <i>ad valorem</i> on all the above classes of wine).	0	12	6

Note.—Wines containing less than three per cent. of proof spirit are not in-

cluded in the above, and wines containing more than 50 per cent. of proof spirit are classed as spirits.

CLASS II.

Mixed *ad valorem* Rates.

36. Bicycles, tricycles and velocipedes and parts thereof, per £100	12	10	0
37. Blankets and sheets, or rugs, cotton or woollen, or manufactured of cotton and wool, commonly used cotton or woollen blankets or rugs, the single article, in pairs or in the piece; and coats, jackets, or other apparel made of blanketing or blaze, per £100	25	0	0
38. Bon-bons, surprise packets and crackers, and other similar fancy confectionery, per £100	25	0	0
39. Cards, playing, per £100	25	0	0
40. Carriages, carts, coaches, wagons and all other wheeled vehicles, not elsewhere described, intended for the conveyance of persons or goods, including finished parts thereof, not being metal parts not usually made in the Union, but required in the manufacture of wheeled vehicles therein; but not including bath chairs, perambulators, toy carts, store trucks or barrows, per £100	12	10	0
41. Extracts and essences of all kinds for flavouring or perfumery, including saccharine, per £100	25	0	0
42. Fireworks of all descriptions, per £100	25	0	0
43. Medicines, patent or proprietary, per £100	25	0	0
44. Motor vehicles, including their parts, and motor cycles, but not including traction engines and power lorries, per £100	5	0	0
45. Oils, essential or perfumed, per £100	25	0	0
46. Perfumery, cosmetics, dyes, powders and soap, and other preparations for toilet use, and soap powders and extracts, per £100	25	0	0
47. Shawls, per £100	25	0	0

CLASS III.

Ad valorem 2½ per Cent.

48. Acids: nitric and sulphuric.
 49. Asbestos packing and boiler composition.

50. Assay apparatus.
51. Bands and belting of all kinds for driving machinery, boiler tubes, bolting cloth and mill silk.
52. Battery cloth and baize, gauze, matting, sieving and screening for use in connection with machinery and apparatus.
53. Bolts, nuts and rivets.
54. Bolts and jars of common glass or earthenware, and bottles ordinarily used for aerated waters : empty.
55. Chain for hauling.
56. Chimneys : metal (smokestacks).
57. Corks and bungs, and corkwood unmanufactured.
58. Cranes, elevators and shears.
59. Crucibles, cupels, cupelling furnaces, ingot moulds, retorts and furnaces for roasting minerals.
60. Cyanide of potassium.
61. Fire escapes and fire hose and hose reels.
62. Hose : steam, suction and armoured (not including garden), for use in connection with machinery and apparatus.
63. Machinery, not elsewhere described, to be driven by cattle, electric, gas, heat, hydraulic, pneumatic, steam, water or wind power, including spare parts ; and apparatus and appliances used in connection with the generating and storing of electric power or gas ; electric cable or wire and the posts for carrying the same ; lamp posts and their fittings.
64. Mining buckets, skips, trucks and tubs, wheeled or otherwise, for hauling on rails and wires.
65. Packing and lagging for engines, machinery and piping.
66. Pipes, piping and tubes of all kinds for gas, steam, drainage, sewerage, irrigation, water supply or pumping, not including downpiping and guttering or cocks and taps.
67. Railway construction or equipment requisites as follows :
—Rails, sleepers, fastenings for rails or sleepers, girders, iron bridge work, culvert tops, locomotives, tenders, ballast trucks, goods wagons, carriages, trollies, engine water-tanks, turn-tables, permanent or fixed signals and weigh-bridges.
68. Rubber for use in connection with machinery and apparatus.
69. Tanks and vats suitable and intended for mining purposes.
70. Telegraphs and telephones :—Materials and instruments for use in construction and working of telegraph and telephone lines.
71. Traction engines and power lorries.
72. Tramway construction and equipment requisites :—Rails, sleepers, fastenings for rails or sleepers, iron gates, girders, iron bridge work, culvert tops, cars, trollies, water tanks and turn-tables.

73. Wire and wire netting for fencing; droppers, gates, hurdles, posts, standards, strainers, staples, stiles, winders, and other materials or fastenings of metal ordinarily used for agriculture, or railway fencing; and bailing wire.
74. Wire rope.
Note.—*Vide* Sections 5 and 6 of this Act.

CLASS IV.

Free.

75. Agricultural implements and machinery, and all apparatus and plant usually and principally employed in farming operations; binding twine and harvest yarn.
76. All raw produce of South Africa, and animals bred in South Africa imported into the Union overland.
77. All animals bred and articles grown, produced or manufactured within the Union, except :
(a) Flour, wheaten, or wheaten meal, including pollard, manufactured from other than South African wheat.
(b) Spirits, beer, or blasting compounds, distilled or manufactured in the Union, should a duty be imposed under Article XVII. of the Convention.
(*Vide* Sections 9, 10, 11, and 12 of this Act.)
78. Ambulance materials imported by recognized associations, corps or hospitals lawfully established for instruction or drill in first aid to the wounded.
79. Anchors and chain cables for the use of ships, tugs or lighters.
80. Animals, living, except cattle and sheep for slaughter.
(*Vide* Section 13 of this Act.)
81. Arms, ammunition, appointments and uniforms for the Regular Military, Naval or Volunteer Imperial or Colonial Forces of His Majesty.
82. Atlases, charts, globes and maps.
83. Bags for flour, grain, manure, produce, sugar, wool, coal and minerals, not including paper bags; and bagging and sacking in the piece.
84. Band instruments and stands, the *bona fide* property of any Government belonging to the Union or of a Regular Military or Volunteer Corps, and not the property of Individuals.
85. Bones, feathers, ivory, hair, hoofs, horns, shells, skins, teeth, wool and other parts of animals, birds, fishes or reptiles, not being manufactured, polished or further prepared than dried and cleaned, but in their raw and unmanufactured state.
86. Bookbinders' requisites, consisting of boards, cloth, leather, marble paper, skin, thread, tape, vellum, webbing, and wire.

87. Books and music, printed, including newspapers and periodicals, not being foreign unauthorised prints of any British or South African copyright work.
88. Borax, bromine, litharge, manganese di-oxide and quick-silver.
89. Bottles and jars of common glass or earthenware imported full of any article liable to a rated duty.
90. Boxes, empty, cardboard and wooden, put together or in pieces or shooks for packing ; and staves.
91. Brass and copper, and composition metal : in bars, ingots, plates and sheets : plain, including perforated, but otherwise unmanufactured.
92. Bullion, coin, specie, bank notes and other paper currency.
93. Carriages, carts, wagons and other wheeled vehicles the manufacture of South Africa, imported into the Union overland.
94. Church decorations, altars, bells, fonts, lecterns, pulpits, organs, plate or vestments, and illuminated windows, imported by or for presentation to any religious body.
95. Coir, candlewick, cotton, flax, fibre, flock, hemp and jute: raw, waste or unmanufactured.
96. Collodion cotton, glycerine and nitrates for manufacturing purposes.
97. Cups, medals, and other trophies imported for presentation, or presented as prizes at examinations, exhibitions, shows, or other public competitions, for excellence in art, bravery, good conduct, humanity, industry, invention, manufactures, learning, science, skill or sport, or for honourable or meritorious public services ; provided that such articles shall on importation or delivery free from the Customs bear engraved or otherwise indelibly marked on them the name of the presenter or presentee and the occasion or purpose for which presented.
98. Consular uniforms and appointments and printed official consular stationery.
99. Cork dust, paper shavings, sawdust, husks and other waste substances intended and suitable for use only as packing material.
100. Diagrams, designs, drawings, models and plans.
101. Diamonds and other gems or precious stones in their rough state.
102. Dye-nuts, gambier, myrobalans, sumach, valonia and other dye stuffs for leather.
103. Engravings, lithographs and photographs, and enlargements or reproductions of the same.
104. Fire clay, terra alba and fire bricks.
105. Fish, fresh, and fish oys ; also dried, cured or salted fish and raw fish oil of South African taking.
106. Fruit : fresh or green, including cocoa-nuts.
107. Fruit and other produce :—driers or evaporators of.

108. Glue.
109. Guano and other substances, animal, mineral or vegetable, artificial or natural, suitable for use as fertilizers or manures.
110. Hair cloth and springs for furniture.
111. Ice.
112. Iron and steel : angle, bar, channel, hoop, rod, plate, sheet or T ; plain, including perforated and galvanised; rough and unmanufactured, not including corrugated sheets.
113. Launches, tugs and lighters; provided that when condemned or landed to be broken up, duty shall be paid at the Customs on the hull and all fittings according to the tariff that may then be in force.
114. Lead : bar, pipe, sheet, foil and acetate of.
115. Leather : patent, enamelled, roan and morocco, and pig-skin in the piece and valve hide.
116. Lifeboats, belts and buoys, and other life saving apparatus imported by any recognised society.
117. Metal of all sorts in bars, blocks, ingots, and pigs for founding, not elsewhere described.
118. Paintings, pictures, picture books and etchings.
119. Paper ordinarily used for printing books, pamphlets, newspapers and posters, or for lithographic purposes.
120. Potash and soda, carbonate, bi-carbonate, caustic, crystals and silicate.
121. Printing and lithographic inks.
122. Printing, lithographing, paper-cutting, folding, numbering and perforating machines or presses, blocks, formes, fontes, plates, rollers, stones and type, and other apparatus suitable only for use in the book-binding or printing industries.
123. Public stores, imported or taken out of bond by, and *bona fide* for the sole and exclusive use of, the Government of His Britannic Majesty, and of any Government belonging to the Union, provided that a certificate be delivered to the Customs Authorities given under the hand of an Officer approved of by the Principal Officer of Customs, setting forth that any duty levied on such public stores would be borne directly by the Government: and provided further that no portions of such stores used or unused shall be sold or otherwise disposed of so as to come into the possession of into consumption by any persons not legally entitled to import the same free of duty, without the consent of the Principal Officer of Customs and the payment of the duties to him by the Officer so selling or disposing of such public stores.
124. Rattans, cane and bamboo: unmanufactured.
125. Resin and carbonate of ammonia.
126. Saddle-trees.

127. School furniture and requisites : being all articles certified by the Superintendent-General of Education, or any official appointed for that purpose in any Colony or Territory in the Union, to be for use in any school.
128. Sculpture, including casts or models of sculpture.
129. Seeds, bulbs, plants and tubers for planting or sowing only, under such regulations as regards edible kinds as the Customs Authorities may impose to safeguard the revenue against diversion into ordinary consumption.
130. Sheep-dip, sheep-dipping powders, materials suitable only for dip, and dipping tanks.
131. Specimens illustrative of natural history, and exhibits for public museums.
132. Sprayers and sprinklers and other apparatus for destroying pests or diseases in stock, plants or trees.
133. Sulphur and other substances for destroying pests or diseases in stock, plants or trees ; and disinfectants.
134. Thread : Boot and shoemakers', saddlers' and sailmakers', and seaming twine.
135. Tin and Zinc : Bar, plate or sheet ; plain or perforated, but otherwise unmanufactured.
136. Tobacco, the produce of South Africa, imported overland.
137. Vaccine virus, toxin and serum.
138. Vegetables : Fresh or green, but not including potatoes or onions.
139. Water-boring and pumping apparatus.
140. Wax, viz. :—Paraffin and stearine and stearine grease ordinarily used in the manufacture of candles.
141. Wine presses and wine pumps.
142. Wood meal.
143. Wool, straw, hay and forage presses.

CLASS V.

General *ad valorem* Rate, Ten per Cent.

144. All goods, wares, or merchandise not elsewhere charged with duty, and not enumerated in the Free List, and not prohibited to be imported into the Union, shall be charged with a duty of ten per cent. *ad valorem*.

Note.—*Vide* Sections 5 and 6 of this Act.

Given at Pietermaritzburg, Natal, this Tenth day of August, 1903.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,
Colonial Secretary.

[No. 15, 1903.]

HENRY McCALLUM,
Governor.

“To increase the Borrowing Powers of the Town Council of
the Borough of Durban.”

WHEREAS it is necessary to increase the Borrowing Powers of the Borough of Durban for the purpose of enabling the Town Council thereof to pay the purchase price of the undertaking, plant, business, and rights of the Natal Telephone Company, Limited, acquired by the said Town Council under the provisions of “The Durban Telephone Act,” and for the further purpose of properly equipping the said undertaking with new appliances, re-constructing old lines, and providing for future extensions and contingencies, to meet the requirements of present subscribers and other persons desirous of being connected with the Telephone System :

BE IT THEREFORE ENACTED, by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal as follows :—

Short Title.

1. The short title of this Act shall be “The Durban Consolidated Stock Act of 1903.”

Authority for Loan.

2. The Town Council of Durban are authorised to borrow a sum not exceeding One Hundred Thousand Pounds (£100,000) Sterling to be used in paying the purchase price of the undertaking, plant, business, and rights, as a going concern, of the Natal Telephone Company, Limited, acquired by the said Town Council under the provisions of “The Durban Telephone Act ” (No. 31, 1897), and to provide for necessary works connected therewith, in accordance with the amount estimated in the Schedule annexed to this Act.

3. The said Town Council are hereby authorised to issue in manner provided by Law No. 29 of 1888, new Consolidated Stock for the moneys borrowed under this Act, and the Stock issued under this Act shall be deemed to be Consolidated Stock within the meaning of the said Law No. 29 of 1888, and shall be a charge upon, and shall, with the interest thereon, be payable out of the rents, rates, and general revenue of the Borough, in the same way as if the Stock issued under this Act had been issued under the said Law No. 29 of 1888.

Consolidated
Stock.

4. Nothing in this Act, and nothing done under the provisions of this Act, shall take away, abridge, or prejudicially affect any right or interest, by way of priority or otherwise, of any persons in or to the rates, rents, and general revenue of the Borough.

Saving of exist
ing Securities.

SCHEDULE.

Purchase price of the Natal Telephone Company's undertaking ...	£22,274	9	7
Estimated cost of new equipment complete, the re-construction of old lines, future extensions, and contingencies ...	77,725	10	5
	<u>£100,000</u>	<u>0</u>	<u>0</u>

Given at Government House, Natal, this seventeenth day of August, 1903.

By command of His Excellency the Governor,

CHARLES J. SYMTHE,
Colonial Secretary.

[No. 16, 1903.]

HENRY MCALLUM,
Governor.**E.****R.****ACT,**

“To authorise and empower the Mayor and Councillors of the City and Borough of Pietermaritzburg to transfer to themselves the Remainder of the Public Outspan No. 5, and the Public Outspan No. (5), in the said Borough, at present held by them in trust inalienable as outspans or grazing ground, for the use of travellers and the Burgesses of the said Borough, free from all trusts and servitudes at present affecting the same, and to declare the said pieces of land to be portions of the Town Lands of the said Borough.”

WHEREAS by Deed of Transfer bearing date the 20th day of February, 1879, certain portions of the Town Lands of the said Borough, being the Remainder of Outspan No. 5, in extent 175 acres 23 perches, more or less, and Outspan No. (5), in extent 13 acres 1 rood 24 perches, more or less, marked on the General Plan of the said City and Borough, have been reserved in favour of the Mayor and Councillors of the said City and Borough, and their successors in office, in trust inalienable, as outspans or grazing grounds for the use of travellers and the burgesses of the said City :

AND WHEREAS the said pieces of land are not now necessary for the purposes for which they were originally reserved :

AND WHEREAS the said Mayor and Councillors are desirous of transferring the said Remainder of Outspan No. 5, and Outspan No. (5), in extent 175 acres 23 perches, more or less, and 13 acres 1 rood 24 perches, more or less, respectively, to themselves free from all trusts and servitudes affecting the same :

AND WHEREAS a Plan of the said pieces of land has been lodged in the Office of the Clerk of the Legislative Council and in the Office of the Clerk of the Legislative Assembly :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal as follows :—

1. It shall and may be lawful for the said Mayor and Councillors, with the consent in writing of the Governor, to transfer to themselves the before-mentioned outspans, viz., the Remainder of Outspan No. 5, containing 175 acres 23 perches, more or less, and bounded north-east by Lots 82, 83, 83a, and 152, south-west by Thomson's Leasehold and Town Lands, otherwise by Town Lands and Lot 1 of said Outspan, and Outspan No. (5), containing 13 acres 1 rood 24 perches, more or less, bounded south-east by Outspan No. 5, south-west by Road, north-west and north-east by Town Lands and Lot 1, free from all trusts and servitudes affecting the same, and the said pieces of land so to be transferred shall form a portion of the Town Lands of the City and Borough of Pietermaritzburg.

Transfer of Remainder of Outspan No. 5, and Outspan No. (5) to the Corporation.

2. The Registrar of Deeds is hereby empowered to register transfer of the portions of land in the foregoing section referred to, to the Mayor and Councillors of the said City and Borough free of transfer duty thereon.

Exemption from Transfer Duty.

Given at Government House, Natal, this Eighteenth day of August, 1903.

By command of His Excellency the Governor,

CHARLES J. SMYTHE,

Colonial Secretary.

HENRY McCALLUM,
Governor.

E.**R.****ACT,**

“To apply a sum not exceeding £1,250,000 for the services of the year ending the 30th day of June, 1904.”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Appropriation
of £1,250,000
towards services
of year 1903-4.

1. The General Revenue of the Colony of Natal is hereby charged towards the services of the year ending the 30th day of June, 1904, with a sum not exceeding One Million Two Hundred and Fifty Thousand Pounds Sterling (£1,250,000), which sum shall be applied towards the services of the year in conformity with the Estimates of Expenditure for the said year which have been presented to Parliament during the present Session thereof, and in anticipation of the passing of the Supply Bill, 1903-1904.

Inclusion of
moneys already
expended
towards such
services.

2. The aforesaid sum of One Million Two Hundred and Fifty Thousand Pounds Sterling (£1,250,000) shall include all moneys which shall have been expended from the General Revenue towards the services of the said year in conformity with the said Estimates prior to the passing of this Act.

Limitation of
expenditure.

3. This Act shall not be deemed to authorise the expenditure of any money for the payment of any salaries upon a higher scale than that upon which they were paid for the month of June, 1903, inclusive of the bonus of ten per centum paid thereupon: Provided, however, that an ordinary annual increment of salary according to an authorised scale in use prior to 30th June, 1903, shall not be regarded as constituting a higher scale of salary within the meaning of this section.

Commencement
of Act.

4. This Act shall take effect upon the date of the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this Twenty-fourth day of August, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 18, 1903.]

HENRY McCALLUM,
Governor.

“To increase the Borrowing Powers of the Town Council of Pietermaritzburg.”

WHEREAS it is expedient to increase the Borrowing Powers of the Borough of Pietermaritzburg for the purpose of enabling the Town Council thereof to provide a Main Sewerage System for the Borough, and to make loans where necessary to property owners for the purpose of making house connections with such system, paving the footpaths, constructing surface drainage, and macadamising the streets of Pietermaritzburg :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of Natal as follows :—

1. The short title of this Act shall be “The Pietermaritzburg Consolidated Stock Act, 1903.”

Short title

2. The Town Council of Pietermaritzburg are hereby authorised to borrow sums up to but not exceeding a total sum of Four Hundred and Ninety Thousand Pounds (£490,000) Sterling, to be used for the purposes, and in the proportions set forth in the schedule to this Act annexed.

Loan of £490,000 authorised.

3. The Town Council are authorised to issue, in the manner provided by Law No. 20 of 1888, new Consolidated Stock for the moneys borrowed under this Act, and the stock issued under this Act shall bear interest at a rate not exceeding ~~four~~ per cent. per annum, and shall be deemed to be Consolidated Stock within the meaning of the said Law No. 20 of 1888, and shall be a charge upon, and shall, with the interest thereon, be payable out of the rents, rates and general revenue of the Borough in the same way as if the stock issued under this Act had been issued under the said Law No. 20 of 1888.

Issue of stock interest : charge upon rates, etc.

Saving of rights.

4. Nothing in this Act, and nothing done under the provisions of this Act, shall take away, abridge, or prejudicially affect any right or interest by way of priority or otherwise, of any person in or to the rates, rents or general revenue of the borough.

SCHEDULE.

	£
Main Sewerage Scheme	200,000
For loans to property owners where necessary for the purpose of making house connections with the Main Sewerage System	90,000
Paving the footpaths, constructing surface drainage, and macadamising the streets of Pietermaritzburg	200,000
	£490,000

Given at Government House, Natal, this seventh day of September, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,

Colonial Secretary.

[No. 19, 1903.]

HENRY McCALLUM,
Governor.

“To enable the Town Council of the Borough of Newcastle to borrow £10,000, and to extend the water supply of the Borough of Newcastle.”

WHEREAS it is expedient to enable the Town Council of the Borough of Newcastle, in the Colony of Natal, to borrow £10,000 to defray the cost of extending and augmenting the supply of water within the said Borough, and for that purpose to take water from the River Incandu :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal as follows :—

1. The Town Council of the Borough of Newcastle, in the Colony of Natal, is authorised to borrow up to but not exceeding the total sum of Ten Thousand Pounds (£10,000) Sterling, to be expended within the said Borough for the purpose of paying off existing temporary advances due by the said Town Council and defraying the cost of extending the water works and augmenting the water supply of the said Borough.

Loan of £10,000
authorised.

2. The said Town Council is authorised to issue Stock to be called “The Newcastle Corporation Stock” (hereinafter referred to by the word “Stock”) for the moneys borrowed under this Act, payable within fifty years after the date of issue, and such Stock shall bear interest at a rate not exceeding five per cent. per annum.

Stock.

3. The said Stock and interest thereon shall be a charge on the rates, rents, and general revenue of the said Borough.

Stock a charge
upon rates, etc.

4. Sections 4 to 13 inclusive of “The Newcastle Corporation Loan Act, 1899,” shall be deemed to be incorporated with and form part of this Act.

Incorporation
former Act.

Taking and diverting of water authorised.

5. The said Town Council is authorised to take and divert such water as may be necessary from the River Incandu, in the Division of Newcastle, at or near Sub-division H of the farm Lennoxton in the said Division, the property of the said Town Council, as shewn on the plan filed with the Clerk of the Legislative Assembly, and to dam the said river and pump and lead the said water through pipes and conduits over Lot B of Sub-division A of the said farm Lennoxton in terms of a Deed of Servitude in favour of the said Town Council, dated the 30th day of August, 1902, and registered in the Registrar of Deeds Office, Natal, on the 12th day of September, 1902, to Sub-division Reservoir of the farm Boschhoek, in the said Division of Newcastle, also the property of the said Town Council, and thence along the main road to the Borough of Newcastle, all as shewn on the said plan; and to make, erect and maintain all necessary reservoirs, filter beds, pumping stations and other works on the said lands, or on other lands, the property of the said Town Council, and the said Town Council is empowered to do and perform all such further acts, matters and things as may be necessary to carry out the objects of this Act.

Roads not to be broken without Government's consent.

6. The surface of the said main road shall not be broken or pipes laid thereon by the said Town Council without the consent of the Colonial Government, who may impose such conditions on the said Town Council as may be deemed necessary in the public interest.

Compensation for damage.

7. If the taking, impounding, diversion, appropriation, or conveyance of water under the authority of this Act shall deprive any person of any water or right of water which he may at any time of such taking, impounding, diversion, appropriation or conveyance be possessed of or be entitled to possess, and shall thereby or otherwise cause damage to such person or to his property, he shall be entitled to compensation to be settled in case of difference as if the taking, impounding, diversion, appropriation or conveyance of water constituted damage to land within the meaning of the 65th Section of the "Lands Clauses Consolidation Law, 1872."

Offences and penalties.

8. If any person shall divert or pollute the water of the River Incandu above the point of diversion authorised by this Act, or shall pollute any water taken or diverted from the said river under the authority of this Act, or shall obstruct any person in the discharge of his duty in connection with the water works hereby authorised, or shall wilfully do any damage to property connected with the said water works, such person, on conviction thereof before the Magistrate having jurisdiction, shall be liable to a penalty for each offence not exceeding £20, to be paid to the funds of the said Town Council, or, in default of payment, to imprisonment, with or without hard labour for a period not exceeding three months, and any person charged with contravening this Act may be prosecuted by any officer appointed in that behalf by the said Town Council.

9. This Act may be cited as “The Newcastle Corporation Short title
Loan and Water Works Act, 1903.”

Given at Government House, Natal, this seventh day of
September, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 20, 1903.]

HENRY McCALLUM,
Governor.



“To increase the Borrowing Powers of the Town Council of the Borough of Ladysmith.”

WHEREAS the Town Council of the Borough of Ladysmith has resolved to provide a system for lighting the said Borough by Electricity, for which a sum of not more than Thirteen Thousand Pounds Sterling (£13,000) is required :

AND WHEREAS, under the Municipal Corporation Lighting Law, 1891, the said Town Council has power to make, do, execute and perform all the works or any of them by the said Law authorised :

AND WHEREAS it is expedient to increase the Borrowing Powers of the Borough of Ladysmith to enable the Town Council thereof to carry out the proposed system for lighting the said Borough by Electricity :

AND WHEREAS, under the provisions of Section 76 of Law No. 19, of 1872 (The Municipal Corporations Law, 1872), the said Town Council has obtained the consent of the Governor, in writing, to the raising by Debentures of a sum of Ten Thousand Pounds Sterling (£10,000), on the security of the rates or revenues belonging to the Corporation, for the purpose of carrying out a system of Electric Lighting in the Borough as aforesaid :

AND WHEREAS the said Loan authorised by the said consent of the Governor has been negotiated :

AND WHEREAS it is expedient that the said Loan should be confirmed by a Law duly promulgated, and that the terms and conditions thereof should be embodied therein :

NOW, THEREFORE, BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The Town Council of the Borough of Ladysmith is authorised to borrow up to, but not exceeding, the sum of Thirteen Thousand Pounds Sterling (£13,000), to be used for the purpose of lighting the said Borough with Electricity as authorised by the hereinbefore recited Municipal Corporations Lighting Law, 1891. Loan of £13,000 authorised.
2. The moneys borrowed under the provisions of this Act shall be applied to the object mentioned in the last preceding section, and no other object. Application of moneys.
3. The sums authorised to be borrowed under this Act, and the interest payable thereon, shall be a charge upon the rates and rents and revenues of the Borough. Loan and interest to be a charge on rates, etc.
4. In case the interest payable on any moneys borrowed under this Act shall be in arrear and unpaid for thirty days after the time appointed for the payment thereof, and after demand made, it shall be lawful for the Supreme Court of the Colony of Natal, as often as such default shall occur, at the instance of any person whose interest shall be in arrear, to cause a special rate to be levied upon the real or immovable property situate within the Borough, which is now or may hereafter be liable to be rated for municipal purposes under Law No. 19 of 1872, to the intent that all arrear interest may be paid out of the proceeds of such special rate. Remedy for default in payment of interest
5. The moneys borrowed under this Act shall be repayable within ten years from the date of borrowing. Repayment.
6. In case any moneys borrowed under this Act shall not be repaid upon demand at or after the date fixed for the payment thereof, it shall be lawful for the Supreme Court, as often as such default shall occur, and at the instance of any person whose claim shall be unsatisfied, to cause a sale or sales to be made of so much of the Town Lands of the Borough as may be necessary for the purpose of raising and paying the moneys due and payable in terms of this Act, and in case the moneys received by such Land Sales shall be insufficient to pay and satisfy all moneys due and payable, then the deficiency shall be made good by a special rate, or special rates, to be levied in the manner hereinbefore provided with respect to the payment of arrear interest. Remedy for default in repayment.
7. The moneys hereby authorised to be borrowed shall be raised upon Stock to be called "The Ladysmith Corporation Stock," hereinafter referred to by the word "Stock." Stock.
8. Such Stock shall be issued by crediting the purchaser thereof for such sum thereof as he shall purchase, in a set of books to be kept for that purpose by the Town Clerk of the Ladysmith Corporation in the Borough of Ladysmith. Manner of issue.
9. Such Stock shall bear interest at a rate not exceeding six per centum per annum, payable out of the rents, rates, and Rate of interest.

general revenue of the Borough, or out of the proceeds of the sales of land, on the Thirtieth day of June and the Thirty-first day of December, or as soon thereafter as demand shall be made therefor by the lawful holder of such Stock, to said lawful holder or his duly authorised agent, and such payment shall be made by the said Town Clerk.

Transfer of
stock.

10. Such Stock shall be transferable by transfer in the books in which the same shall be entered, and every person to whom every such credit as aforesaid shall have been given in the said books in the first instance, or to whom any such transfer shall thereafter have been made in said books, shall be entitled to require and demand of the said Town Clerk, and the said Town Clerk shall in each case issue, a receipt or certificate stating the amount of such Stock outstanding to the credit of the said person in the said books.

Disposal of
stock

11. Such Stock shall be disposed of for the best terms which can be obtained (not below a reserved price to be from time to time fixed by resolution of the Town Council.)

Instructions to
Town Clerk
relative to stock.

12. The Mayor and Councillors may by resolution from time to time give to the Town Clerk such instructions as to them may seem fit, providing for all or any of the following things :—

- (a) For registering Stock in the books to be kept for that purpose by the said Town Clerk ;
- (b) For managing the creation, registration, issue, and transfer of Stock ;
- (c) For paying interest on Stock ;
- (d) For issuing Stock certificates.

Incorporation of
Lands Clauses
Law.

13. For the purpose of the construction of the works by this Act authorised, the Lands Clauses Consolidation Law, 1872 (Law No. 16 of 1872), and all the clauses and provisions thereof (save in so far as they shall be expressly varied or excepted by this Act), shall be incorporated with this Act.

Expropriation
of land.

14. The said Town Council may purchase or take such lands as may be required for the purposes of the works and undertakings authorised by this Act.

Former rights
not to be
affected

15. Nothing in this Act, and nothing done under its provisions, shall take away, abridge or prejudicially affect any right or interest by way of priority or otherwise of any person in or to the rates, rents or general revenue of the said Borough.

Short title

16. The short title of this Act shall be "The Ladysmith Electric Lighting Act, 1903."

Commencement.

17. This Act shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this seventh day of September, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 21, 1903.]

HENRY McCALLUM,
Governor.**ACT,**

“To confer borrowing powers upon the Town Council of Dundee, in addition to the powers heretofore given to the Local Board of Dundee, for the purpose of enabling the Town Council to pay off an existing debt of Ten Thousand Pounds, borrowed by the Dundee Local Board under the provisions of the Dundee Loan and Waterworks Act, 1897, and to provide for the improvement and extension of the water supply.”

WHEREAS it is expedient to increase the borrowing powers of the Town Council of the Borough of Dundee to enable the said Town Council :

- (1) To pay off and discharge an existing debt of Ten Thousand Pounds, borrowed by the Dundee Local Board under the provisions of the “Dundee Loan and Waterworks Act, 1897” ;
- (2) To improve and extend the water supply of the said Borough :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The Town Council of the Borough of Dundee is hereby authorised to borrow from time to time, to an amount not exceeding Twenty-five Thousand Pounds, the moneys required :—

Loan of £25,000
authorised.

- (a) For the purpose of paying off the existing debt of Ten Thousand Pounds, borrowed by the Local Board of Dundee under the provisions of the “Dundee Loan and Waterworks Act of 1897” :
- (b) To provide for the improvement and extension of the Town water supply.

- Short title.** **2.** This Act may be cited as the "Dundee Loan and Waterworks Act, 1903."
- Application of moneys.** **3.** The moneys borrowed under this Act shall be applied to the objects mentioned in the first section hereof, and to no other object
- Loan a charge upon rates, etc.** **4.** The sums authorised to be borrowed under this Act, and the interest payable thereon, shall be a charge upon the rates, rents, and revenues of the Borough of Dundee.
- Remedy for default in payment of interest.** **5.** In case the interest payable on any moneys borrowed under this Act shall be in arrear and unpaid for thirty days after the time appointed for the payment thereof, it shall be lawful for the Supreme Court of the Colony of Natal, at the instance of any person whose interest shall be in arrear, and as often as such default shall occur, to cause a special rate to be levied upon the real or immovable property situate within the Borough of Dundee, which is now or may hereafter be liable to be rated for Borough purposes under any Law or Act now or hereafter to be in force in the Colony of Natal, to the intent that all arrear interest may be paid out of the proceeds of such special rate.
- Date of repayment.** **6.** The moneys borrowed under this Act shall be repayable within twenty-five years from the date of borrowing.
- Remedy for default in repayment of loan.** **7.** In case any moneys borrowed under this Act shall not be repaid upon demand at or after the date fixed for the payment thereof, it shall be lawful for the Supreme Court, as often as such default shall occur, and at the instance of any person whose claims shall be unsatisfied, to cause a sale or sales to be made of so much of the Town Lands of the Borough as may be necessary for the purpose of raising and paying the moneys due and payable under this Act, and in case the moneys received by such land sales shall be insufficient to pay and satisfy all moneys due and payable, then the deficiency shall be made good by a special rate or special rates, to be levied in the manner hereinbefore provided with respect to the payment of arrear interest.
- Debentures or stock.** **8.** The moneys hereby authorised to be borrowed may be raised upon debentures or stock, to be called "Dundee Corporation Stock," and hereinafter referred to by the word "Stock."
- Interest.** **9.** Such debentures or stock shall bear interest at a rate not exceeding six pounds per centum per annum, falling due on the 30th day of June and on the 31st day of December in each year, and payable out of the rents, rates, and revenues of the Borough, or out of the proceeds of the sales of land, and payment thereof shall be made by the Town Clerk.
- Regulations relative to stock.** **10.** The Town Council of the Borough of Dundee may, from time to time, make rules and regulations providing for all or any of the following things :—

- (a) For registering Stock in the books to be kept for that purpose by the said Town Clerk ;
- (b) For managing the creation, registration, issue, and transfer of Stock ;
- (c) For paying interest on Stock ;
- (d) For issuing Stock Certificates.

11. For the purpose of the construction of the works authorised by this Act, the Lands Clauses Consolidation Law, 1872, and all the provisions thereof, shall be incorporated with this Act, save in so far as expressly varied by this Act.

Incorporation of Lands Clauses Law.

12. The Town Council of the Borough of Dundee may purchase or take such lands as may be required for the purposes of the works and undertakings authorised by this Act.

Expropriation of land.

13. The Contract between Charles George Willson and Samuel Bromley Kemp, a copy whereof is printed as a schedule to the Dundee Loan and Waterworks Act, 1897, is, in so far as the same may be necessary, re-confirmed and re-validated.

Confirmation of contract.

14. In addition to the works already carried out under and by virtue of the provisions of the Dundee Loan and Waterworks Act, 1897, the Town Council of the Borough of Dundee is further authorised to construct all works, and to do all things necessary for damming up the water upon the farms "Berning" and "Craigie Burn," in the Dundee Division of the County of Klip River, and for making reservoirs, filter-beds, and surface tanks, and for laying water pipes through the said farms "Berning" and "Craigie Burn," and through the Crown Lands and Town Lands and the Borough of Dundee, and for leading water through such pipes, and for storing water on or near to the Town Lands of the Borough of Dundee, and for distributing water through such portions of the Borough as the Town Council may, from time to time, determine to bring within the water area, and to make such works, and to do and perform all such further and other acts, deeds, matters, and things as may be necessary for the due carrying out of the objects of this Act.

Construction of works and distribution of water.

15. The site upon which the said water shall be dammed and the route of the water-pipes shall follow as near as may be the line laid down in the map or chart filed with the Clerk of the Legislative Council and the Clerk of the Legislative Assembly, and in the Town Office of the Borough of Dundee.

Site of dam and route of pipes.

16. If the taking, impounding, diversion, appropriation, or conveyance of water under the authority of this Act shall deprive any person other than the said Charles George Willson and Samuel Bromley Kemp, or their successors in title, as owners of "Berning" and "Craigie Burn," of any water or right of water which he may at the time of such taking, impounding, diversion, appropriation, or conveyance of water possess, or be entitled to possess, and shall thereby cause damage to such person or to his property, such person shall be entitled to recompense or compensation, to be settled in case of difference as if the claim constituted damage to land within the meaning of the 65th Section of the Lands Clauses Consolidation Law.

Compensation for injury by taking water.

By-Laws.

17. The powers to make By-laws given to Town Councils under Law No. 19, 1872, and any like Law or Act, are extended to the Town Council of Dundee for all the purposes of this Act.

Penalty for offences.

18. If any person shall pollute any water led under the authority of this Act, or shall obstruct any person in the discharge of his duty in connection with the Waterworks hereby authorised, or shall mischievously do any damage to property connected with the Waterworks, such person, on conviction thereof before the Magistrate having jurisdiction, shall be liable to a penalty for each offence not exceeding £10, to be paid to the Borough Fund, or in default of payment, to imprisonment, with or without hard labour, for a period not exceeding one month, and any person charged with contravening this Act may be prosecuted by any Officer appointed in that behalf by the Dundee Town Council.

Former powers not to be affected.

19. Nothing in this Act contained shall be taken to abridge or in any way affect the powers conferred upon the Local Board of the Town of Dundee under and by virtue of the said Dundee Loan and Waterworks Act of 1897, or any act, matter, or thing done thereunder, or to abridge or in any way affect the provisions thereof.

Dundee Loan and Waterworks Act, 1897.

20. No person shall be entitled to dispute the water rate or any act of the Town Council or its officers authorized by the Dundee Loan and Waterworks Act of 1897 on the mere ground that the water in respect of which such rate shall be levied or act done shall, in fact, have been brought otherwise than under the said Dundee Loan and Waterworks Act of 1897, and all water supplied by means of the work authorized by this Act shall, for the purposes of Sections 17, 18, 20 and 21 of the said Dundee Loan and Waterworks Act of 1897, be deemed to be water supplied under the said Dundee Loan and Waterworks Act of 1897.

Commencement of Act.

21. This Act shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this seventh day of September, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No 22, 1903.]

HENRY McCALLUM,
Governor.

“To enable the Verulam Local Board to borrow a sum not exceeding Eight Thousand Pounds Sterling for the purpose of supplying the Township of Verulam with water from the River Umhloti; to construct the necessary works for such purpose; to levy a water rate; and to prevent the pollution of water.”

WHEREAS it is expedient to authorise the Local Board for the Township of Verulam to borrow a sum not exceeding Eight Thousand Pounds Sterling to enable the said Board to supply the Township of Verulam with water; to construct the necessary works for such purposes; and to levy a water rate; and to prevent the pollution of water; and to exercise all powers necessary for the purposes aforesaid:

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of the Colony of Natal, as follows:—

1. This Act may be cited as “Verulam Loan and Waterworks Act, 1903.”

Short Title.

2. The Local Board for the Township of Verulam is hereby authorised to borrow from time to time the moneys required for the construction of Waterworks for the Township of Verulam to an amount not exceeding Eight Thousand Pounds Sterling.

Loan of £8,000 authorised.

3. The moneys borrowed under this Act shall be applied to the object mentioned in the last preceding section, and no other object.

Application of moneys.

4. The sums authorised to be borrowed under this Act, and the interest payable thereon, shall be a charge upon the rates, rents, and revenues of the Township of Verulam.

Loan a charge upon rates, etc.

Remedy for default in payment of interest.

5. In case the interest payable on any moneys borrowed under this Act shall be in arrear and unpaid for thirty days after the time appointed for the payment thereof, it shall be lawful for the Supreme Court of the Colony of Natal, at the instance of any person whose interest shall be in arrear, and as often as such default shall occur, to cause a special rate to be levied upon the real or immovable property situate within the Township of Verulam, which is now or may hereafter be liable to be rated for Township purposes under any Law or Act now or hereafter to be in force in the Colony of Natal, to the intent that all arrear interest may be paid out of the proceeds of such special rate.

Date of repayment

6. The moneys borrowed under this Act shall be repayable within thirty years from the date of borrowing.

Remedy for default in repayment of loan.

7. In case any moneys borrowed under this Act shall not be repaid upon demand at or after the date fixed for the payment thereof, it shall be lawful for the Supreme Court, as often as such default shall occur, and at the instance of any person whose claim shall be unsatisfied, to cause a sale or sales to be made of so much of the Town Lands of the Township as may be necessary for the purpose of raising and paying the moneys due and payable under this Act, and in case the moneys received by such land sales shall be insufficient to pay and satisfy all moneys due and payable, then the deficiency shall be made good by a special rate or special rates to be levied in the manner hereinbefore provided with respect to the payment of arrear interest.

Debentures or stock.

8. The moneys hereby authorised to be borrowed may be raised upon debentures or stock, to be called "Verulam Local Board Stock," and hereinafter referred to by the word "Stock."

Interest.

9. Such debentures or stock shall bear interest at a rate not exceeding six per centum per annum, falling due on the 30th day of June and on the 31st day of December in each year, and payable out of the rents, rates, and revenues of the Township, or out of the proceeds of the sales of lands.

Regulations relative to stock.

10. The Local Board of Verulam may, from time to time, make rules and regulations providing for all or any of the following things:—

- (a) For registering stock in the books to be kept for that purpose by the said Town Clerk.
- (b) For managing the creation, registration, issue and transfer of stock.
- (c) For paying interest on stock.
- (d) For issuing stock certificates.

Incorporation of Lands Clauses Law.

11. For the purpose of the construction of the works authorised by this Act, the Lands Clauses Consolidation Law, 1872, and all the provisions thereof, shall be incorporated with this Act, save in so far as expressly varied by this Act.

Expropriation of land.

12. The Local Board for the Township of Verulam may purchase or take such lands as may be required for the purposes of the works and undertakings authorised by this Act.

13. The Verulam Local Board are authorised to construct all works and to do all things necessary for damming up the Umhloti River at a point on the said river about its junction with the Umhlasine as near as convenient to the spot shown on the plans referred to in Clause 14 of this Act and for making reservoirs, filter beds, and service tanks, and for laying water pipes from the said dam or dams through the Lots 25a, 26, 27, and 28 Block A, Cotton Lands, and through the Town Lands and Township of Verulam, and for leading water through such pipes, or for storing part of such water on the Town Lands of the Township of Verulam, and for distributing such water through such portions of the Township as the Local Board may from time to time determine to bring within the water scheme, and to do and perform all such further and other acts, deeds, matters, and things as shall be necessary to carry out the objects of this Law.

Construction of works : Distribution of water.

14. The route of the water pipes shall be constructed through the lands referred to in Section 13 of this Act, shown in a map or chart filed with the Clerk of the Legislative Assembly and in the Local Board Office, Verulam

Route of pipes.

15 If the taking, impounding, diversion, appropriation, or conveyance of water under the authority of this Act shall deprive any person of any water or right of water which he may at the time of such taking, impounding, diversion, appropriation, or conveyance of water possess, or be entitled to possess and shall thereby cause damage to such person or to his property, such person shall be entitled to recompense or compensation, to be settled in case of difference as if the diversion of water constituted damage to the land within the meaning of the 65th Section of the Lands Clauses Consolidation Law.

Compensation for injury or damage.

16. The Local Board for the Township of Verulam may from time to time levy a water rate not exceeding twopence halfpenny in the £ sterling upon any portion of the immovable property situate within the township, and liable to be rated under any Law or Act now or hereafter to be in force in the Colony of Natal : Provided that no property shall be liable to be rated unless the nearest point thereof shall be situate within 220 yards of the nearest point of the water system.

Water rate.

17. For the purpose of the water rates authorised by this Act, Sections 38, 39, 43, 44, 47, and 48 of Law No. 11 of 1881, and Sections 12, 13, and 14 of Law No. 39 of 1884, and Section 9 of Law No. 17 of 1893, shall be construed conjointly with this Act.

Incorporation of clauses of certain Laws.

18. The power to make By-laws given to Local Boards under any Law or Act now or hereafter to be in force in the Colony of Natal is extended to the Local Board for the Township of Verulam for all the purposes of this Act, but such power is specially extended so as to enable the said Board to make By-laws.

By-laws.

- (a) To prevent the pollution of any water required or authorised to be used under this Act.
- (b) To prevent the obstruction of any person in the discharge of his duty in connection with the waterworks hereby authorised.
- (c) To prevent the doing of any act or thing likely to cause damage to the said waterworks or any portion thereof.

Penalties for offences.

Any person convicted of any breach of any such By-law shall be liable to a penalty for each offence not exceeding Ten Pounds Sterling, or, in default of payment, to imprisonment, with or without hard labour for any period not exceeding one month. Any fine inflicted under the provisions of this Act shall be payable into and form part of the revenue of the Township. Any person charged with contravening such By-law may be prosecuted in the Court of the Magistrate having jurisdiction by any officer appointed for that purpose by the Local Board for the Township of Verulam.

Supply of water:
Tariff of charges: Special contracts.

19. The Local Board for the Township of Verulam may regulate and control the mode of supplying water to private property, and may frame a tariff of charges in respect of such supply, and may also frame a tariff of special charges for any special consumption of water other than for domestic or household use, and may contract with the Natal Government for the supply of water for the use of the Government, and may contract for the supply of water to persons or corporations residing within or without the township boundaries.

Entry for purposes of inspection.

20. The said Local Board, by its proper officers, shall have the right of access into private houses, or lands for the purposes of inspecting pipes, meters, and cisterns, provided no such right shall be exercised against the wish of a householder, except between the hours of 9 o'clock in the forenoon and 4 o'clock in the afternoon, and then only in pursuance of a notice in writing to be delivered upon the premises not less than 24, nor more than 48 hours, before the inspection.

Given at Government House, Natal, this seventh day of September, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 23, 1903.]

HENRY McCALLUM,

Governor.

~~E.~~~~R.~~**ACT,**

“To enable the Government of the Colony of Natal to enter into an Agreement with John William Sparks, Harry Sparks, John Thompson, Meyrick Bennett, William James Chapman, and John Henry Ernest Wall, providing for the laying down and working of an electric tramway from the terminus of the Borough Tramways at or near to the Old Toll Bar, Berea Road, Durban, to the Village of Sydenham, and also along the Government Main Road to a spot at or near the Umbilo Waterworks near Pinetown, and for generating and supplying the inhabitants in or about the Village of Sydenham aforesaid with electric light and electric power.”

WHEREAS John William Sparks, Harry Sparks, John Thompson, Meyrick Bennett, William James Chapman, and John Henry Ernest Wall, all of Durban, in the Colony of Natal, are desirous of constructing a tramway for the conveyance of passengers, goods, and merchandise from a point in the Pietermaritzburg Public Main Road, on the Western Boundary of the Borough of Durban, and at or near to the Toll Bar Terminus of the Durban Borough Tramways, following and along the said Pietermaritzburg Public Main Road to its junction with the public Sydenham Road, and following along such Sydenham Road through the Village of Sydenham to the Boundary of the Clare Estate, in the County of Durban; and following on along the said Pietermaritzburg Public Main Road from its junction with the Sydenham Road aforesaid to a point at or near to the Umbilo Waterworks, near Pinetown, in the County of Durban, to be worked by means of electricity or other motive power:

AND WHEREAS the said promoters are also desirous of obtaining powers to generate electric current, and to transmit

the same for the purposes of the said Tramway, or for the purposes of supplying such current for lighting or other purposes to the owners or occupiers of the lands adjacent or near to the said Tramway, and to transmit and supply the same for the purposes aforesaid elsewhere in the County of Durban :

AND WHEREAS it is expedient that such powers as aforesaid should be given :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Natal, as follows :—

Short title.

1. This Act may be cited as the "Sydenham Tramways, Lighting, and Electric Current Supply Act."

Definitions.

2. In the interpretation of this Act, the word "Promoters" shall include the said John William Sparks, Harry Sparks, John Thompson, Meyrick Bennett, William James Chapman, and John Henry Ernest Wall, their heirs, and successors, and any Company or Corporation to which they may sell or transfer their undertaking, or the rights, privileges, and powers conferred upon them by this Act. The word "road" shall be taken to mean the whole space reserved as such road, and not only the hardened or formed portion thereof.

Incorporation of Lands Clauses Law.

3. The Lands Clauses Consolidation Law, 1872, in so far as applicable, and save and except where varied by this Act, shall be incorporated with this Act.

Promoters authorised to carry out works.

4. The Promoters are hereby authorised and empowered, subject to such terms as may be imposed by the Government in the contract referred to in Section 5 hereof, to construct, carry on, complete, and maintain the said Tramway, and to erect standards, posts, supports, or other requisite appliances, whether above or below the surface of the ground, for wires or cables, for transmitting electric current for the purposes of the said Tramway, or for the purpose of supplying the same for lighting and other purposes to the owners or occupiers of lands adjacent or near to the said Tramway, and to transmit and supply the same for the purposes aforesaid, and elsewhere in the County of Durban, according to the powers, rules, orders, and directions hereinafter set forth and expressed for that purpose.

Authority to enter into contract with Government to acquire certain rights.

5. The Promoters and the Government of Natal are hereby authorised to contract with each other for the purpose of the Promoters acquiring from the Government aforesaid, whether by way of letting, hiring, or granting, and upon such terms as may be mutually agreed upon, the following rights :

- (a) The right of constructing the said Tramway aforesaid along the hereinafter mentioned public roads ; and the right of working the same ;

- (b) The right of erecting or constructing and working standards, posts, supports, or other adequate appliances, whether above or below the surface of the ground, for wires or cables on and along the hereinafter mentioned public roads, for the purpose of transmitting or carrying electric current, together with the right of working or transmitting along such wires or cables electric current for lighting or other purposes ;
- (c) The right of erecting or constructing and working standards, posts, supports, or other adequate appliances, whether above or below the surface of the ground, for wires or cables for the purpose of transmitting electric current, together with the right of working or transmitting along such wires or cables electric current for lighting or other purposes.

6. The Promoters shall not extend the wires and cables aforesaid beyond one mile from the route of the said tramway, unless at the written request of two-thirds of the occupiers of the lands which will be affected by such extension : Provided that the consent of the Governor in Council shall be necessary to any such extension.

Extension of wires.

7. The Promoters shall be, and they are hereby authorised and empowered, subject to such terms as may be imposed by the Government in the Contract referred to in Section 5 hereof, by themselves or their deputies, agents, officers, employés or workmen, to construct, carry on, complete and maintain a tramway in a proper and workmanlike manner, and with all conveniences adjoining thereto or connected therewith for the passage thereon of cars and other carriages to be propelled by electric or other motive power along the hereinafter mentioned public roads from a point in the Pietermaritzburg Public Main Road, on the Western Boundary of the Borough of Durban, and at or near to the Toll Bar Terminus of the Durban Borough Tramways, following along the said Pietermaritzburg Public Main Road to its junction with the public Sydenham Road, and following along such Sydenham Road through the Village of Sydenham to the boundary of the Clare Estate, in the County of Durban ; and following along the said Pietermaritzburg Public Main Road from its junction with the Sydenham Road aforesaid to a point at or near to the Umbilo Waterworks, near Pinetown, in the County of Durban, as the same is shown in the Plan thereof filed with the Clerk of the Legislative Council and the Clerk of the Legislative Assembly.

Construction of tramway.

Route.

8. The Promoters shall be, and they are hereby, authorised and empowered, by themselves or by their deputies, agents, officers, employés, or workmen, to erect or construct standards, posts, supports, or other adequate appliances,

Construction of electric current works.

whether above or below the surface of the ground, for wires or cables on and along the hereinbefore mentioned public roads, for the purpose of transmitting electric current, together with the right of working or transmitting along such wires or cables electric current for lighting or other purposes, and, further, to erect or construct standards, posts, supports, or other adequate appliances, whether above or below the surface of the ground, for wires or cables, for the purpose of transmitting electric current, together with the right of working or transmitting along such wires or cables electric current for lighting or other purposes.

Authority to enter upon public roads, and break up same for tramway purposes.

9. The Promoters, for the purpose of carrying out any of the works authorised by this Act, shall have the right to enter upon the public roads as aforesaid and break up the same for the purpose of laying down the said Tramway, or standards, posts, supports, or other adequate appliances: Provided that, prior to such entry, the said Promoters shall give at least seven days' notice, in writing, to the Minister of Lands and Works for the time being, notifying their intention of so entering upon the public road aforesaid, and all Tramways, or standards, posts, supports, or other adequate appliances, shall be laid down as speedily as possible and with as little detriment or inconvenience to the public as circumstances admit, and the road restored to the same condition in which it was before the said works were made. And any excavations made in the roadway shall be properly fenced in and protected, and lighted at night, and the Promoters shall be responsible for any damage to person or property arising from the making of such excavations, and not arising from the negligence of the person injured.

Gauge of tramway.

10. The Tramway hereby authorised shall be made upon the same gauge as is adopted in the electric tramway system of the Borough of Durban, and shall be laid down and maintained in such manner that the uppermost surface of the rails shall be on a level with the surface of the road. Such Tramway shall be laid down upon such side or part of the public roadways as may be approved by the Government of Natal.

Engineer's certificate prior to opening.

11. The said Tramway shall not be open for public traffic until the same shall have been certified to be fit for such traffic by an Engineer to be appointed by the Governor in Council.

Carrying of passengers, etc.

12. The Promoters may carry passengers, parcels, goods, and merchandise upon such Tramways, but subject to the power of the Governor in Council to cancel the right of carrying goods and merchandise by Proclamation in the *Natal Government Gazette*, after giving six months notice of such intention: Provided that such notice shall not take effect earlier than five years from the date of the promulgation of this Act.

Tolls and charges.

13. The promoters may levy tolls and charges for the conveyance of passengers, which shall not exceed Twopence (2d.) per mile or fraction of a mile: Provided that, if the

route be laid off in stages, then the passenger fare for a stage may be computed at One Penny (1d.) if the stage does not exceed one-third of a mile, at Three Half-pence (1½d.) if the stage is over one-third of a mile, but does not exceed two-thirds of a mile, and at Twopence (2d.) if the stage is over two-thirds of a mile, and does not exceed one mile. The rates, tolls, and charges for the conveyance of parcels, goods, and merchandise shall be made according to a tariff to be approved of by the Governor in Council: Provided further that the Governor in Council may, from time to time, revise, and, if necessary, reduce or increase the said tolls and charges, and also with power to the Governor in Council, from time to time, to revise and reduce the tolls and charges to be made for the conveyance of passengers. A list of all tolls and charges shall be exhibited in a conspicuous place inside and outside each of the cars or carriages used on the said Tramway.

14. The Promoters may use on the Tramways authorised by this Act cars or carriages with flanged or other wheels suitable to run on the prescribed rails, and, subject to the provisions of this Act, the Promoters shall have the exclusive use of the said Tramway. No car or carriage used on the Tramway shall extend beyond the outer copes of the wheels of such car or carriage more than twenty inches on each side.

Style of cars and carriages.

15. The cars, carriages, or other vehicles used on the said Tramway may be propelled by electricity or such other motive power as may be approved by the Governor in Council.

Motive power.

16. Subject to the acquisition of powers from the said Government in terms of this Act, the Promoters shall have the right to contract with the owners or occupiers of land in the County of Durban for the supplying of electric current, and to charge and demand from any such person or persons so contracting, rates and charges not exceeding those set forth in the schedule hereto annexed marked "A": Provided that the Governor in Council shall have the power from time to time to revise, and, if necessary, reduce such rates and charges.

Charge for electric current.

17. The Promoters may make By-laws, and, from time to time, alter and repeal same, with respect to:

By-laws.

- (a) The regulation of the traffic on the said Tramways, including the regulation of speed;
- (b) The charges to be made to persons requiring to be supplied with electric current;
- (c) The interference with or obstruction by any person of any of the works authorised under this Act;
- (d) The prevention of the commission of any nuisance in or upon any car or carriage, or in or against any premises belonging to the said Promoters and for regulating the travelling in or upon any car or carriage belonging to them;

- (e) The prohibiting of any person using the Tramway or any portion thereof unless duly authorised by the Promoters ;
- (f) The general management and control of the said Tramway.

Penalties.

Any such By-laws may impose reasonable penalties for offences against the same not exceeding 40s. for each offence, with or without further penalties for continuing offences not exceeding 10s. for each day during which the offence continues. All tolls, penalties, and charges made under this Act, or made under any By-law made in pursuance of this Act, may be proceeded for in any Court of competent jurisdiction in this Colony. No such By-law shall become operative until the same shall have received the sanction of the Governor in Council and shall have been promulgated in the *Natal Government Gazette*, or in such other manner as the Governor in Council may direct.

Promoters may dispose of rights, etc.

18. Subject to the sanction of the Governor in Council, the said John William Sparks, Harry Sparks, John Thompson, Meyrick Bennett, William James Chapman, and John Henry Ernest Wall shall have the right and power to sell to any public Company or Corporation, all their rights, privileges, and powers under this Act, and upon such sanction being given, all such rights and privileges vested in them shall be transferred to and vested in the said public Company or Corporation, which public Company or Corporation shall *ipso facto* be deemed to have taken over all the obligations and liabilities of the said John William Sparks, Harry Sparks, John Thompson, Meyrick Bennett, William James Chapman, and John Henry Ernest Wall.

Works for electric current.

19. Subject to the acquisition of rights from the Government aforesaid, the Promoters shall be entitled to erect standards, posts, supports, and construct other adequate appliances, whether above or below the surface of the road, for wires or cables on and along any such by-roads, private roads, or rights-of-way, for the purpose of transmitting electric current, together with the right of working or transmitting along such wires or cables electric current for lighting or other purposes.

Expropriation of lands.

20. The Promoters, subject to the acquisition of rights from the Government as aforesaid, shall have the right to purchase or take such lands as may be necessary for the purposes of constructing the said Tramways, or for the carrying out and completion of any of the works under and by virtue of the powers and privileges granted to them by this Act : Provided that, if the taking of any such lands shall cause damage to any person or his property, such person shall be entitled to compensation or recompense, to be settled in case of difference as if the claim constituted damage to land within the meaning of the 65th Section of the Lands Clauses Consolidation Law.

21. Every electric cable, wire or attachment of any such cable or wire which shall be carried along or across any by-road, private road, or right-of-way, in the case of the same being above the surface of the earth, shall be placed at least eighteen feet from the ground : Provided also that free use or enjoyment of any private right-of-way or road across which any such line of communication shall be carried shall not be hindered or obstructed.

Height of wires.

22. In all cases, all standards, posts, supports, or other adequate appliances for wires or cables used for the purpose of transmitting electric current, whether above or below the surface of the road, or electric light wires, shall be erected and maintained so as not to cause any danger to any person using the private roads, by-roads, or rights-of-way.

Standards, etc., not to be a danger.

23. Any person convicted of wilfully or negligently injuring any portion of the Promoters' property, or any of the works authorised by this Act, shall be liable to a penalty for each offence not exceeding Ten Pounds, or, in default, imprisonment, with or without hard labour, for any period not exceeding one month.

Penalty for injury.

24. The Promoters shall be answerable for all accidents, damages, and injuries happening through their act or default, or through the act or default of any person in their employment, by reason or in consequence of their works, cars, or carriages, and for all damage done by electrolysis or otherwise resulting from electric leakage, and shall save harmless all road and other authorities, companies, or bodies, collectively or individually, and their officers and servants, from all damages and costs in respect of such damages, accidents, and injuries.

Liability of promoters for accidents, etc.

25. The Governor in Council may from time to time make such regulations, in accordance with the regulations for the time being of the Board of Trade of the United Kingdom applicable to Local Authorities or Municipalities, subject to such modifications as he may think expedient, but in no case more stringent, for securing the safety of the public from personal injury, or from fire or otherwise, and for minimising, as far as may be reasonable, any interference with the electric wires, lines, and apparatus of the Government, or any other authority, company or person, and may from time to time rescind, alter, or repeal such regulations. Any regulations so made or amended by the Governor in Council, in pursuance of this Section, shall have the like effect in every respect as if they had been included in this Act. Notice in writing shall be given by the Government to the Promoters of any such regulations, or of any repeal or alteration thereof, at least a month before the regulation, repeal, or alteration is made by the Governor in Council.

Regulations for safety of Public

26. No person shall be entitled to carry or to require to be carried on any Tramway any goods which may be of a dangerous nature ; and if any person send by any Tramway

Dangerous goods not to be carried.

any such goods, without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the bookkeeper or other servant of the Promoters with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding Twenty Pounds for every such offence ; and it shall be lawful for the Promoters to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Non-payment
of fare.

27. If any person travelling or having travelled in any carriage or any Tramway avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such carriage beyond such distance, and refuses to pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuses or neglects, on arriving at the point to which he has paid his fare, to quit such carriage, every person shall for every such offence be liable to a penalty not exceeding Forty Shillings.

Rights of Pub-
lic not to be
abridged.

28. Nothing in this Act or in any By-law made under this Act shall take away or abridge the right of the public to pass along or across every, or any part of any road along or across which any Tramway is laid, whether on or off the Tramway, with carriages not having flange wheels, or wheels suitable only to run on the rails of the Tramway.

Ownership of
road not to be
affected.

29. Notwithstanding anything in this Act contained, the Promoters shall not acquire, or be deemed to acquire, any right other than that of user in any road along, over, or across which they may erect any posts, standards, or supports, or other adequate appliances for carrying their wires or cables, nor shall anything in this Act contained take away or affect any power which the Government or the owners, commissioners, undertakers, or lessees of any Railway or Tramway may have by Law to widen, alter, or divert or improve any such Railway or Tramway.

Powers of Gov-
ernment or
Local authority
to break up
roads, etc., not
to be affected.

30. Nothing in this Act shall take away or abridge any power at present, or which may be hereafter, vested in the Government of Natal, or any Local Board or Authority for any purpose required by the said Government, or for which said Local Board or Authority is constituted, or by any company, body, or person to open or to break up any road along, or across which any Tramway may be laid, or electric posts, standards, or wires may be erected for the purpose of laying down, repairing, altering, or removing any pipes for the supply of gas or water, or any tubes, wires, or apparatus for telegraphic or other purposes, or any other purpose whatsoever ; but, in the exercise of any such power, the Government, Local Board, company, body, or person shall be subject to the following restrictions :—

- (a) They shall cause as little detriment or inconvenience to the Promoters as circumstances permit ;
- (b) Before they commence any work, they shall give to the Promoters notice of their intention to commence such work, specifying the time at which they shall do so, such notice to be given twenty-four hours at least before the commencement of the work.

31. The Promoters shall be bound, if required, to furnish the Governor in Council with full particulars as to the cost of construction of the works authorised under this Act, and also of the revenue and expenditure of the same from time to time.

Cost of works, revenue, etc.

32. The Governor in Council, or any Municipal Corporation, Local Board, or other Local Authority, which may hereafter have jurisdiction over the lands served by the said Tramway shall be empowered, subject to the approval of Parliament, at any time after the expiry of twenty-one years from the date of this Act coming into force and after giving not less than six months' notice, to purchase and take the whole of the works authorised by this Act, and the Promoters shall be required to sell, transfer, and hand over to the Colonial Government, or any such Corporation, Board, or Authority the works so purchased, and the purchase price shall be paid to the Promoters. Any such purchase shall be effected according to the provisions of the Law No. 16 of 1872 : Provided

Governor in Council or Local authority empowered to purchase works, etc., after 21 years.

- (a) That the purchase price shall be determined according to the value of the works at the time of purchase, without any addition in respect of compulsory purchase, statutory rights, goodwill, or profits, save as is provided in Subsection (b) ; and
- (b) That there shall be added to the value ascertained as aforesaid, an amount equal to 10 per cent. on the value ascertained as aforesaid.

33. Nothing in this Act shall be deemed to create a monopoly in favour of the Promoters.

No monopoly.

34 In the event of the Borough of Durban at any time being extended so as to include all or any portion of the route of such tramway, or should any Municipal Corporation, Township, or other Local Authority, be established on any portion traversed by such route, then the Promoters shall be bound to observe and conform to any By-laws or regulations enforced by such Borough, Township, or Local Authority.

Durban Borough By-laws.

35. This Act shall lapse if the construction of the said Tramway, so far as concerns the portion to be laid along and following the said Sydenham Road, shall not be commenced within twelve months from the promulgation hereof in the *Natal Government Gazette*, or if the construction of such

Act to lapse under certain conditions.

Tramway shall not be completed within three years of the said promulgation, and should the Promoters not commence the construction of the said Tramway along the Pietermaritzburg Main Public Road to a point near the Umbilo Waterworks within five years of the date of promulgation hereof, or not completing such Tramway within seven years of the date hereof, then this Act shall lapse so far as concerns the said Tramway along the Pietermaritzburg Main Public Road to a point near the Umbilo Waterworks.

Injury to ocean cable or land line subsidised by Government.

36. If any ocean cable, or the land lines connected therewith subsidised by the Government of Natal, is at any time in any way injuriously affected by the construction by the Promoters of their electric lines and works, or by the working of the undertaking of the Promoters, the Promoters shall pay the expenses of all such alterations in or additions to such cable and land lines as may be necessary to remedy such injurious affection. For the purpose of this section, a cable or land line subsidised by the Natal Government shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such cable is, whether through induction or otherwise, in any manner affected by an act or work, or by any use made of such work.

Commencement.

37. This Act shall come into force upon and after the promulgation of same in the *Natal Government Gazette*.

SCHEDULE "A."

Current for Lighting Purposes.

	s.	d.
For consumers burning under two units per lamp installed per month	1.	0 per unit
For consumers burning over two units per lamp installed per month	0.	10 per unit.
For large consumers of 500 units and upwards, per month	0.	10 per unit.

(With rebate of 5 per cent. as discount.)

For consumers of 1,000 units and upwards, per month	0.	10 per unit.
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(With a rebate of 10 per cent. discount.)

Minimum charge to all consumers, except Churches, 10s. per month for each installation.

Current for Power Purposes.

Conditional on motors not being used between the hours of 5 p.m. and 9 p.m. of each and every day, except by per-

mission of the Company's Engineers, or except when current is measured by separate meter :—

	d.
For each unit consumed up to 100 units, per one-horse power, per month	7 per unit.
For each unit consumed over 100 units, per horse power, up to 200 units	6 per unit.
For each unit consumed above 200 units, per horse power, per month	5 per unit.

Given at Government House, Natal, this seventh day of September, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 24, 1903.]

HENRY McCALLUM,
Governor.**B.****R.****ACT,**

“To amend the Durban County Tramways, Lighting and Electric Current Supply Act.”

WHEREAS by Act No. 20, 1902, entitled the “Durban County Tramways, Lighting, and Electric Current Supply Act,” the promoters named in the said Act were authorised and empowered to construct the Tramway over the route therein described, and within certain time :

AND WHEREAS the promoters are desirous of amending the said Act

AND WHEREAS it is expedient that amendment should be made :

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Repeal.

1. That Clauses 7, 33, and 36 of Act No. 20, 1902, are hereby repealed.

Power to construct tramway.

2. The promoters shall be, and they are hereby authorised and empowered, subject to such terms as may be imposed by the Government in the contract referred to in Section 5 of the said Act, by themselves, or their deputies, agents, officers, employés, or workmen, to construct, carry on, complete and maintain a tramway in a proper and workmanlike manner, and with all conveniences adjoining thereto or connected therewith for the passage thereon of cars and other carriages to be propelled by electric or other motive power along the

hereinafter mentioned public roads :—From a point where the Main South Coast Public Road crosses the Umbilo River on the southern boundary of the Town Lands of the Borough of Durban, and along the Main South Coast Public Road to the junction of the public road leading across the farm Clairmont, and along said road to the boundary of the farm Wentworth, and following the public road to and across the Natal Government Railways' branch line to the Bluff where the said road intersects it, along said road to the boundary of Lot No. 16 of the farm Wentworth, thence across Lots 16, 14, 13, and 11 of the said farm Wentworth towards the Indian Ocean, also back from Lots 14 and 16 to the public road bordering between Lots 16, 17 ; 18 and 19 ; 20 and 21 ; 22 and 23 ; of said farm Wentworth, and along said public road to the junction of the road from New Brighton Township. Further from the Main South Coast Public Road, opposite Clairmont Railway Station, across that portion of Clairmont Estate between the said road and the railway line along a private road parallel with the Railway, then across the Natal Government Railways' South Coast Line at or near Clairmont Station, and through Clairmont Estate on the roads known as Blamey Road, Clair Road, and Garbutt Road, terminating at the junction of Garbutt Road and Wood Road on said Clairmont Estate, as shewn on the amended plans lodged with the Clerk of the House.

Route.

3. The Governor in Council, or any Municipal Corporation, Local Board, or other Local Authority which may hereafter have jurisdiction over the lands served by the said tramway shall be empowered, subject to the approval of Parliament at any time after the expiry of twenty-one years from the date of this Act coming into force, and after giving not less than six months' notice, to purchase and take the whole of the works authorised by this Act, and the promoters shall be required to sell, transfer, and hand over to the Colonial Government, or any such Corporation, Board, or Authority the works so purchased, and the purchase price shall be paid to the promoters. Any such purchase shall be effected according to the provisions of Law No. 16 of 1872 : Provided

Expropriation authorised after 21 years.

- (a) That the purchase price shall be determined according to the value of the works at the time of purchase, without any addition in respect of compulsory purchase, statutory rights, goodwill, or profits, save as is provided in Sub-section (b) of this section ; and
- (b) That there shall be added to the value ascertained as aforesaid an amount equal to 10 per cent. on the value ascertained as aforesaid.

Mode of calculating purchase price.

Act and
principal Act to
lapse under
conditions.

4. This Act and the said principal Act No. 20 of 1902 shall lapse if the construction of the said tramway shall not be commenced within two years from the promulgation of the principal Act in the *Natal Government Gazette*, or if the construction of the said tramway shall not be completed within four years of the said promulgation.

Given at Government House, Natal, this seventh day of September, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,

Colonial Secretary.

[No. 25, 1903.]

HENRY McCALLUM,
Governor.

"To amend the Election Petitions Act, 1895."

WHEREAS it is expedient to amend the seventh section of the "Election Petitions Act, 1895."

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Natal, as follows :—

1. The Judge selected for the trial of Election Petitions shall be nominated yearly by the Supreme Court at such time in each year as the Court may see fit; and the seventh section of the "Election Petitions Act, 1895," is hereby amended accordingly, without prejudice to the nomination for the current year.

Nomination of
Election Petitions
Judge.

Given at Government House, Natal, this Thirteenth day of September, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 26, 1903.]

HENRY McCALLUM,
Governor.

“To give effect to the fourth clause of the Articles of Surrender, signed at Pretoria on the thirty-first day of May, 1902, and to extend the operation thereof in this Colony.”

WHEREAS in the fourth clause of the Articles of Surrender, signed at Pretoria on the thirty-first day of May, 1902, it is provided that no proceedings, civil or criminal, for any acts in connection with the prosecution of the war will be taken against any of the Burghers surrendering under the said Articles or against prisoners of war at the date of the signing of the said Articles, outside South Africa, returning to the Transvaal after duly declaring their acceptance of the position of subjects of His Majesty King Edward the Seventh :

AND WHEREAS it is desirable to give legal effect to the aforesaid clause and to extend the operation thereof in this Colony to all persons in like manner as to Burghers :

BE IT THEREFORE enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The fourth clause in the Articles of Surrender, signed at Pretoria on the thirty-first day of May, 1902, which is as follows :—

Fourth clause of Articles of Surrender to be of legal force and effect.

“No proceedings civil or criminal will be taken against any of the Burghers so surrendering or so returning for any acts in connection with the prosecution of the war. The benefit of this clause will not extend to certain acts contrary to the usage of war, which have been notified by the Commander-in-Chief to the Boer Generals, and which shall be tried

by Court-Martial immediately after the close of hostilities,"

shall be of full force as law within this Colony from the date of the signing of the Articles of Surrender, to wit the thirty-first day of May, 1902, and it shall be a defence to any civil or criminal proceedings taken against any person being one of the persons referred to in the said clause, that the act in respect of which such proceedings are taken was an act in connection with the prosecution of the late war between His Majesty and the late Governments of the South African Republic and Orange Free State.

2. The provisions of the foregoing section shall apply to all persons whomsoever in like manner in all respects as to the persons referred to as Burghers surrendering or returning. Further appli-
cation.

3. This Act may be cited as the "Indemnity Act 1903." Short Title.

Given at Government House, Natal, this Thirteenth day of September, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 27, 1903.]

HENRY McCALLUM,
Governor.**E.****R.****ACT,**

“To amend the Lung sickness Prevention Act, 1897.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Schedule C of the Lung sickness Prevention Act, 1897, is hereby repealed, and the following is enacted in lieu thereof :

SCHEDULE C.

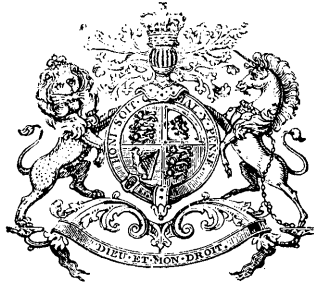
	£	s.	d.
1. Calves under twelve months	5	0	0
2. Yearlings (oxen and heifers)	7	0	0
3. Two-year-olds (oxen and heifers)	9	0	0
4. Cows and heifers, three-year-olds and upwards	11	0	0
5. Oxen and Bulls	14	0	0

Given at Government House, Natal, this Thirteenth day of September, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 28, 1903.]

HENRY McCALLUM,
Governor**E.****R.****ACT,**

“To make special provision in regard to the disease known as Rinderpest.”

B E IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. If any Veterinary Surgeon or Stock Inspector shall have reason to believe that any cattle are infected with the disease known as Rinderpest, or have been in contact with an animal so infected, or have otherwise been exposed to the risk of infection, he shall be empowered to direct that such cattle be isolated and properly inoculated.

Isolation and inoculation of infected or in-contact animals

2. The owner or, in his absence, the person having charge of any cattle shall be bound to carry out, at his own expense, such isolation and inoculation. If he shall fail to do so forthwith, the Veterinary Surgeon or Stock Inspector may have the isolation and inoculation carried out at the expense of the owner or, failing him, the person in charge.

At owner's expense.

3. If no Veterinary Surgeon or Stock Inspector be immediately available, the powers under this Act may be exercised by a Magistrate or by an Officer of Police not being below the rank of sergeant. Such Magistrate or Police Officer shall, however, take immediate steps to inform the District Veterinary Surgeon or Stock Inspector, who shall, as soon as possible, attend in person.

Exercise of authority by other officers.

4. The inoculation of any animal under this Act must, in the first instance, be effected with glycerinated bile or serum, and such inoculation must be to the satisfaction of an Officer of the Veterinary Department, and as often as may in the opinion of that Officer be necessary. Raw bile may be used for second and subsequent inoculations, if so desired,

Mode of inoculation.

but ten days at least must elapse before the second inoculation.

Regulations.

5. The Governor in Council may from time to time make regulations for carrying out the objects of this Act.

Offences and Penalties.

6. Any person who shall contravene this Act, or a regulation thereunder, or who shall disobey or disregard any lawful order made by a person having authority, shall be liable, on conviction before a Magistrate, to a fine not exceeding Fifty Pounds Sterling, with the alternative of imprisonment, with or without hard labour, for any term not exceeding three months.

Order for payment of expenses.

7. The Magistrate, when giving judgment upon any such charge, may also make an order for the payment of any expenses of isolation or inoculation to which the accused person may have become liable as aforesaid.

Cattle sold at public auction to be warranted.

8. Whenever any cattle shall be sold at any public auction, or by the market-master at any public market, the auctioneer or market-master shall be bound to warrant, and shall be deemed to have warranted, all and every cattle to be free from Rinderpest, and if any such cattle shall die of, or exhibit symptoms of being infected with, such disease within eight days from date of sale, exclusive of such day, the auctioneer or market-master may be sued under such implied warranty for restitution of the price paid for such diseased cattle.

Liability of Auctioneer.

Liability of vendor for consequent damages.

9. If any person who shall purchase cattle at any public auction, or at any public market, shall prove that he has sustained damage from Rinderpest which may have broken out within eight days after the date of such purchase in the herd which was in his possession at the time he bought such cattle, and that any of the cattle so bought have shown symptoms of Rinderpest previous to any animal belonging to the said herd showing such symptoms, and if it shall be proved that the vendor was aware, or had sufficient opportunity to be aware, that any such cattle were so diseased, or had been running among cattle so diseased, at or within one month previous to the time of sale, then such vendor shall be liable to make good all loss or damage which the purchaser may have sustained by reason of such diseased cattle so purchased communicating such disease to cattle the property of the purchaser.

Warranty by vendor in private sales.

10. In all private sales of cattle the vendor shall be deemed to have warranted the same, and shall be in all respects liable under such implied warranty as if such cattle had been sold at a public sale, unless it shall have been otherwise stipulated and agreed in writing between the vendor and purchaser, or their agents.

In suit for damages purchaser to prove precautions taken.

11. It shall be incumbent on the purchaser, when suing for damages, to show that he has taken precaution to prevent the spread of Rinderpest amongst his herd as soon as he saw any symptoms that such disease had broken out amongst the said purchased cattle, and that he had with that view taken

care, as far as possible, to keep the said purchased cattle separate from the said herd after the discovery of such symptoms as aforesaid, and the extent to which such precautions shall have been taken shall be considered by the Court when awarding damages.

12. No action for restitution of the purchase price of any such purchased cattle which may have shown symptoms of Rinderpest, or for damages caused by such cattle communicating the disease, shall be sustained under the provisions of this Act unless within seventy-two hours of the first symptoms of Rinderpest having been seen in the said cattle by the purchaser or any of his servants, the said cattle shall have been examined by two competent European witnesses, and unless notice that such symptoms have been seen has been given within seventy-two hours, as aforesaid, to the auctioneer or marketmaster or to the vendor. Such notice shall not be considered given unless it shall have been delivered verbally, or by telegram, registered letter, or by hand, at the usual residence or place of business of the person for whom it is intended; but if two competent European witnesses do not examine the said diseased cattle, as provided in this section, the said action shall be sustained if information that such cattle show symptoms of Rinderpest shall have been delivered to the nearest Magistrate, Government Veterinary Surgeon, or Stock Inspector, within seventy-two hours of such symptoms having been seen as aforesaid, who shall cause the said cattle to be inspected, and if any of the said officers, or either of the said witnesses shall have reasonable cause to believe the said cattle to be affected with Rinderpest, such person shall destroy one of the said cattle, and shall examine it to ascertain more certainly whether it was affected with Rinderpest; and if such person find the said cattle to be so affected he shall take the necessary steps to identify the said purchased cattle and all other cattle in the possession of the purchaser with which such purchased cattle may have been running, and the Court, when awarding damages, shall take into consideration all reasonable expenses which may have been incurred by the purchaser or in his behalf in connection with such purchased cattle.

13. Nothing in this Act shall be deemed to repeal any of the provisions of the Animals Diseases Act, 1894.

Conditions to be observed for action to be sustained.

Animals Diseases Act not affected.

Given at Government House, Natal, this Thirteenth day of September, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 29, 1903.]

HENRY MCCALLUM,
Governor.**ACT,**

“To make provision for preventing the spread of
Rabies in Dogs.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

- Short Title. 1. This Act may be known as “The Rabies Act, 1903.”
- Destruction of rabid dogs. 2. It shall be lawful for any person to destroy any dog showing open symptoms of rabies, or which is known or reasonably believed to have been bitten by a rabid dog or other rabid animal.
- Powers of authorised person to order destruction. 3. Any veterinary surgeon, or police constable, or any person having authority in that behalf from the Principal Veterinary Surgeon, may destroy, or order and enforce the destruction of any dog which he may believe to be dangerous, upon evidence to his satisfaction that such dog has been in contact with a rabid dog or other rabid animal.
- Liability not affected by wilful destruction. 4. Nothing in this Act shall be deemed to affect the liability of any person who destroys a dog wilfully or without reasonable grounds as required by this Act.
- Application to other animals. 5. Any reference in the foregoing sections of this Act to dogs shall apply also to any other animal liable to the disease of rabies.
- Order as to muzzling. 6. The Governor may at any time by notice in the *Natal Government Gazette* order that no dog shall be allowed to be in any street or road, or anywhere except upon private premises unless it is muzzled. Such order shall state the

period for which it is to be in force, and may be made for the whole Colony, or any part of it, or any town or place specially mentioned: Provided that dogs being used for sporting purposes or for the herding of sheep or cattle, shall, if under the control of a person of European descent during the time they are actually used for such purpose, be exempt from such clauses of the Regulations as may refer to the muzzling of dogs.

7. The expression "muzzled," as used in this Act, means wearing a muzzle of a pattern approved by the Government, and securely fastened so as to admit of the dog breathing and drinking without obstruction. "Unmuzzled" means not muzzled according to the requirements of this section. Definitions.

8. Any dog which during the currency of an order made under this Act is found unmuzzled in any street or road, or anywhere, except upon private premises, may be taken and destroyed by any police constable, or by or under orders of any Magistrate, police officer, or officer of the Veterinary Department. Destruction of unmuzzled dogs during currency of order.

9. The Governor in Council may from time to time make regulations for any of the purposes necessary for the proper carrying out of this Act. Regulations.

10. Any person contravening a regulation made under this Act, or knowingly allowing an unmuzzled dog to be away from private premises during the currency of a muzzling order, shall be liable to a fine not exceeding Ten Pounds Sterling. Offences and penalties.

Given at Government House, Natal, this Thirteenth day of September, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 30, 1903.]

HENRY McCALLUM,
Governor.

“To place closer restrictions on Immigration.”

WHEREAS it is expedient to place closer restrictions on immigration into the Colony and to provide for the removal from the Colony of prohibited immigrants :

BE IT THEREFORE enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :--

PART I.

Short title.

1. This Act shall be known as the “Immigration Restriction Act, 1903.”

Repeal.

2. Act No. 1, of 1897, known as the “Immigration Restriction Act, 1897,” is hereby repealed.

Former Acts, etc., not affected by repeal.

3. The repeal of the said Act No. 1 of 1897, shall be without prejudice to anything done or suffered or any order given or liability incurred thereunder or to any penalty or punishment imposed in respect of any offence under the said Act or to any legal proceedings commenced in respect of any matter under the said Act, and any such legal proceedings may be carried on as if this Act had not been passed. Any regulations made under Act No. 1 of 1897 shall, save so far as they may be inconsistent with this Act, remain in force until revoked by regulations made under this Act.

Exemptions.

4. This Act shall not apply to :—

- (a) Any person possessed of a certificate in the form set out in Schedule A of this Act, and signed by the Minister having charge of the administration of this Act (hereinafter referred to as the Minister) or by the Agent-General of Natal, or any officer appointed by the Natal Government for the purpose of this Act whether in or out of Natal.

- (b) Any person of a class for whose immigration into Natal provision is made by Law or by a scheme approved by Government.
- (c) The officers and crew of any vessel of His Majesty's Fleet or of the Fleet of any friendly Power.
- (d) Any member of His Majesty's Military forces.
- (e) Any person duly accredited to Natal by or under the authority of the Imperial or any other Government.
- (f) Any person who shall satisfy an officer appointed under this Act that he has been formerly domiciled in Natal, and that he does not come within the meaning of any of the Sub-sections (c), (d), (e), (f), (g) of Section 5 of this Act.
- (g) The wife, and any child appearing to the Immigration Restriction Officer to be under the age of 16 years, of a person not being a prohibited immigrant, except subject to Sub-sections (c), (d), (e), (f) (g) of Section 5 of this Act.

5. The immigration into Natal, by land or sea, of any person being or appearing to be of any of the classes defined by the following sub-sections, hereinafter called "prohibited immigrant," is prohibited, namely:—

Prohibited
immigrants.

- (a) Any person who, when asked to do so by any duly authorised officer, shall be unable through deficient education to himself write out and sign, in the characters of some European language, an application to the satisfaction of the Minister.
- (b) Any person without visible means of support or any person who is likely to become a pauper or a public charge.
- (c) Any idiot or insane person.
- (d) Any person suffering from a loathsome or dangerous contagious disease.
- (e) Any person who, not having received a free pardon, has been convicted in any country of treason, murder, or any crime for which a sentence of imprisonment has been passed for any term, and who, by reason of the circumstances connected therewith, is deemed to be an undesirable immigrant.
- (f) Any prostitute, and any person living on or receiving, or who may have lived on or received, any part of the proceeds of the prostitution of others.
- (g) Any person deemed by the Minister to be an undesirable immigrant in consequence of information or advice received from any Secretary of State or Colonial Minister, or through diplomatic channels or any Minister of a Foreign Country or from any other trusted source.

PART II.

Powers of police to prevent entry.

6. Any police officer, or other officer appointed under this Act may, subject to the exceptions hereinafter contained, prevent any prohibited immigrant from entering Natal by land or sea.

Unlawful entry of prohibited immigrant.

7. Any prohibited immigrant making his way into, or being found within, Natal, in disregard of the provisions of this Act, shall be deemed to have contravened this Act. Any person convicted under this section may, in addition to liability to removal or otherwise, be imprisoned with or without hard labour for any term not exceeding six months : Provided that such imprisonment shall cease if and when arrangements are made for the deportation of the offender from the Colony.

Prohibited immigrant not released from Act by mere entry.

8. No person who comes within the definition of a prohibited immigrant shall be released from the operation of this Act, or allowed to be or remain in the Colony, merely because he has not been notified not to land, or because he may have been allowed to land through oversight or through want of knowledge that he was a prohibited immigrant. Proof adduced within twelve months after any person has entered the Colony that he is of any of the classes whose entry is prohibited, shall be sufficient evidence that such person was a prohibited immigrant, and such person shall be liable to be then dealt with as a prohibited immigrant.

Summary arrest.

9. If there shall be reasonable cause to suspect that any person has contravened this Act, and if in order to prevent justice from being defeated, it is necessary to arrest such person immediately, it shall be lawful for any Immigration Restriction or Police Officer to arrest such person forthwith, without having a warrant for that purpose, and he shall be required to bring such person before a Magistrate as soon as may be, or should the ship from which such person landed be on the point of departure, then such person may be handed over to the custody of the Master of the ship, who shall be obliged to receive and keep him on board.

Entry permitted under certain conditions.

10. Any person appearing to be a prohibited immigrant within the meaning of Section 5 of this Act, and not coming within the meaning of any of the Sub-sections (*c*), (*d*), (*e*), (*f*), (*g*) of the said Section 5, may be allowed to enter Natal upon the following conditions :—

- (*a*) He shall, before landing, himself deposit with an officer appointed under this Act the sum of One Hundred Pounds Sterling.
- (*b*) If such person shall, within one week after entering Natal, obtain from the Minister or a Magistrate a certificate that he does not come within the prohibition of this Act, the deposit of One Hundred Pounds Sterling shall be returned.
- (*c*) If such person shall fail to obtain such certificate within one week, the deposit of One

Hundred Pounds Sterling may be forfeited and he may be treated as a prohibited immigrant.

In case of any person entering Natal under this section, no liability shall attach to the vessel or to the owners of the vessel in which he may have arrived at any port of the Colony.

11. A prohibited immigrant shall not be entitled to a license to carry on any trade or calling, nor shall he be entitled to acquire land in leasehold, freehold, or otherwise, or to exercise the franchise, or to be enrolled as a burgess of any borough or on the roll of any township; and any license or franchise right which may have been acquired in contravention of this Act shall be void.

Disabilities of prohibited immigrant.

12. The Government may authorise the Principal Immigration Restriction Officer to make a contract with the Master, owners, or agent of any vessel for the conveyance of any prohibited immigrant found in Natal to a port in or near to such immigrant's country of birth, and any such immigrant with his personal effects may be placed by a police officer on board such vessel, and shall in such case, if destitute, be supplied with a sufficient sum of money to enable him to live for one month according to his circumstances in life after disembarking from such vessel.

Contract for return of prohibited immigrant.

13. Any person who shall be instrumental in bringing into Natal any idiot or insane person without a written or printed authority, signed by the Minister, shall be deemed to have contravened this Act, and in addition to any other penalty shall be liable for the cost of the maintenance of such idiot or insane person whilst in the Colony.

Bringing insane persons into Colony.

14. Any officer for the purposes of this Act shall be empowered to board as often as may be necessary all ships entering inward at any port of the Colony in the performance of his duties under this Act.

Officer may board all ships.

15. The Master of a ship arriving at Natal shall, upon being thereto requested by the Immigration Restriction Officer at the Port, furnish to him a list, in duplicate, signed by himself, of all passengers and other persons then on board not forming a portion of the regular crew of the vessel.

List of passengers may be required.

16. A Master shall also, if required thereto prior to his departure from Port, produce his Articles and muster his crew, and if it be found that any person named on the Articles, and who, in the opinion of the Immigration Restriction Officer, would be a prohibited immigrant, is not then present, such person shall be deemed to have entered the Colony contrary to this Act, but the Master and Agents of the ship, provided they have made proper provision for police protection, shall not be responsible for any contravention of the provisions of this section.

Crew may be required to be mustered before departure: Absence of person who would be prohibited immigrant.

17. If the Immigration Restriction Officer shall declare to the Master of a ship arriving at the Port that there are persons on board who belong to the class of prohibited immigrants, and should the Master thereupon represent that for the better security against infringement of

Detention of persons of prohibited immigrant class during ship's stay.

the Act it is desirable that such prohibited immigrants should be kept in some other place during the ship's stay in Port, the Immigration Restriction Officer may, in such case, should he think fit, cause such prohibited immigrants to be removed in proper custody from the ship to, and be detained in, any place on shore, or any hulk or craft in the Bay, which may be set apart by the Government for the purpose. Such prohibited immigrants shall be returned to the ship when she is about to sail, of which due notice shall be given by the Master to the Immigration Restriction Officer. The cost of the landing or removal, detention, maintenance and control of the prohibited immigrants, so temporarily removed from the ship, and all contingent expenses, shall be borne by the Master of the ship, who shall be solely responsible for the proper rationing of the prohibited immigrants so removed, and for providing them with bedding and other necessaries requisite to maintain them in the place of detention in the degree of comfort which they would have enjoyed had they not been removed from the ship, or to which they might be entitled under any contract or agreement subsisting between such prohibited immigrants and the Master or owners of the ship. The Immigration Restriction Officer may, before assuming the custody of any prohibited immigrant, require the Master and owners, or agents of the ship, to deposit with him, or give a sufficient guarantee of a sum sufficient to defray any expenses that may be incurred by the Government in connection therewith.

Expenses to be borne by ship.

Escape of person so detained.

18. If any prohibited immigrant shall escape from the place of detention contemplated by the next preceding section, or from any lawful custody in going thereto or returning therefrom, he may be taken by any officer of police and brought back, and shall also be liable to punishment for contravention of Section 7 of this Act.

Punishment by Magistrate of a member of crew. Order for return, in custody, to ship.

19. Should the Master of a ship charge any member of his crew, or stowaway, or extra hand before a local Court with a crime or offence committed at some time prior to arrival, or during his vessel's stay in Port, the Magistrate may, at the request of the Immigration Restriction Officer, and on representation by the Immigration Restriction Officer that the accused is a prohibited immigrant, in awarding punishment, order that, on expiry of the sentence, or on the sooner readiness of his vessel to proceed to sea, the prisoner be taken from gaol and conducted in custody aboard his ship or conveyance away from the Colony. Any person contemplated by this section, brought before a Magistrate and discharged, shall be ordered by the Magistrate to be immediately conveyed back to his ship. An order shall not be made under this section in any case in which the Magistrate deems the crime proper for trial in a higher Court.

20. Whenever it shall be deemed necessary for the effective carrying out of this Act to regulate intercourse from the shore with any vessel at the Port having on board any prohibited immigrant, the Principal Immigration Restriction Officer may take such steps, with the approval of the Minister, as may appear proper in that behalf.

Regulation of intercourse from shore with vessel having prohibited immigrants.

21. The Master and owner of any ship from which any prohibited immigrant may be landed or may land shall be liable jointly and severally to a penalty of One Hundred Pounds Sterling (which said sum may be reduced to any sum not less than Twenty-five Pounds Sterling) in respect of each such prohibited immigrant landed or who may land, and the vessel may be refused a clearance outward until any penalty incurred has been paid, and until provision has been made by the Master to the satisfaction of the Immigration Restriction Officer for the conveyance out of the Colony of each prohibited immigrant who may have been so landed, and the vessel may be made executable by a decree of the Supreme Court in satisfaction of any penalty imposed under this section.

Liability of Master and owners of ship from which prohibited immigrants have landed.

The word "clearance" as used in this Act includes all the documents ordinarily issued by the Collector of Customs to a ship about to leave Port, including the document known as the Bill of Health.

PART III.

22. Any person being a prohibited immigrant within the meaning of this Act may apply to the Immigration Restriction Officer, or other officer thereto appointed, for a pass to enter Natal for a temporary visit or for the purpose of embarking at the Port for some other country. Such passes shall be known as Visiting Passes and Embarkation Passes respectively, and shall be in the forms prescribed by the Regulations made under this Act. The words "the Port" mean any port in Natal.

Visiting passes
Embarkation passes.

23. The applicant shall attend before such officer and shall answer all such questions as the officer may put in order to satisfy himself that the pass ought to be granted, and shall deposit with him the appointed sum of money, that is to say :—

Attendance before officer and deposits

For a Visiting Pass the sum of Ten Pounds Sterling, together with an additional sum of Ten Pounds Sterling where the pass includes the wife and children of the applicant ;

For an Embarkation Pass the sum of Ten Pounds Sterling for each adult, and Five Pounds for each child.

The word child, as used in this and the succeeding sections means a person appearing to the officer to be under the age of sixteen years.

Separate passes required.

24. Except in the case of a person accompanied by his wife and children a separate pass shall be required for each person seeking to enter Natal for the purpose of a visit or for embarking.

Discretion to refuse passes.

25. No person shall be entitled of right to obtain a Visiting Pass or an Embarkation Pass, and the officer appointed to issue such passes shall have the discretion to grant or refuse any such pass, subject, however, to any direction which may be given him by the Principal Immigration Restriction Officer or by the Minister.

Duration and effect of visiting pass.

26. A Visiting Pass shall be a sufficient authority for the person or persons named therein to enter the Colony of Natal and to remain there during the period stated in the pass. Such period shall not exceed twenty-one days, but any officer appointed under the Act may, for sufficient reason appearing, extend the period from time to time by an endorsement on the pass. No extension shall be made for more than fourteen days at a time, and no such pass may be extended beyond six weeks from the date of the pass, except with the consent of the Minister.

Return of deposit.

27. The money deposited for a Visiting Pass shall be returned to the depositor upon the passholder quitting the Colony within the time named in the pass or any extension thereof.

Effect of embarkation pass.

28. An Embarkation Pass shall be a sufficient authority for the person or persons named therein to enter Natal and to proceed with all reasonable speed to the Port for the purpose of embarking by the first available opportunity for the destination stated in the pass.

Extension.

29. An Embarkation Pass shall not be extended except by the Principal Immigration Restriction Officer for sufficient cause to him appearing.

Disposal of deposit for embarkation pass.

30. The money deposited for an Embarkation Pass shall be at once transmitted to the Principal Immigration Restriction Officer at the Port, to be by him applied, on the application of the person to whom it was granted, and so far as the sum deposited shall suffice for the purpose, in obtaining a passage for the person or persons named to the specified place or destination. Any balance of the money deposited shall be returned to the depositor upon the sailing of the ship, or may, in the discretion of the officer, be expended in any other necessary or proper manner by desire of the depositor.

Penalty for overstaying time allowed by pass: Other offences.

31. Any person being a prohibited immigrant within the meaning of the Act, who shall enter Natal in pursuance of a Visiting Pass or an Embarkation Pass, and who shall remain in Natal beyond the time allowed by such pass, or by a lawful endorsement thereof, or who may misuse the pass, or allow any fraudulent use to be made of it, shall be deemed to have contravened this Act, and shall, upon conviction, suffer forfeiture of the amount deposited by him, and render himself liable to the punishment prescribed by Section 7 of the Act.

32. The provisions of Sub-section (*f*) of Section 4 shall extend to any person who shall satisfy an officer appointed under this Act that he has formerly resided in Natal, that is to say who has had his ordinary place of residence in Natal for a period of not less than three consecutive years: Provided, however:

Exemption by residence.

- (*a*) That nothing in this section shall diminish the rights of any person who has had his domicile in Natal as distinguished from residence as above defined.
- (*b*) That no person shall be entitled to claim the benefits of this section merely by reason of residence in Natal under indenture of service, or the like, entered into in pursuance of any laws for the introduction of servants or labourers or otherwise.

33. A certificate granted by the Immigration Restriction Officer, stating that the person named and described therein has been formerly resident or domiciled in the Colony within the meaning of this Act, shall be *prima facie* evidence of such former residence or domicile.

Certificate of residence or domicile.

PART IV.

34. Any person appearing to an officer under this Act to be over the age of sixteen years shall be regarded as an adult for the purposes of this Act.

Person over 16 years to be regarded an adult.

35. The Governor may appoint officers for the purpose of carrying out the provisions of this Act, one of whom shall be a principal Immigration Restriction Officer, and may define the duties of such officers, and such officers shall carry out the instructions from time to time given to them by the Minister or by the Principal Immigration Restriction Officer.

Officers for carrying out Act.

36. The Governor in Council may, from time to time, make, amend, and repeal regulations for the better carrying out of the provisions of this Act.

Regulations.

37. Any person who shall by false declaration obtain, or seek to obtain, either for himself or for another person, neither being entitled thereto, any certificate or document intended to secure the entry into the Colony of any person in violation of the provisions of this Act, and any person who may fraudulently use any such certificate, or other document, shall be guilty of a contravention of this Act.

Offence of falsely obtaining documents, etc.

38. The following shall be contraventions of this Act:—

Contraventions.

- (*a*) Assisting any prohibited immigrant to enter the Colony or knowingly being a party to the introduction of any person of the class (*f*) of Section 5 of this Act.
- (*b*) Aiding or abetting a prohibited immigrant or any other person in any contravention of this Act or of the Regulations.
- (*c*) Resisting or obstructing actively or passively any officer in the execution of his duty.

(d) Wilfully disobeying or disregarding any obligation imposed by, or any lawful order made under, this Act or the Regulations.

Penalties.

39. Every person guilty of a contravention of this Act or of any regulation passed thereunder shall, where no penalty is expressly imposed, be liable to a fine not exceeding Fifty Pounds Sterling, or, in default of payment thereof, imprisonment with or without hard labour for a period not exceeding six months, or he may be sentenced to such imprisonment as aforesaid without the option of a fine.

Penalty incurred by ship's master.

40. Any penalty incurred by the Master of a ship shall be paid before the ship's clearance is granted. Notice in writing by the Immigration Restriction Officer to the Collector of Customs of any claim against the Master, owners or agents of a ship for a penalty shall be a sufficient authority to him to refuse the ship's clearance until such order is withdrawn or is set aside by the order or judgment of a Court. Such a notice to the Port Captain or Harbour Master shall be authority to him to refuse to take a ship or allow it to go outside the Bay to any outer harbour or anchorage. When such notice is given the Immigration Restriction Officer shall with all speed inform the Minister and take all such steps as may be necessary in order that proceedings in respect of the contravention may be instituted without loss of time.

Enforcement of money penalty.

41. The enforcement of any money penalty may be either by criminal prosecution or by civil action at the instance of the Immigration Restriction Officer. All contraventions of this Act or of the Regulations for which no special punishment is awarded, or for which no greater punishment than a penalty of One Hundred Pounds Sterling or imprisonment with or without hard labour is imposed, shall be cognisable by the Courts of Magistrates, who may in respect of any such contravention impose a penalty or punishment up to the said limits. Such imprisonment may in any criminal prosecution be awarded either absolutely or in default of the payment of a penalty. Notwithstanding the foregoing provision, the Magistrate having jurisdiction at any Port where a ship is detained under authority of this Act shall have jurisdiction in any civil suit wherein a penalty not exceeding Five Hundred Pounds Sterling is claimed from the Master or owners or agents of the ship.

Magistrate's jurisdiction.

SCHEDULE "A" (No.).

COLONY OF NATAL IMMIGRATION RESTRICTION ACT, 1903.

(TO WHOM IT MAY CONCERN.)

This is to certify that the person hereunder described is a fit and proper person to be received as an Immigrant into Natal.

Dated at

This

day of

190

Signature,

DESCRIPTION.

Name.

Nationality.

Age.

Trade or calling.

Married or single.

Height. ft. ins.

General Description.

Marks.

Signature of holder.

.....

Given at Government House, Natal, this Thirteenth day
of September, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 31, 1903.]

HENRY McCALLUM,
Governor.**ACT,**

“To amend the Law relating to Brothels and Immorality.”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Short title.

1. This Act may be known as “The Criminal Law Amendment Act, 1903.”

Repeals.

2. Act No. 22, 1899, entitled Act “To amend the Criminal Law,” and Act No. 21, 1902, entitled Act “To amend the Criminal Law,” are hereby repealed.

This repeal shall not affect any liability incurred under the said Acts or the prosecution and punishment of any offence committed prior to the commencement of this Act.

Penalties for keeping brothels.

3. Any person convicted of keeping a brothel shall be liable to be sentenced—

For the first offence to imprisonment, with or without hard labour, and without the option of a fine, for a period not exceeding three months, or to a fine not exceeding One Hundred Pounds Sterling, and, in default of payment, to imprisonment, with or without hard labour, for a period not exceeding three months, and

For a second or later offence to imprisonment, with or without hard labour, and without the option of a fine, for a period not exceeding six months, or to a fine not exceeding Three Hundred Pounds Sterling, or to both such fine and imprisonment.

Premises occupied by one or more women known to be common prostitutes and carrying on prostitution therein shall be deemed to be a brothel.

4. Husband and wife who are charged with being keepers of a brothel may be jointly prosecuted under this Act.

Husband and wife jointly prosecuted.

5. The following persons shall be deemed to be keepers of a brothel, viz. :—

Who deemed to be keepers of brothels.

- (a) Any person who permanently resides in, or keeps, or manages, or acts, or assists in the management of, or knowingly receives the whole of or any share in the money taken in any brothel.
- (b) Any person who, being the tenant, lessee, or occupier of any house, room, or premises deemed to be a brothel, knowingly permits the same or any part thereof to be used as a brothel.
- (c) Any person who being the lessor, or landlord, or owner of any such house, room, or premises, or the agent of such lessor or landlord, lets the same or any part thereof, or allows the same or any part thereof to be let, or to continue to be let, with the knowledge that such premises, or part thereof are or is to be used, or are or is being used as a brothel.

6. On refusal or failure by any woman found in any brothel to disclose the manager thereof, such woman shall be deemed to be the manager or one of the managers thereof ; and any male person resident therein, or being the husband of any woman residing, managing, or assisting therein, shall be *prima facie* deemed to be the recipient of the whole or a part of the moneys taken therein : Provided that nothing in this section shall be deemed to apply to a husband *bona fide* judicially separated from his wife.

Woman refusing to disclose manager to be deemed manager.

Presumption as to males.

7. The onus of proving for the purposes of prosecutions under this Act that a house, room, or premises is being used or kept as a brothel to the knowledge of the owner, landlord, lessor, or the agent of either of them, shall be on the prosecution : Provided that—

Onus of proving landlord's knowledge.

- (1) If it be established to the satisfaction of the Court that the rent agreed upon, having regard to the rents of other houses, rooms, or premises in the same street or locality, or of similar size, description, desirability or position is excessive or exorbitant, the onus shall be on the defendant to prove that he was ignorant that the house, room, or premises was or were or became a brothel ;
- (2) Proof of written notice having been given by a police officer or constable to the defendant that any house, room, or premises is or are being used as a brothel, shall be conclusive evidence of knowledge on **his** part.

Householder
may complain to
magistrate.

8. It shall be lawful for any householder to give notice to the Magistrate that any house, room, or premises in the street in which such householder resides, or in the vicinity thereof, is being kept or used as a brothel, and, on receipt of such notice from any two or more reputable householders relating to one and the same house, room, or premises, the Magistrate, on being satisfied as to the householders' reputability, shall require them to appear before him and there on oath declare that the contents of their notices respectively are true, and to enter into recognizances to his satisfaction to produce material evidence against the person to be accused of keeping or using such house, room, or premises as a brothel.

Procedure.

Thereafter the Magistrate may issue his warrant for the arrest of the accused, and on arrest may bind him or them over to appear before him on such day as he may fix upon to answer to the charge to be made against him or them under this Act.

Magistrate's
warrant to
search for iden-
tity of keepers.

9. It shall be lawful for any Magistrate who has received the notices, administered the oaths and taken the recognizances in accordance with the provisions of this Act, or on information laid before him by any police officer which information is in the opinion of the Magistrate sufficient, that any house, room, or premises is or are being kept or used as a brothel, previously to his issuing his warrant for arrest, to issue a warrant authorising any officer of police not below the rank of a sergeant, to enter at any hour of the day or night, and within such period as shall be limited therein, such house, place, or premises, for the purpose of discovering the names and identity of the keepers thereof, and there to demand the names and addresses of all persons found therein, and to demand, search for, and seize all account books, receipts, and papers which may enable the keepers thereof to be disclosed.

Penalty for re-
fusal to disclose
identity.

Any person refusing to give his proper name and address, or giving a false name and address, or refusing to disclose the name or identity of the keepers, or to produce such books, receipts, and papers, may be summarily arrested and detained without any warrant, and shall be deemed to be guilty of contravening this Act, and shall, on conviction, be liable to a fine not exceeding One Hundred Pounds Sterling, or, in the alternative, to imprisonment, with or without hard labour, for a period not exceeding two months.

No prosecution under this section shall bar any criminal proceedings under any of the preceding provisions of this Act, or be pleadable either as a previous conviction or previous acquittal.

Contracts to let
houses to be
used as brothels
illegal.

10. Any contract or agreement to let for any period any house, room, or premises to be used as a brothel, is hereby declared to be null and void; and no action for rent, or any

legal proceedings in respect of rent, shall be maintainable in respect of such contract or agreement.

Use of house as brothel to render contract void.

11. Any contract or agreement to let for any period any house, room, or premises which, subsequently to the making of such contract or agreement, becomes a brothel, shall, on the date of such event, be determined and rendered null and void ; and the provisions in the preceding section contained with regard to rent shall apply : Provided that on proof by the lessor or landlord of his ignorance of such event, he shall be entitled to recover from his tenant, for use and occupation during such time as he was ignorant as aforesaid, such sums as would then have accrued due as rent at the rate as agreed upon.

12. The lessor of any premises used wholly or in part as a brothel, or for the purposes of habitual prostitution, shall be entitled to apply to the Magistrate for the summary ejectment of any person or persons who may be using such premises or any part thereof as a brothel or for the purposes of habitual prostitution, and such Magistrate shall be entitled after enquiry to order the summary ejectment of such person or persons. No fees of Court shall be charged for any such process or the execution of any such process.

Summary ejectment of persons using premises as brothels.

13. Any person who

Procuration.

- (1) Procures or attempts to procure any girl or woman under twenty-one years of age, not being a common prostitute, or of known immoral character, to have unlawful carnal knowledge, either within or without the Colony, with any other person or persons ; or
- (2) Procures or attempts to procure any woman or girl to become, either within or without the Colony, a common prostitute ; or
- (3) Procures or attempts to procure any woman or girl to leave the Colony with intent that she may become a prostitute elsewhere ; or
- (4) Procures or attempts to procure any woman or girl to leave her usual place of abode in the Colony, such place not being a brothel, with intent that she may, for the purposes of prostitution, become an inmate of a brothel within or without the Colony,

shall, on conviction, be deemed to be guilty of contravening this section of the Act, and shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour :

Provided that the evidence of one witness only shall not suffice to convict unless such witness is corroborated in some material particular by evidence implicating the accused.

Procuring defilement by threats, fraud, or administering drugs.

14. Any person who

- (1) By threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection either within or without the Colony ; or
- (2) By false pretences or false representations procures any woman or girl, not being a common prostitute, or of known immoral character, to have any unlawful carnal connection either within or without the Colony ; or
- (3) Applies, administers to, or causes to be taken by any woman or girl any drug, matter, or thing with intent to stupefy or overpower so as thereby to enable any person to have unlawful carnal knowledge with such woman or girl,

shall be guilty of contravening this section, and shall be liable to imprisonment, with or without hard labour, for the period of five years, and, in the case of a male, with lashes not exceeding twenty-five :

Provided that the evidence of one witness only shall not suffice to convict unless such witness is corroborated in some material particular by evidence implicating the accused.

Persons trading in prostitution.

15. (1) Every person who

- (a) Knowingly lives wholly or in part on the earnings of prostitution, or
 - (b) In any public place persistently solicits or importunes for immoral purposes, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour, and, in the case of a male convicted under Sub-section (a), to lashes, not to exceed twenty-five, in addition to hard labour.
- (2) If it be made to appear to a Magistrate, by information on oath, that there is reason to suspect that any house or place is used by a female for purposes of prostitution, and that any person residing or frequenting the house is living wholly or in part on the earnings of the prostitute, such Magistrate may issue a warrant authorising any constable to enter and search the house and to arrest that person.
- (3) Where a person is proved to live with or to be habitually in the company of a prostitute he shall, unless he can satisfy the Court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

Sexual intercourse between white woman and coloured person.

16. Illicit sexual intercourse between any white woman and any coloured person as defined by the Law 15, 1869, shall be unlawful ; and any white woman or such coloured person contravening the provisions of this section shall be liable, on conviction, to be imprisoned with hard labour for

a period not exceeding two years, and, in the case of such coloured person, with lashes not to exceed twenty-five.

17. Any person who procures any white woman for the purposes of illicit sexual intercourse at any house or place with any coloured person as above defined shall be deemed guilty of contravening the provisions of this section, and shall, on conviction, be liable to be imprisoned, with hard labour, for a period not exceeding five years, and, in the case of a male, with lashes not to exceed twenty-five.

Procuration of white woman for coloured persons.

18. Any person being the keeper of a brothel in which any act of illicit sexual intercourse shall be proven to have taken place between any white woman and any male coloured person as above defined shall, in addition to any other penalties that may be inflicted under this Act, be liable to imprisonment, with or without hard labour, for a period not exceeding five years, and, in the case of a male, with lashes not to exceed twenty-five.

Additional penalty upon keeper in case of intercourse between white woman and coloured person.

19. All offences against this Act shall be cognizable by the Courts of Magistrates, which shall have jurisdiction to impose the sentences respectively appointed by this Act: Provided that no Magistrate, except a Magistrate exercising jurisdiction in a Municipal Borough, shall impose a longer term of imprisonment than one year, or a greater fine than One Hundred Pounds Sterling; and no Magistrate shall impose a longer term of imprisonment than two years, or a greater fine than Two Hundred Pounds Sterling.

Magistrate's jurisdiction.

20. All contraventions of this Act committed within a Borough established under the provisions of Law No. 19, 1872, or of any Act passed in lieu thereof, may be prosecuted on behalf of the Borough by the Superintendent of Police, or by any other person thereto appointed by the Mayor, and any fines recovered for any offences so prosecuted shall be paid to the Borough fund.

Prosecutions and fines in boroughs.

This section shall not affect the right of prosecution of any offence by the Attorney-General on behalf of the Crown.

Saving of rights of Crown.

Given at Government House, Natal, this Thirteenth day of September, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 32, 1903.]

HENRY McCALLUM,
Governor.

E.



R.

ACT,

“For preventing the spread of the disease known as
Rhodesian Redwater.”

BE IT ENACTED by the King's Most Excellent Majesty,
by and with the advice and consent of the Legislative
Council and Legislative Assembly of Natal, as follows :—

1. In this Act the expression “the Minister” means
the Minister having charge of the Department of Agriculture.
The expression “the disease” means the disease commonly
known as Rhodesian Redwater, or East African Coast Fever.

2. The Minister shall have power to quarantine or destroy
or dip any cattle which may be reported to him to be infected
with the disease, or to have mixed or been in contact with in-
fected cattle, or which there are reasonable grounds for believ-
ing to have been upon infected land (that is to say, land on
which infected cattle have been kept or pastured or over
which they may have passed), or in any other way exposed
to the risk of contracting the disease, or whenever he con-
siders it necessary to do so in order to prevent the introduc-
tion or spread of the disease in the Colony.

3. The Minister shall have power to declare any area to
be an infected area within the meaning of this Act, and to
prohibit the ingress and egress of cattle or other animals into
or from any such infected area.

The Principal Veterinary Surgeon or any District
Veterinary Surgeon or Stock Inspector shall have power,
pending the instructions of the Minister, to exercise the
powers given by this section to the Minister. He shall
instantly report any order so made to the Minister, who
shall take such action thereon as he may think proper.

Interpretation.

Quarantine or
destruction,
etc., of infected
cattle.

Declaration of
infected areas.

Exercise of
powers by
V.S., D.V.S.,
or Stock
Inspector.

4. The Minister shall have power to define a zone of country along any border of the Colony, or around any infected area, or at any part of the Colony where it may be considered necessary, and to order that all such cattle or other animals as he may direct shall be removed from any such zone, and that no such cattle or other animals shall be allowed to enter or to be in such zone.

Minister may define a zone from which cattle shall be removed.

5. The Principal Veterinary Surgeon shall have power, subject to the approval of the Minister, which shall be obtained as soon afterwards as conveniently may be, to quarantine any cattle or other animals when he considers it necessary to do so, and to order any cattle or other animals to be dipped or dressed in such way as he may direct for destroying ticks, before allowing them to be removed from a quarantine or an infected area.

Power of Principal Veterinary Surgeon to quarantine and order dipping.

6. It shall be lawful for the Minister to order that all cattle in the Colony or in any portion thereof, and such other animals as he shall determine, shall be dipped or dressed at such time or times, and in such manner as he may prescribe for the purpose of destroying ticks.

Compulsory dipping or dressing of cattle.

7. The Minister shall have power to order the removal of cattle or other animals from one portion to another of an infected area, and to enforce the isolation of cattle or other animals on any specified portion of an infected area: Provided that no cattle shall be removed to or across a farm occupied by clean cattle.

Removal and isolation of cattle within an infected area.

8. The Minister shall have power to prohibit the removal from an infected area into any other part of the Colony of hay or fodder, or of any other thing which he considers likely to convey ticks or cause infection.

Prohibition of removal of hay, fodder, etc., out of an infected area.

9. The Minister shall have power to order that any cattle which may recover from the disease be branded in such manner and with such marks as he may direct, and to forbid the removal of such cattle from an infected area, or from any specified place, into any other part of the Colony.

Branding and removal of recovered cattle

10. The Principal Veterinary Surgeon, or any District Veterinary Surgeon, may order the destruction of any animal which shall have been brought into this Colony in contravention of this Act or of Law No. 13, 1866, or Act No. 38, 1894, or which may stray or be removed from an infected area, and no person shall be entitled to compensation or payment in respect of any animal which may be so destroyed.

Destruction of animals illegally imported into Colony or straying, etc., from infected area.

11. The Governor in Council may, by notice in the *Government Gazette*, order that any method of inoculation or treatment described in such notice shall be adopted for the prevention of the disease.

Governor in Council may order adoption of particular method of inoculation.

After the publication of such notice

(a). The Principal Veterinary Surgeon, or any District Veterinary Surgeon, may order any cattle to be inoculated or treated according to the method described in the notice, if he shall have reason to believe that they are infected with the disease

or have been exposed to the risk of infection, or are likely to spread the disease.

- (b). The Minister may, by notice in the *Government Gazette*, order that all cattle in any area or part of the Colony, shall be inoculated or treated according to the prescribed method.

The Regulations hereinafter provided for may prescribe the mode and conditions of effecting the inoculation or treatment, and in all matters necessary to be observed in connection therewith.

Enforcement of orders.

12. Any order of the Minister or Principal Veterinary Surgeon may be enforced by an officer of the Veterinary Department, or by any person whom the Minister may appoint for the purpose.

On failure to obey orders, such orders may be carried out at the cost of owner.

13. The owner of any cattle or of any animal, or the person in whose possession or charge the same may be, shall promptly obey and carry out any order given for the isolation, quarantine, dipping, dressing or removal thereof, or any other lawful order made under this Act or the regulations. If he shall fail or neglect to do so, the District Veterinary Surgeon, or other officer, may carry out the order at the cost of the owner or such other person as aforesaid, who shall not thereby be relieved of any liability to punishment as hereinafter provided; and such cost shall be recoverable in the Court of the Magistrate of the Division in which the order shall have been so carried out, or in the Supreme Court of the Colony.

Duration of quarantine or isolation.

14. Quarantine or isolation of cattle or other animals under this Act shall continue for such time as shall be prescribed by the Minister or Principal Veterinary Surgeon.

Construction of tanks for dipping and charges for use of same.

15. The Minister may construct tanks at public expense in any part of the Colony for dipping cattle or other animals, and may make such charges for dipping as he may see fit, and recover same from the owners of cattle or other animals dipped, or from the persons in charge of the same.

Regulations.

16. The Governor in Council may from time to time make regulations for carrying out the purposes of this Act. Such regulations may, amongst other things, prescribe the mode of quarantine or isolation of cattle or other animals and the means to be used in enforcing the same, and may define the authority and duties of guards and the like.

Publication thereof.

17. Any regulations made under this Act, and any order declaring an infected area, or defining a zone in terms of Section 4, or ordering compulsory dipping in terms of Section 6, shall be published in the *Government Gazette* as soon thereafter as possible.

Compensation for destruction of animal which was not diseased.

18. If upon the examination of the organs of any animal destroyed under the provisions of Section 2 of this Act it shall be ascertained by the Principal Veterinary Surgeon, or any District Veterinary Surgeon, and certified by the Minister that such animal was not suffering from the disease, the owner shall be entitled to be paid from the public revenue the value of such animal immediately before

death : Provided that the payment shall in no case exceed the rates set forth in the Schedule to this Act.

19. In the event of any person suffering any loss or damage in consequence of the creation of a zone in terms of Section 4 hereof, he shall be entitled to be paid from the public revenue the amount thereof: Provided that in the event of any dispute arising between such person and the Government as to the amount of such loss or damage the same shall be referred to arbitration.

Compensation for loss by creation of zone.

20. Any person who shall contravene this Act or any of the regulations, or who shall disobey any order made thereunder, or who shall neglect to carry out any duty imposed upon him by the Act or the regulations, shall be guilty of an offence, and shall be liable, upon conviction in the Court of a Magistrate, to a fine not exceeding One Hundred Pounds (£100), or to imprisonment, with or without hard labour, and with or without the option of a fine, for any term not exceeding six months.

Punishment for contraventions of Act or regulations.

21. Nothing in this Act shall be deemed to repeal or lessen the effect of any other Law or Act relating to diseases of animals.

Saving of other Laws or Acts relating to diseases of animals.

SCHEDULE.

	£	s.	d.
1. Calves under 12 months	5	0	0
2. Yearlings (oxen and heifers)	7	0	0
3. Two-year-olds (oxen and heifers)	9	0	0
4. Cows and Heifers, 3-year-olds and upwards... ..	11	0	0
5. Oxen and Bulls	14	0	0

Schedule.

Given at Empangeni, this Twenty-first day of September, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 34, 1903.]

HENRY MCCALLUM,
Governor.

E.



R.

ACT,

“To amend the Excise Act, 1901.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. From and after the first day of October, 1903, the duty of seven shillings and sixpence per gallon of spirits, not exceeding the strength of proof by Sikes's Hydrometer, made in this Colony, imposed by Section 11 of the Excise Act, 1901, shall be increased to seven shillings and tenpence per gallon, and so on in proportion for any greater or less strength.

2. This Act shall be read and construed jointly with the Excise Act, No. 33, 1901, as if the two formed one Act.

Given at Hlabisa, Natal, this First day of October, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 35, 1903.]

HENRY McCALLUM.

Governor.



“To amend Act No. 37, 1901, entitled Act ‘To impose an Excise Duty upon Beer brewed in the Colony, and a Customs Duty upon Beer imported from countries belonging to the Customs Union.’”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. From and after the first day of October, 1903, the duty of twopence per gallon of beer sent out from a brewery in this Colony, imposed by Section 3 of Act No. 37, 1901, shall be increased to fourpence per gallon.

2. From and after the first day of October, 1903, the Customs duty of twopence per gallon, imposed by Section 16 of Act No. 37, 1901, upon beer brewed in a Colony or State which is a party to the Customs Union, shall be increased to fourpence per gallon.

3. This Act shall be read and construed jointly with the said Act No. 37, 1901, as if the two formed one Act.

Given at Hlabisa, Natal, this First day of October, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

Not yet promulgated, December 31st, 1903.

[No. 36, 1903.]

HENRY McCALLUM,
Governor.



ACT,

“To create a Militia Force.”

WHEREAS it is expedient to repeal the Volunteer Act, 1895, and to create a Militia Force for the Defence of the Colony :

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Short title.

1. This Act may be cited as the “Militia Act, 1903.”

Repeal: Saving as to Acts, proceedings, etc.

2. The Volunteer Act, 1895, and Act No. 25, 1896, amending the same, are hereby repealed, save as regards all proceedings taken or commenced before this Act shall come into operation, all which proceedings shall be as valid to all intents and purposes as if this Act had not been passed; save also and except so far as regards all appointments, enrolments, rules, regulations, and orders made under the said Acts, which, until revoked, altered or amended, shall, in so far as the same are not in conflict with any of the provisions of this Act, continue in force, and, with the necessary changes, be deemed to be appointments, enrolments, rules, regulations, and orders under this Act; and save only and except so far as regards any right acquired, or thing done, or any liability accruing, before the passing of this Act.

Definitions.

3. In the interpretation of this Act, if not inconsistent with the context or subject matter, the following expressions shall bear the meanings respectively assigned to them :—

“Camp followers” means sutlers, servants, and all others who accompany the force, or any portion of the force when in Camp or on military service.

- “Commanding Officer of a Corps” means the senior officer in command of any corps, or, in his absence, the officer next in seniority present and in uniform.
- “Contingent” means two or more troops or companies combined together for administrative purposes, and also bodies of Natives, Indians, or other coloured persons called out for service under this Act.
- “Corps” means and includes a Naval corps, regiments and troops of Mounted Rifles, regiments and batteries of Artillery, companies of Engineers, battalions and companies of Infantry, Transport, Medical, Veterinary, and Signallings corps, and any other corps which may be formed by direction of the Governor for military purposes. Troops or companies which are parts of a regiment shall not individually be deemed to be corps.
- “Drawn for service” means balloted for and compelled to serve in the Active Militia.
- “Efficient.”—A Militiaman who has completed the requirements for efficiency, as defined in the Regulations.
- “Equipment” signifies arms, accoutrements, and all articles, except clothing, worn or carried by a Militiaman or his horse, and includes all ordnance, machine guns, harness, stores, tents, and ammunition issued to Militiamen individually or collectively.
- “Members of the Active Militia” means the permanent staff, and all officers, petty officers, non-commissioned officers, and men of the Active Militia.
- “Military Service” or “Active Service.” Militiamen shall be considered to be on Military or Active Service when called out by the Governor under this Act, or when assembled in, or during the time of any Camp of training or instruction, or when going to or returning from any such Camp, or while engaged in any Military exercise or drill, or when called out for any escort, duty, or guard of honour, or while in uniform on duty at any time or place.
- “Militia Reserve” shall include all men liable for military service under this Act, who are not enrolled in the Active Militia or Permanent Militia.
- “Non-Commissioned Officer” includes an acting Non-Commissioned Officer.

“Officer” means any person holding a Commission, or whose appointment as an Officer has been notified in the *Natal Government Gazette*.

“Permanent Staff” shall include the Commandant of Militia and all Officers, Warrant Officers, Non-Commissioned Officers, Drill Instructors, Armourers, and Storekeepers, or any other persons appointed to the staff.

“Regiment or Battalion.” A combination of troops, companies, corps, or contingents formed into a body, not exceeding the establishment fixed by the Regulations made under this Act for a Regiment or Battalion.

“Regulations” means Regulations made under the provisions of this Act.

Commander-in-Chief of Militia.

4. The Governor shall be the Commander-in-Chief of the Militia of and in Natal.

Commandant.

There shall be a Commandant of Militia, with the rank of Colonel, appointed by the Governor in Council, and who shall be charged with, and be responsible for, the administration of all Militia and Defence matters, and for all fortifications, ordnance, ammunition, arms, armouries, stores, munitions, and habiliments of war, training vessels, and other vessels used for defensive purposes within the Colony.

Militia.

5. There shall be a Militia for the repression of civil disturbance, rebellion, or invasion, and the same shall be constituted in the manner hereinafter provided.

Constitution of Militia.

6. The Militia shall consist of all the male inhabitants of European descent in the Colony, from the age of 18 to the age of 50 years inclusively, not exempted by this Act, and not being aliens.

Every member of the Militia shall take the oath of allegiance to His Majesty the King, and his successors, which oath may be administered by any Officer of the Force, or Justice of the Peace.

Classes of Militia.

7. The Militia shall be divided into four classes :—

- (a) Active Militia, consisting of all men who may volunteer and who may be accepted for service in this class, and all other men who may be balloted for service as hereinafter provided.
- (b) Militia First Reserve, consisting of all unmarried men from 18 to 30 years of age inclusive who are not in the Active Militia.
- (c) Militia Second Reserve, consisting of all married men between 18 and 30 years of age inclusive, and all men from 31 to 40 years of age inclusive who are not in the Active Militia.
- (d) Militia Third Reserve, consisting of all men from 41 to 50 years of age inclusive who are not in the Active Militia.

The above shall be the order in which the Militia shall be liable to serve.

8. All the Militia shall be liable to serve anywhere within the Colony or adjacent thereto for the defence of the Colony, with the exception of the men of the Militia Third Reserve, who shall only be liable to serve within their respective Military Districts. Place of service.

9. The following persons shall be exempted from the operations of this Act :— Exemptions.

- (a) Judges of the Supreme Court and of the Native High Court.
- (b) Officers and men in His Majesty's Navy and Army on full pay or employed in any Imperial Department.
- (c) Ministers of religion.
- (d) Mail carriers and ferrymen.
- (e) Masters and crews of vessels actually employed as such and licensed pilots.
- (f) Persons afflicted with disease or infirmity duly certified as unfit for service by a medical practitioner appointed or approved by the Commandant of Militia.
- (g) Officers, keepers, and guards of gaols and lunatic asylums.
- (h) Police officers and constables.

Exemptions shall not prevent any person from serving if he desires it, and if he is not disabled by bodily infirmity.

In the event of the Militia being ordered out for service such members thereof as may be indispensable for the proper conduct of the public service may be ordered by the Governor to remain at their civil posts.

10. The Governor may from time to time divide the Colony into Military Districts for the purpose of this Act, and designate the same by such names as he may deem fit, and may alter or abolish such districts or designations and constitute others in place thereof respectively. Military districts.

11. The Governor in Council may suspend the operation of this Act, or any portion of the same in any such District or in any part thereof, for such time as he may deem fit. Suspension of Act.

12. All the Militia in each Military District shall be under the command of a District Commandant, who shall, within his District, be responsible to the Commandant of Militia for the administration of all Militia and defensive matters, and for all fortifications, ordnance, ammunition, arms, armouries, stores, munitions, and habiliments of war, training vessels and other vessels used for defensive purposes within his district. District Commandant.

13. The District Commandant shall keep an annual roll, in which he shall enter the names and addresses of all persons residing within his district who shall be liable for service in the various classes as aforesaid, and shall transmit a copy thereof, signed by him, to the Commandant of Militia, on or before the 31st day of December in each year. The Annual roll of persons liable for service.

District Commandant shall also enter on the roll the names of all persons liable to serve, who may subsequently come to reside in his district, and shall transmit a signed copy of such entries to the Commandant of Militia at such other times as the Commandant of Militia may require.

Liability for service

14. All persons whose names are contained in such roll shall be liable for service in the Militia, and shall be bound to serve as herein provided.

Persons seeking exemption.

15. In the event of any person claiming to be exempt from the operation of this Act, or to be enrolled in a class other than that in which his name appears, he may state his case to the Commandant of Militia, who shall decide the question after such enquiry as he may think proper. Whenever exemption is claimed, whether on the ground of age or otherwise, the burden of proof shall be on the claimant.

Strength of Active Militia.

16. The strength of the Active Militia shall be determined by the Governor in Council from time to time, but in times of peace shall not exceed 4,000 men.

Corps of Volunteers existing when Act takes effect.

17. Every Corps of Volunteers duly authorised previously to, and existing on the day on which this Act shall come into force, shall retain its present distinctive title unless and until the Governor shall otherwise direct; and such Corps and the Officers commissioned thereto shall be deemed to be a part of the Active Militia, with the right, however, to any member of the Volunteer Force to claim his discharge within one month after the publication of this Act in the *Natal Government Gazette*, and thereafter he shall be exempted from service in the Active Militia until drawn for service as herein provided.

Constitution of Active Militia.

18. The Active Militia shall consist of corps of the various arms and services as hereinbefore defined, in such proportion as the Governor may appoint; and the strength of each corps shall be regulated from time to time by the Governor, as far as possible on the same lines as may be in force for the corresponding unit in the regular forces in the Imperial Army.

Rights vested in the Governor in relation to corps, etc.

19. The Governor may from time to time :

- (a) Accept the services offered through the Commandant of Militia of any persons desiring to be formed under this Act into an Active Militia Corps, on such terms as he may deem fit. And upon such acceptance the proposed corps shall be deemed lawfully formed under this Act as an Active Militia Corps.
- (b) Unite two or more corps or contingents into regiments or battalions, and appoint Field Officers and revoke such appointments; and may fix the headquarters and title of such regiment or battalion.

- (c) Disband or discontinue the services of any corps, or any part of it, or dispense with the services of any member, or cancel the union of separate corps into regiments or battalions :

Provided that no new corps may be formed in a district in which in the opinion of the Commandant of Militia it is undesirable or unnecessary that a new corps should be formed.

20. The Governor may call out the Active Militia, or any part thereof, for active service at any time when it appears advisable to do so, by reason of war, invasion, or insurrection, or danger of any of them, and the Militiamen when so called out for active service, shall be liable to serve for such time as the Governor in Council may direct.

Active service.

21. The Officer commanding any Military District, or the Officer commanding any corps of Active Militia may, upon any sudden invasion or insurrection, or imminent danger of either, call out the whole or any portion of the Militia within his command, and shall immediately report having done so to the Commandant of Militia, and the Militia so called out shall be deemed to be on active service until the pleasure of the Governor in Council is known.

District Commandant or officer commanding a corps may call out for service.

22. The Active Militia, or any corps thereof, shall be liable to be called out by the Governor for Active Service with their arms and ammunition, in aid of the civil power in any case in which a riot, disturbance of the peace, or other emergency requiring such service occurs, or is likely to occur, whether such riot, disturbance or other emergency occurs, or is so anticipated within or without the District in which such corps is raised or organised.

Active service in cases of riot, etc.

23. The Active Militia, or any corps thereof, or any part of a corps, shall also be liable to be called out for military service with their arms and ammunition under special or general regulations to act as guards of honour, escorts, or guards and sentries, or to fire salutes or for any other military duty.

Military service for guards of honour, escort, etc.

24. Any Corps of Active Militia may, with the approval of the Commandant of Militia, enter into articles of engagement and make regulations for its internal management not inconsistent with this Act or the regulations made by the Governor in Council.

Internal management of Active Militia Corps.

25. The Governor shall, by commission or otherwise, appoint Officers as District Commandants, and such other officers, members of medical staff, warrant officers, and non-commissioned officers, as may be necessary for the instruction, care, inspection, and equipment of the Militia.

Officers of Militia.

26. The Governor may, by commission or otherwise, appoint Officers of the Active Militia, on the advice of the Commandant of Militia, with such rank as may be found necessary for the efficiency of the force, and such officers shall, respectively, have such rank and authority in the force as are held relatively in His Majesty's Forces.

Officers of Active Militia.

- Rank.** **27.** All Officers of Militia and Permanent Staff shall rank amongst themselves according to their rank and seniority by the dates of their commissions.
- Command of units as a whole.** **28.** Any body of Militia, consisting of independent units, shall be commanded by the senior officer present on duty and in uniform.
- Command of Militia when on active service.** **29.** Whenever the Militia or any part thereof is called out for active service by reason of war, invasion, or insurrection, the Governor in Council may place them under the orders of the Commander of His Majesty's Regular Forces in the Colony: Provided such Officer shall not be below the substantive rank of Major-General in the Army.
- Retirement of officers holding commissions.** **30.** Officers holding Commissions may be placed on the retired list with honorary rank not exceeding that of Lieutenant-Colonel, or without honorary rank as may be prescribed by the Regulations; but no Officer who shall have retired retaining rank, and no Officer of His Majesty's Regular Forces who may have been retired retaining rank shall be bound to serve in any lower rank than that from which he retired.
- Validity of orders.** **31.** All orders given by the Commandant of Militia or by any officer shall be valid and effectual if verbally given on parade, or issued in any other manner customary in His Majesty's Military service.
- Active Militia in time of active service.** **32.** When the Active Militia is required to be organised at any time for military service, the Commandant of Militia shall, if necessary, insert a notice in the *Natal Government Gazette*, and in each daily newspaper published in the Colony, calling for Volunteers for the Active Militia, in the various military districts, and should enough men have not volunteered and been accepted in any district to complete the quota required for that district within the time fixed by said notice, the men enrolled in the Militia First Reserve shall be balloted for.
- Attachment of balloted men.** **33.** Any man balloted for service in the Active Militia shall be attached to such Corps in his Military District as the District Commandant may notify.
- Substitutes.** **34.** Any Militiaman called out for active service may be exempted from service by furnishing as a substitute a trained Militiaman, accepted by the Officer commanding his corps and the District Commandant, but if, during any period of service, any man who is serving in the Active Militia as substitute for another becomes liable to service in his own person, he shall be taken for such service, and his place as substitute shall be supplied by the Militiaman in whose stead he was serving, or by another qualified and accepted substitute. No Militiaman shall be exempted from training or military service in time of peace by furnishing a substitute, and no Militiaman shall be exempted from active service by furnishing a substitute when the whole of the Active Militia is called out under this Act.

- 35.** The Governor may at any time cancel all exemption from service in terms of the immediately preceding section, and direct the Militiamen so exempted to join their respective Corps without delay. Exemptions may be cancelled.
- 36.** The period of service in the Active Militia, in time of peace shall, subject to the next succeeding section, be not less than three years, irrespective of the age of any man when enrolled in the Active Militia. Period of service, three years.
- 37.** Men who have served three years in the Active Militia, or in any of His Majesty's Imperial or Colonial Forces, shall not be liable to be balloted for service in the Active Militia until all the other men in the same class in the Military District in which they reside have volunteered or been balloted to serve. Ballot of men of three years' completed service.
- 38.** No member of the Active Militia shall be permitted to retire therefrom while on active service, without the special authority, in writing, of the Commandant of Militia; and no member of the force shall be permitted to retire in time of peace, without giving to his Commanding Officer one month's notice of his intention so to do: Provided, however, that any member of the Active Militia may be permitted to retire on shorter notice, if not on active service, if he is about to leave the Colony. Retirement in times of active service and peace.
- 39.** The Commandant of Militia may order the officers and men of the Active Militia, or any portion thereof, to drill for a period not exceeding ten days in each year, either in brigade, divisional or regimental corps, and to such other drills as he may see fit, not exceeding four in each year. Period of drill in each year.
- 40.** All officers and men of the Active Militia, excepting Commanding Officers and the Permanent Staff, shall be bound to pass such standard in shooting as may be prescribed by the regulations. Standard of shooting to be passed.
- 41.** In the event of any officer or man failing to attend such drills or to pass such standard in shooting, he shall not be deemed to be efficient unless he shall have been specially exempted by the Officer Commanding his Corps, with the approval of the District Commandant. Efficiency.
- 42.** The officers, non-commissioned officers and men of the Active Militia shall receive such pay as may be provided in the regulations and voted by Parliament. Pay.
- 43.** An efficient Active Militiaman, entitled to keep a horse for service, shall be paid, in respect thereof, such annual allowance as the regulations may determine. Horse allowance.
- 44.** There shall be paid to the Officer Commanding every Corps of Active Militia such annual sum in respect of each efficient man in such Corps as may be provided in the regulations and voted by Parliament. The regulations may direct that a greater sum shall be paid in respect of mounted men than of dismounted men, and such sum shall belong to the Corps, and be applied in furnishing the men with Efficiency grants.

uniforms of the prescribed pattern, the materials for which shall be provided by Government at cost price, and for the benefit of the Corps generally.

Service allowance after two years' service.

45. Every Militiaman who shall have been returned as efficient for two years continuously shall be entitled to receive a service allowance of Three Pounds (£3) Sterling in respect of each year's service thereafter during which he shall have been returned as efficient, subject to such regulations as may be made in that behalf.

Death of Militiaman on military service

46. In case a member of the Militia shall be killed when on military service, or die from wounds received or diseases contracted on military service, provision shall be made for his family at the rates respectively set forth in the Schedule of this Act.

Injury received on military service.

47. A member of the Militia injured when on military service shall receive such compensation as the Government may determine as fair and reasonable.

Punishments in time of active service.

48. If any member of the Active Militia, when called out for or on Military or Active Service, shall be guilty of disobedience of orders, or of any act or neglect, to the prejudice of good order or military discipline, he may be tried and punished as hereinafter provided:—

- (a) By the Senior Officer in Command at any station or encampment, or by the Commanding Officer of the offender's Corps.
- (b) By an ordinary Court Martial.
- (c) By a special Court Martial.

Provided that a Commissioned Officer shall only be tried by a Court Martial.

Custody of offender.

49. Any member of the Active Militia who shall be brought to trial for any offence may be kept in custody until the case is heard and determined.

Punishments.

50. The tribunals in the foregoing section shall have power to sentence and award punishment within the following limits:—

- (a) A Senior or Commanding Officer may sentence the offender to pay a fine not exceeding Ten Pounds (£10) Sterling.
- (b) An ordinary Court Martial may sentence the offender to pay a fine not exceeding Fifteen Pounds (£15) Sterling, or to imprisonment for any period not exceeding six months, or to both such fine and imprisonment, with or without hard labour; or, in the case of a non-commissioned officer, to be reduced to any lower grade, or to the ranks, in addition to or instead of the above punishment.
- (c) A special Court Martial may sentence an offender to pay a fine not exceeding Fifty Pounds (£50) Sterling, or to im-

prisonment for any period not exceeding twelve months, or to both such fine and imprisonment, with or without hard labour; or in the case of a non-commissioned officer, to be dismissed from the Force, or reduced to any lower grade, or to the ranks, in addition to or instead of the above punishment; or, in the case of an officer, in addition to or instead of any sentence of fine or imprisonment, as above stated, the Court may sentence the officer to be dismissed from the Force, or to loss of seniority, or to be reprimanded.

- (d) An ordinary or special Court Martial may in addition to, or in lieu of any other punishment, cashier a commissioned officer and dismiss from the Force any member of the Militia and Defence Force.

The sentence of a Court Martial shall not be carried into effect until confirmed by the Governor in Council.

51. Any member of the Militia who may conceive himself aggrieved may appeal to the Commandant of Militia in respect of any matter not dealt with by a Court Martial.

Appeals.

52. A fine inflicted by a Commanding Officer or by a Court Martial may be levied by any person named therein, together with the costs, by a warrant signed by the Officer Commanding or President of a Court Martial, and directing sale of goods of the person liable to pay such fine.

Levying of fines.

53. Any member of the Militia placed under arrest for any offence under this Act, or who may be sentenced to imprisonment by a Court Martial, may be imprisoned in any Gaol or in any building set apart as a guard room, or in any guard tent or enclosure, and every superintendent or keeper of a Gaol is to give effect to any warrant purporting to be signed by the President of a Court Martial and directing the imprisonment of the person named therein.

Imprisonment.

54. So long as any person shall be imprisoned in any guard room, prison, tent or enclosure in terms of this Act, the same shall, so far as he is concerned, be deemed to be a public prison, and such person shall be deemed to be a prisoner confined therein within the meaning of any Act regulating the management and condition of prisons and prisoners.

Prisons.

55. Every member of the Militia who refuses or neglects to take the oath hereinbefore prescribed when tendered to him by any Officer of the Force or Justice of the Peace shall be liable to imprisonment for a term not exceeding six months, and for every subsequent neglect or refusal to take such oath shall be liable to a further imprisonment not exceeding twelve months, and he may, on due proof in either case, be summarily committed by the Magistrate of any Division.

Punishment for refusal to take oath.

Prosecution under Act no bar to further proceedings.

56. Nothing in this Act contained shall prevent any member of the Militia from being prosecuted otherwise than under the provisions of this Act in all cases in which he would by law, without this Act, be liable to such prosecution.

Imperial Acts and regulations in regard to Court Martial and discipline, to apply during military service.

57. The provisions of the Acts of the Parliament of Great Britain and Ireland, relating to Court Martial, and the discipline of His Majesty's Forces, and the regulations thereunder in force from time to time, shall be deemed to apply to all matters of discipline, and to the Militia constituted by this Act during Military service, except in so far as the same are in conflict with the provisions hereof or the regulations made hereunder.

Discipline among Permanent Staff and Militia and camp followers.

58. The provisions of this Act in regard to discipline shall at all times apply to the Permanent Staff, to the Permanent Militia hereinafter provided for, and to all camp followers.

Witnesses in Court Martial case.

59. Every person who may be required to give or produce evidence in any case pending before a Court Martial shall be summoned in writing by any Officer of the Militia, and all witnesses so duly summoned who shall not attend, or any attending who shall refuse to be sworn, or being sworn, shall refuse to give evidence or not produce the documents or things under their power or control, required to be produced by them, or to answer all such questions as the said Court Martial may legally demand of them, shall be liable to be dealt with by such Court Martial in like manner as if such witness had been a witness duly summoned to appear before a Magistrate in a criminal case pending in the Court of such Magistrate.

Reservists not to be called out for training.

60. The men in the Militia Reserve, unless ballotted to serve in the Active Militia, shall not be called out for training or musketry instruction in time of peace.

Militia Reservists in time of war, etc.

61. The Militia Reserve shall be liable to be called out by the Governor in Council for Active Service at any time when it appears advisable to do so by reason of war, invasion, or insurrection, or danger of any of them, or in aid of the Civil Power. When the Militia Reserve or any portion thereof is called out for active service the provisions of this Act and the regulations relative to the Active Militia shall be deemed to apply to the Militia Reserve, excepting in so far as may be otherwise provided herein or in such regulations.

Pay of Militia Reservists.

62. When members of the Militia Reserve are called out for Active Service, they shall be entitled to draw pay and allowance at the same rates as the Active Militia, or otherwise as the Governor in Council may appoint.

Officers of Militia Reserves

63. The Officers of the Militia Reserves shall be appointed at the instance of the Commandant of Militia in pursuance of a vote passed by majority of the members of such Militia Reserves. Such votes shall be ascertained in

the manner as may be provided for in the regulations to be issued under the authority of the Governor in Council.

64. The Governor in Council may from time to time direct the furnishing, by any district, of such number of Militiamen from the First Reserve as are required either for reliefs, or to fill vacancies in Corps on Active Service.

Directions to First Reserve Militiamen to fill vacancies.

65. The Governor in Council may establish an Imperial Militia Reserve and Imperial Naval Reserve, composed of men in the Active Militia and Militia Reserve, who may volunteer for service in either of such Forces subject to such terms and conditions as shall be prescribed by the regulations, and the members thereof may be required to serve anywhere beyond the Colony in accordance with any agreement with the Imperial Government in that behalf.

Imperial Militia Reserve :
Imperial Naval Reserve.

66. The establishment of any such Reserve Forces shall be subject to the necessary financial provision by Parliament.

Establishment subject to vote of Parliament.

67. The pay of all members of the Imperial Military Reserve or Imperial Naval Reserve shall in time of peace be subject to such conditions in regard to efficiency and otherwise as shall be prescribed by the regulations.

Pay in time of peace.

68. In the event of the said Imperial Militia or Naval Reserves, or any portion thereof, being ordered out of the Colony on Active Service, the Governor may take steps to increase the strength of the Active Militia by a number equal to the number of Active Militiamen so ordered out of the Colony on service.

Vacancies to be filled up when Imperial Reserves ordered out of Colony.

69. The Governor in Council may, subject to any necessary financial provision, establish a Permanent Militia Force composed of men who may volunteer for service therein.

Permanent Militia.

Such force shall be liable to serve at any place within or adjacent to this Colony for such period and on such terms and conditions as the regulations may determine, and the provisions of this Act, and the regulations applicable to Militia on Active Service, shall at all times apply to the members of the Permanent Militia, except in so far as the regulations may otherwise specially provide.

70. Members of the Permanent Militia shall, unless on Active Service, be subject only to the orders of their own officers, of the Commandant of Militia, and of the officers and non-commissioned officers of the Permanent Staff.

Permanent Militia : Subject to whose orders.

71. The Governor may order the whole or any part of the Permanent Militia to proceed to any part of the Colony, and to act therein either in aid of, or as the police force of the Colony, and when so acting every member of the Permanent Militia shall have the same authority as constables and otherwise, and the same protection at law in that capacity as members of the Natal Police Force.

Permanent Militia as police force.

72. Officers of the Permanent Militia shall rank equally with officers of the Active Militia according to the dates of their commissions.

Rank of Officers of Permanent Militia.

Members of Permanent Militia not to vote at Parliamentary Elections.

73. It shall not be lawful for any member of the Permanent Militia, during the time he shall remain therein, to vote for the election of a Member of the Legislative Assembly, nor by word, message, writing, or in any other manner to endeavour to influence any person in voting, or in not voting, for any person who may be a candidate for a seat in the Legislative Assembly. If any member of the Permanent Militia shall contravene the provisions of this section, he may be adjudged to pay any sum not exceeding Fifty Pounds (£50) Sterling, to be recovered by any person who may sue for the same in the Court of any Magistrate having jurisdiction.

Cadet Corps.

74. Every Government or aided school or college in the Colony shall have instituted therein Cadet Corps, or classes of instruction in military drill, exercises, and musketry; and arms and accoutrements necessary for the instruction of cadets over the age of 12 years shall be provided at the public expense.

Education grant in respect of pupil not attending drill instruction may be withheld.

75. The Minister of Education may withhold payment of any grant in respect of the education of any pupil attending an aided school, which may be payable under any Act or Regulation relating to education, if such pupil shall have failed to attend regularly such classes of instruction when possible.

Riding schools for cadets.

76. The Commandant of Militia, subject to the necessary financial provision, may establish in any Borough Riding Schools for the purpose of training cadets attending schools or colleges.

Senior Cadet Corps.

77. The Commandant of Militia, subject to the necessary financial provisions, may establish in any Borough or Township a Senior Cadet Corps for the purpose of instruction in military drill, exercises, and musketry of youths above 14 years of age who may have left school or college, and who are not serving in the Active Militia.

Annual allowance to members of Senior Cadet Corps.

78. Each member of a Senior Cadet Corps shall be entitled to such annual allowance as the regulations may determine, provided he shall have been returned as efficient in drill and musketry during the preceding twelve months.

Capitation grant in respect of Cadet Corps and Senior Cadet Corps.

79. A capitation grant, to be determined by the regulations, shall be paid in respect of each Cadet Corps and Senior Cadet Corps, and the same shall be expended in furnishing uniforms for the cadets, the material for which shall be provided by the Government at cost price, and otherwise for the benefit of the Corps.

Commandant may appoint officers and instructors.

80. Officers and Instructors may be appointed to the Cadet Corps and Senior Cadet Corps by the Commandant of Militia, and shall form part of the Permanent Staff of the Commandant of Militia.

Native, Indian and coloured contingents: Power to call out.

81. The Governor may call out any portion of the male Native, Indian, or coloured population, being British subjects, and not exempted by this Act, for military training or services in time of peace, or for Active Service in time of war,

invasion, or insurrection, or danger of any one of them, or in aid of the Civil Power, and may form the same into contingents under officers who shall be subject to the Commandant of Militia.

82. Such contingents may be employed as scouts, drivers, bearers, and in all kinds of manual labour and fatigue parties necessary for the construction of defensive works, or for the health of the Militia while on Military or Active Service, and for carrying out the purposes of this Act.

Employment as scouts, drivers, etc.

83. No member of such contingents, excepting officers and scouts, shall be armed with weapons of precision, unless such contingents are called out to operate against other than Europeans.

Not to be armed except in special cases.

84. The members of such contingents, when ordered out for service in time of peace or war, and during such service, shall be deemed to be part of the Militia, and the provisions of this Act, and the Regulations to be made hereunder, shall apply to such contingents, and the members thereof, excepting in so far as may be otherwise provided in such Regulations.

To form part of Militia when on service.

85. Nothing in this Act contained shall be deemed to restrict the powers of the Governor as Supreme Chief over the Native population, or to prevent him from ordering the enrolment and arming of a certain number of Natives, Indians, or other coloured men, as a part of the Permanent Militia.

Saving of powers of Governor as Supreme Chief.

86. There shall be provided out of funds to be voted by Parliament, at such convenient place as the Governor may determine, all necessary laagers, forts, block-houses, defence works, arsenals, armouries, arms and ammunition, drill sheds, rifle ranges, targets, and all other buildings and things necessary for the defence of the Colony.

Establishment of laagers, forts, etc.

87. If any Militiaman shall neglect or refuse, when thereto required, to give up to such person as his Commanding Officer shall appoint to receive them, all or any articles of Government or Corps property, issued to him as a member of the Militia, it shall be lawful for the Commanding Officer to issue a warrant to any person to be named therein to seize such articles wherever found, and for that purpose to enter upon and search the dwelling of such member, or any premises in which there is reasonable ground for suspecting the articles may be found.

Refusal or neglect to return Government or corps property.

88. Any surcharge against the Commanding Officer of any Corps of Active Militia, as representing the Corps, for Government property, lost, injured, or destroyed, may be recovered by the Commandant of Militia by deduction from the capitation grant due to such Corps.

Recovery of surcharge against a Commanding Officer of Active Militia.

Property of
corps : Property
to vest in Com-
manding Officer
in trust.

89. All moneys subscribed by or for the use of any Corps, all arms, stores, ammunition, medical instruments, and other property, articles and things whatsoever belonging to or used by any such Corps, not being the property of any member thereof, shall be vested in the Commanding Officer representing the Corps in trust for the Corps.

Offences and
punishments.

90. Any person :—

- (a) Who shall wilfully obstruct or impede any Corps or detachment of Militia while on the march or upon parade :
- (b) Who shall fail to give required information or who shall knowingly give false information to any officer or non-commissioned officer of Militia who may be engaged in making up the Militia roll :

shall, upon conviction before a Magistrate, be liable to a penalty not exceeding Five Pounds (£5) Sterling, or, in default, to imprisonment for any period not exceeding one month, with or without hard labour.

Prescription of
prosecution.

91. No action or prosecution against a member of the Militia for anything done or purporting to have been done, in pursuance of this Act, shall be commenced after the end of three months from the doing of such act.

Linking of a
regiment or
corps with an
Imperial regi-
ment or corps.

92. The Governor may at the request of any Regiment or Corps of Active Militia, expressed in such manner as he may direct, make such arrangement as may be necessary for the purpose of linking any such Regiment or Corps with any Regiment or Corps of His Majesty's Regular Forces : Provided, however, that no such linking shall be deemed to impose any greater liability for service on the members of such Regiment or Corps of Active Militia than is provided by this Act.

Committee of
Defence.

93. The Governor in Council may, from time to time, appoint a Committee of Defence for the purpose of advising him on all matters of defence, and the members of such Committee shall hold office for such time as the Governor in Council may direct.

Regulations.

94. The Governor in Council may, from time to time, make and alter regulations for the Active Militia, Permanent Militia, Militia Reserve, Imperial Militia or Naval Reserve, Cadets, Senior Cadets, and Native and other Contingents, or any portion or member thereof, respecting :—

- (a) Enrolment and establishment.
- (b) Advertising for acceptance or rejection of volunteers for service.
- (c) Balloting for service, and notifying men drawn.
- (d) Medical examination.
- (e) Administration of oaths of allegiance or declarations in lieu thereof.

- (f) Claims for exemption.
- (g) Transfer of men from one Corps to another.
- (h) Substitutes.
- (i) Duties of Commandant of Militia.
- (j) The commissioning of staff officers and the appointment of warrant and non-commissioned officers and men of the permanent staff, and their respective pay and duties.
- (k) The commissioning of regimental officers, and the appointment of warrant and non-commissioned regimental officers, and their respective duties.
- (l) Training of officers.
- (m) The retirement, dismissal, and discharge of officers, non-commissioned officers and men, and the reduction of non-commissioned officers.
- (n) Discipline and training : efficiency in musketry and drill.
- (o) Pay, capitation grant, service allowance, horse allowance, gratuities and compensation, and conditions on which the same are to be paid.
- (p) Arms, armaments, ammunition, and horses.
- (q) Pay and duties of regimental adjutant.
- (r) Management of horse insurance, remount, and Corps funds.
- (s) The auditing of Corps fund accounts.
- (t) Enrolment of horses for batteries of Artillery and mounted troops, and of vehicles and draught animals for transport purposes, and payment for same.
- (u) Linking of Regiments and Corps of Active Militia with Regiments and Corps of His Majesty's Regular Forces.
- (v) Definition of offences, arrest, and trial of offenders.
- (w) The holding of Courts Martial and Courts of Enquiry.
- (x) Payment and recovery of fines and penalties.
- (y) The pattern of uniforms and equipment to be worn and used, and the chevrons or badges to be worn for denoting efficiency and length of service.
- (z) Ambulance and Hospital duties.
- (aa) Camps and discipline to be observed by camp followers, and the manner in which such discipline may be enforced.
- (bb) Facilities to be granted to persons in Government service for joining the Active Militia.

(cc) Anything deemed necessary for the better government of the Militia, and for the carrying into effect the provisions of this Act.

Publication.

95. All such regulations shall be published in the *Natal Government Gazette*.

To be laid before Parliament.

96. All regulations made under this Act shall be laid before both Houses of Parliament as soon as may be after they are made.

Schedule.

SCHEDULE.

1. Pension payable during widowhood to the widow of a Militiaman who may be killed in action or die within twelve months from wounds received in action or of disease contracted or injuries received while on military service, the sum of One Hundred and Fifty Pounds (£150) Sterling per annum.

In addition to the above there shall be paid to the widow a gratuity equal to one year's pay.

Every pension granted to the widow of a Militiaman shall cease upon the death or re-marriage of the widow.

2. Allowances payable to the children of Militiamen killed or dying as defined in Section 1 of the Schedule, Sixteen Pounds (£16) Sterling per annum for each child. Such allowance shall cease when any son attains the age of 18 years or when a daughter attains the age of 21 years, or upon her marriage at an earlier date. The cost of the education of the children of all Militiamen who may lose their lives whilst on active service shall be defrayed by the Government of the Colony at the Government schools of the Colony whilst such children remain in the Colony.

3. In the case of a Militiaman killed or dying as aforesaid leaving female relatives (other than those provided for in this Schedule) or aged or infirm parents all dependent on him, one-half of the pension and gratuity payable to a widow may be paid to such relatives. The grant and discontinuance of such payments shall be in the discretion of the Government.

The receipt by a widow on account of her husband's services of any other pension, charitable provision, or charitable allowance from the public, shall not affect her claim to pension under this Act, and such pension shall not be assignable or attachable.

Given at Impafa, Natal, this Fifth day of October, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 37, 1903.]

HENRY McCALLUM,
Governor.



“To assimilate the Laws in force in the Province of Zululand with the general Laws of Natal.”

WHEREAS by Proclamation No. II. of the Territory of Zululand, bearing date the 21st day of June, 1887, it was provided that the Laws then in force in the Colony of Natal should, so far as applicable, be the Laws to be in force in the Territory of Zululand, save as otherwise specially provided :

AND WHEREAS by divers subsequent Proclamations Laws were made for the good order and government of the said Territory, which Laws are for the most part similar to the Laws of Natal but differ therefrom in certain respects :

AND WHEREAS on the 30th day of December, 1897, the said Territory of Zululand was annexed to the Colony of Natal under the title of the Province of Zululand :

AND WHEREAS by Acts No. 37, 1897, and No. 17, 1898, certain Laws of Natal were applied to the Province of Zululand, and certain other Laws were withheld therefrom either wholly or in part :

AND WHEREAS it is now expedient to assimilate the Laws in force in the said Province of Zululand as far as may be with the general Laws in force in this Colony :

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Short title.

1. This Act may be known as "The Zululand Laws Act, 1903."

Repeal.

2. Save as is in this Act excepted or otherwise specially provided the following legislative enactments are hereby repealed :

All Proclamations made by the Governors of the Territory of Zululand, beginning with Proclamation No. II., bearing date the 21st day of June, 1887, down to the annexation of the said Territory to the Colony of Natal ;

Subsections (a) and (b) of Section 4 of Act No. 17, 1898 (the Consolidation of Laws [Zululand] Act, 1898), together with the first and second Schedules of the said Act ;

Sections 3 and 4 of the License and Stamp Act, 1898 ;

Application of Laws of Natal to Zululand.

and from and after the commencement of this Act the Ordinances, Laws, and Acts in force in the rest of Natal, together with such rules and orders made thereunder as purport to apply to the Colony in general shall, subject as aforesaid, be of force in the Province of Zululand in the like manner as in the rest of Natal, except as may be otherwise provided in the Zululand Annexation Act, 1897, or any subsequent Act : Provided that the reservations in paragraphs 2, 3, and 4 of the first Schedule of Act No. 17, 1898, in reference to Act No. 21, 1894, "The Civil Service Act, 1894," shall, notwithstanding such repeal, remain of full force and effect.

Savings

3. Such repeal shall not affect the past operation of any of the repealed enactments, or the validity of any judgment, sentence, or order lawfully made before the commencement of this Act, or any right acquired or any liability, civil or criminal, incurred before the commencement of this Act.

Magisterial Divisions.

4. This Act shall not be deemed to affect the establishment or boundaries of any Magisterial District in the Province of Zululand, but any such District shall be deemed to be a Magisterial Division created under Act No. 22, 1896.

Amatongaland and northern territories.

5. Nothing in this Act shall be deemed to repeal or affect any Proclamations relating to the annexation of Amatongaland or other Territories to the northward of Zululand, save in so far as any such Proclamation makes provision inconsistent with this Act in regard to the Laws or government of any such Territories.

Certain proclamations to continue in force.

6. The Zululand Proclamations mentioned in Schedule I. of this Act shall remain in force to the extent shown in the outer column of the Schedule.

7. The Zululand Proclamations mentioned in Schedule II. of this Act shall not cease to be of force by reason of this Act, but they shall be subject to alteration or revocation by Proclamation in the like manner as similar Proclamations made under the Laws of Natal.

8. Nothing in this Act shall be deemed to extend to the Province of Zululand the operation of Law No. 19, 1891, or of the Code of Native Law forming the Schedule of the said Law, or of any Law or Act amending the said Law No. 19, 1891, or the Schedule thereof, or of the Native Locations Act, 1896, with the exception however of Act No. 1, 1901, which shall apply to the Province of Zululand. Native Law.

The Native Law as administered by the Courts of the Province of Zululand immediately prior to the date of the commencement of this Act shall, save so far as it is amended by the Courts Act, 1898, and by the said Act No. 1, 1901, remain in force in the said Province until other provision shall be made by Act of Parliament.

9. Any person who on the 1st day of May, 1903, was lawfully licensed in the Province of Zululand, under the provisions of Law No. 37, 1884, as a medical practitioner or as a chemist and druggist shall be entitled without charge or fee to be registered under the Medical and Pharmacy Act, 1896, as a medical practitioner or as a chemist and druggist as the case may be. This provision shall not prevent any person from being struck off the register, and having his license cancelled, for any cause which may have arisen before the commencement of this Act, and which would have been sufficient to render him liable under the Medical and Pharmacy Act, 1896, to be so dealt with. Medical practitioners, chemists and druggists.

10. Any license taken out before the commencement of this Act either in the Province of Zululand or elsewhere in Natal by any auctioneer, advocate, attorney, architect, civil engineer, interpreter, land surveyor, medical practitioner, or dentist, shall entitle the holder thereof to the advantages or Subsection (c) of Section 16 of the License and Stamp Act, 1898, throughout the whole Colony. Extension of privileges under certain licenses.

11. Any deed executed in the Province of Zululand before the commencement of this Act which was according to the Laws heretofore in force in the said Province either duly stamped or exempt from stamp duty shall be deemed to be duly stamped or exempt from duty as the case may be under the License and Stamp Act, 1898. Stamp duties on deeds heretofore executed.

12. This Act shall not take effect unless and until the Governor shall by Proclamation notify that it is His Majesty's pleasure not to disallow the same; and thereafter this Act shall come into operation on such day as the Governor shall appoint by the same or any other Proclamation. Commencement of Act.

SCHEDULE I.

No. of Proclamation.	Date.	Subject.	Extent of Reservation.
II.	June 21st, 1887	Laws and Regulations for the government of Zululand.	Sections 9, 10, 37, 41, 43, and trading regulations Sections 50 to 55 inclusive, and 59 to 65 inclusive, as amended by Proclamation IV., 1894, dated 5th March, 1894. The officer appointed under Section 58 of The Courts Act, 1898 shall discharge the duties entrusted to the Chief Magistrate by these regulations.
II.	Jan. 12th, 1895	Outspan.	The whole.
VI.	March 28th, 1895	Treachle Regulations.	Sections 1, 2, 4, 5.
VII.	April 5th, 1895	Practice of Medicine amongst natives.	The whole.
VIII.	April 7th, 1895	Outspan.	The whole.
I.	April 22nd, 1897	Prohibiting sale of Utywala.	Sections 1 and 2.
II.	April 22nd, 1897	Game.	The whole.
XI.	Dec. 6th, 1897	Native Chiefs Grants.	The whole.

SCHEDULE II.

No. of Proclamation.	Date.	Subject.
I.	1st Jan., 1895	Melmoth Rifle Association.
III.	21st Jan., 1895	Zululand Rifle Association.
XI.	10th June, 1895	Nqutu Rifle Association.
III.	2nd Mar., 1896	Eshowe Sanitary Board.
X.	1st Sep., 1896	Nkandhla Rifle Association.
III.	31st May, 1897	Eshowe Erven.
IV.	31st May, 1897	Nondweni Erven.

Given at Impamfa, Natal, this Fifth day of October, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 38, 1903.]

HENRY McCALLUM,
Governor.**E.****R.****ACT,**

To authorise the Town Council of the Borough of Pietermaritzburg to provide a Main Sewerage Scheme for the Borough."

WHEREAS it is expedient to authorise the Town Council of the Borough of Pietermaritzburg to provide a Main Sewerage Scheme for the Borough :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Natal as follows :—

1. The Town Council of the Borough of Pietermaritzburg is hereby authorised and empowered to carry out a Main Sewerage Scheme for the said Borough, and for that purpose to adopt the system known as the Water Carriage for Bacteriological Treatment.

2. The works hereby authorised shall or may include the construction of outfall works upon Lot P.N. of Lot Q. of Lot 3, and upon Lot P. of Lot 3 of the Town Lands of Pietermaritzburg, consisting of Septic Tanks together with Bacteria Beds permitting of intermittent filtration, with Main Outfall Sewer near the Slaughter House, leading to the said Outfall Works along the southern bank of the Umsindusi River past Alice; all necessary subsidiary sewers and intercepting sewers; manholes, lampshafts, flushing chambers, and ventilating shafts.

Town Council of Pietermaritzburg empowered to carry out a Main Sewerage Scheme.

Works authorised.

3. In cases where it may be necessary to use for the drainage system private roads, streets, or thoroughfares within the Borough, the same may be so used without compensation. Private roads, streets, or thoroughfares shall not include the land of a proprietor over which others have not a right-of-way.

Use of private roads and thoroughfares.

4. The Town Council may enforce the construction by every landlord within the drainage area of house drainage and connections with the public sewers, and may agree with any landlord to do the work at his expense, and to distribute the cost over a term of years, and in case of such agreement the cost and interest shall be a preferent charge over, and rank in priority before, any mortgage upon the landed property of such landlord benefited by such connection. No transfer of immovable property within the drainage area shall be passed by the Registrar of Deeds until a certificate shall have been produced to him under the hand of the Town Treasurer that all claims by the Corporation in respect of this Act have been satisfied.

Construction of drainage work by landlords enforceable; or by agreement at their cost.

5. In case any landlord shall neglect or refuse to construct house drainage and connections with the public sewers, or to agree with the Town Council as in Section 4 of this Act provided, it shall be lawful for the Town Council to do the work, and to recover the cost thereof from the landlord: Provided no such work shall be begun until after the expiry of one month from the date of the service on the premises of a notice addressed to the landlord requiring him to do the work: And also provided that the property of the landlord benefited by such work shall be charged, as in Section 4 is mentioned, with the cost of such work.

On failure by landlord to construct or agree for construction, Town Council may do the work and recover from landlord.

6. In any and every case where a sewer common to properties on either side of a private road or thoroughfare, shall be constructed by the Town Council, the cost of such sewer shall be borne by the proprietors in proportion to their frontages to the said street, road or thoroughfare: Provided that no such sewer shall be constructed by the Town Council in any case where the proprietors when called upon shall express their willingness to construct such sewer to the satisfaction of the Council, and shall commence the work within one month's notice to do so.

Contribution by proprietors to cost of common sewer.

7. In case it shall be considered necessary or desirable, or in case it shall be proposed by or in the interests of any proprietor that his house drainage should be conveyed to a public sewer through the property of another proprietor, the land or user of land may be taken under the provisions of the Lands Clauses Consolidation Law, 1872, which for the purposes of this section is incorporated with this Act, but in all such cases the Town Council, at meetings open to the public, shall take the place of arbitrators or other tribunal under that Law, and the decision of the Council shall be final, and not subject to review or appeal. The Council shall

Application of Lands Clauses Consolidation Law, 1872, to lands required for drainage purposes.

be entitled to make By-laws to regulate the proceedings before the Council, and in such By-laws may define under what circumstances parties may be allowed to appear before the Council other than personally.

And to lands
required for
sewerage
scheme.

8. In any and every case where the Town Council may find it necessary to take lands or the user of lands for the purpose of the sewerage scheme hereby authorised, such land or user may be taken under the provisions of the "Lands Clauses Consolidation Law, 1872," which for the purposes of this section is incorporated with this Act.

By-laws.

9. The Town Council is authorised and empowered to make By-laws in the same way as By-laws are authorised by Law No. 19 of 1872, for the purpose of regulating the general sewerage system, and all house drainage, and of enforcing the use of closets and urinals, and for rendering effectual and complete the system of sewerage hereby authorised, and for defining from time to time the drainage area, and the contravention of any By-law passed under this Act shall carry like penalties and punishments to those imposed by the said Law No. 19 of 1872.

Given at Eshowe this Fourteenth day of October, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 39, 1903.]

HENRY McCALLUM,
Governor.**E.****R.****ACT,**

“To continue the operation of Law No. 9, 1882, entitled Law ‘To continue with certain amendments, the Law No. 25, 1880,’ entitled Law ‘To provide for the Management and Working of the Natal Government Railways.’”

WHEREAS by Act No. 29, 1902, provision is made for the continuance in force and operation until the 31st day of December, 1903, of the Law No. 9, 1882 :

AND WHEREAS the said Act No. 29, 1902, will expire on the 31st day of December, 1903 :

AND WHEREAS it is expedient that the said Law No. 9, 1882, should be continued in force and operation until the 31st day of December, 1904 :

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The Law No. 9, 1882, entitled Law “To continue with certain amendments, the Law No. 25, 1880.” entitled Law “To provide for the Management and Working of the Natal Government Railways,” shall be and remain in force and operation from and after the 31st day of December, 1903, until the 31st day of December, 1904.”

Continuation of
Law 9, 1882, to
31st December,
1904.

2. The words “Natal Government Railways,” whenever used in the said Law No. 9, 1882, shall include all Government Railways, now or hereafter to be constructed, and all Railways worked by the Natal Government Railways.

Interpretation
of terms.

Given at Durban, Natal, this Fifteenth day of October, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 40, 1903.]

HENRY McCALLUM,
Governor.

“For empowering the Governor to raise a Loan for certain Public Works.”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The Governor may borrow the sum of Four Million Pounds (£4,000,000) Sterling, in accordance with the provisions of the General Loan Law, 1882.

2. The money so raised shall be applied to the payment in whole or in part of such sums as may be required for
Railways, and their equipment ;
Harbour Works ;
Telegraphs ;

Other public works of a permanent character, which by any Act of Supply or other Act may be authorised to be paid for from loan funds.

3. The interest upon the principal moneys borrowed under this Act shall be payable at the Office of the Agent-General in London, or at such other place as may be agreed.

4. Wherever in the General Loan Law of 1882 the “Crown Agents for the Colonies” are referred to, such reference shall, for the purposes of this Act, be deemed to be a reference to the Agent-General for the Colony of Natal.

5. The Governor in Council may borrow from time to time, in anticipation of the raising of any portion of the loan authorised by this Act, any sum or sums not exceeding at any one time in the whole the sum of One Million Pounds (£1,000,000) Sterling, in such manner as may be most convenient for the public service, and shall repay the moneys

Loan of
£4,000,000
authorised in
accordance with
Law 10, 1882.

How to be
applied.

Interest where
payable.

£1,000,000 may
be borrowed in
anticipation of
principal loan,
to be repaid
from moneys
raised under
principal loan.

so borrowed out of the principal moneys to be raised under the provisions of this Act.

The raising of any moneys under this Section, or any part thereof, shall not *pro tanto* exhaust the borrowing powers conferred by this Act.

The interest upon any sum borrowed under this Section shall be and is hereby charged upon and made payable out of the general revenue of Natal, and shall in no case form a charge against the loan authorised by this Act.

6. This Act may be known as “The Public Works Loan Act of 1903.” Short title.

Given at Vryheid, Natal, this Thirteenth day of November, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 41, 1903.]

HENRY McCALLUM,
Governor.**E.****R.****ACT,**

“To abolish the Pietermaritzburg and Durban Collegiate Trusts.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

Repeal of Laws.

1. Law No. 18, 1861, entitled Law “For establishing, regulating and providing for the Pietermaritzburg Collegiate Institution,” Law No. 19, 1861, entitled Law “For establishing, regulating and providing for the Durban Collegiate Institution,” Law No. 45, 1884, entitled Law “To repeal in certain respects Law No. 18 of 1861, and to make provision for certain Funds and Lands under the said Law being made available for educational needs in the Colony,” Law No. 12, 1891, entitled Law “To repeal in certain respects Law No. 19, 1861, entitled Law ‘For establishing, regulating and providing for the Durban Collegiate Institution,’ and to make other provision therefor,” and Section 7 of the Education Act, 1894, are hereby repealed.

2. The Pietermaritzburg High School or College and the Durban High School, and all the lands, buildings, and other property belonging thereto or to the Trusts heretofore existing under any of the said repealed enactments, shall be vested in and be the property of the Colonial Government of Natal, free and discharged from all Trusts aforesaid: Provided that none of such lands situate in any township constituted under Law No. 11, 1881, shall be claimable by, or the legal title thereof be transferable to, or be deemed to have vested in, any Local Board.

Schools and lands, etc., vested in Colonial Government and discharged from Trusts.

3. All debts, mortgage bonds, contracts and liabilities of, and all rights competent to, the Governor in Council in virtue of the said repealed 7th Section of the Education Act, 1894, shall be binding upon or competent to the Colonial Government without alteration or prejudice in their validity.

Reservation of debts, etc.

4. The Minister of Education, on behalf of the Colonial Government, shall be charged with the maintenance of the said Pietermaritzburg and Durban High Schools or Colleges, and shall have power to do all necessary acts for carrying out the objects thereof, subject always to the provisions of the said Act of 1894, as amended by this Act.

Duties and Powers of Minister of Education.

5. The limit of Ten Thousand pounds sterling (£10,000) placed upon loans for the purposes of schools, by the proviso to Section 12 of the Education Act, 1894, is hereby repealed.

Amendment of Section 12 of Education Act, 1894.

Given at Mahlabatini, Natal, this 21st day of November 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 42, 1903.]

HENRY McCALLUM,
Governor.

“To empower the Trustees of Grey’s Hospital to apply certain moneys towards the purchase of land and the cost of new Hospital Buildings.”

WHEREAS by Law No. 15, 1882, it is enacted that all moneys accruing from the sale of lands belonging to the Board of Trustees of Grey’s Hospital shall be invested in certain securities :

AND WHEREAS it is expedient that the Trustees should be empowered to apply the proceeds of the sale of any such lands towards the purchase of land and erection and equipment of Hospital Buildings :

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. It shall be lawful for the Board of Trustees of Grey’s Hospital to apply the proceeds of the sale of any lands vested in the Board in payment or part payment for a site for a new Hospital and for the erection and equipment of Hospital Buildings and other buildings required in connection therewith upon premises belonging to the Board.

2. No lands shall be purchased by the said Board without the previous consent of the Governor.

Given at Mahlabatini, Natal, this 21st day of November, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 43, 1903.]

HENRY, McCALLUM,
Governor.**E.****R.****ACT,**

“To continue, with certain amendments, the Public Health Act, 1901.”

WHEREAS by Act No. 1, 1902, provision has been made for the continuance in force until the 31st day of December, 1903, of Act No. 44, 1901, known as the Public Health Act, 1901 :

AND WHEREAS it is expedient that the said Act No. 44, 1901, should be continued in force, with certain amendments, until the 31st day of December, 1904 :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Act No. 44, 1901, known as the Public Health Act, 1901, and hereinafter referred to as the principal Act, shall, as amended by this Act, remain in force and operation from and after the 31st day of December, 1903, until the 31st day of December, 1904.

Continuation in force of Public Health Act, 1901, as amended.

2. Section 5 of the principal Act shall be repealed and the following section shall be substituted therefor :—

Repeal and re-enactment of Section 5 of principal Act.

The Health Officer for the Colony shall be the Head of the Department of Public Health, and shall exercise the authority of his office, subject at all times to any directions of the Board of Health.

District Health Officers shall be subject to the Health Officer for the Colony.

The Health Officer for the Colony may, in his discretion, exercise any of the powers of a District Health Officer in any part of the Colony.

Sanitary Inspectors shall be subject to the authority of the District Health Officers.

Repeal and re-enactment of Section 6 of principal Act.

3. Section 6 of the principal Act shall be repealed, and the following section shall be substituted therefor :—

A Board of Health shall be formed which shall consist of ~~nine~~ members. The Health Officer for the Colony shall be a member *ex officio*. The remaining eight members shall be appointed by the Governor in Council, four of whom shall be registered medical practitioners nominated by the Medical Council.

Such members shall be appointed for three years, at the end of which time they shall retire, but shall be eligible for re-appointment.

Appointed members shall be removable at pleasure by the Governor in Council.

The first meeting of the Board shall be held on a day to be fixed by the Minister, which shall be duly notified.

At the first meeting a Chairman shall be elected, and thereafter the Chairman shall be elected annually in the month of July.

Five members of the Board shall form a quorum.

The duties of the Board shall be to assist the Government with its advice in all matters affecting or likely to affect the public health.

The Board shall make regulations providing for the holding of meetings and procedure generally, which regulations shall be approved by the Governor in Council.

Members of the Board, in addition to free conveyance to and from the place of meeting, shall be paid such fees for attendance as the Governor may decide.

Amendment of Sections 8 and 24 of principal Act.

4. The words "the Governor in Council" occurring in Sections 8 and 24 of principal Act shall be expunged, and the words "the Governor with the advice of the Board of Health" shall be substituted therefor.

Power of Health Officer to close certain habitations.

5. It shall be lawful for a District Health Officer, by order of the Board of Health, to declare unfit for human habitation, and to order the closing of any dwellings, huts, shanties, tents or barracks, whenever they shall be satisfied that an adequate supply of drinking water is not available within a reasonable distance for the inmates thereof. After the closing thereof no dwelling, hut, shanty, tent, or barrack shall be again used for human habitation unless and until the Board of Health shall be satisfied upon the report of the District Health Officer that an adequate supply of drinking water has been made available.

Reports to Board of Health.

6. The circumstances under which any special order shall have been made under Section 10 of the principal Act shall, upon being reported to the Health Officer for the Colony, be reported by him to the Board of Health at its next meeting.

7. Any person convicted of an offence defined by Section 14 of the principal Act shall be liable to a fine not exceeding Fifty Pounds sterling, or to imprisonment with or without hard labour for any term not exceeding six months, or by both fine and imprisonment as aforesaid, or by such imprisonment in default of the payment of a fine. The said Section shall be amended accordingly.

Amendment of Section 14 of principal Act.

8. Section 17 of the principal Act shall be repealed, and the following Section shall be substituted therefor :—

Repeal and re-enactment of Section 17 of principal Act.

Every medical practitioner shall forthwith, on becoming aware that any patient visited by him is suffering from an infectious or epidemic disease, send to the District Health Officer a certificate in the form which may be prescribed stating the name and residence of the patient, and the disease from which, in the opinion of the medical practitioner, the patient is suffering.

If any medical practitioner shall fail to promptly give such certificate to the District Health Officer, he shall be liable, upon conviction by the Magistrate, to a fine not exceeding Twenty Pounds sterling.

If any such fine shall not be paid within the space of seven days, the Magistrate may cause the same to be levied on the movable property of the person so convicted.

9. Section 19 of the principal Act shall be repealed and the following section shall be substituted therefor :—

Repeal and re-enactment of Section 19 of principal Act.

It shall be the duty of any householder, or the occupier of any hut, shanty, or tent, in whose house, hut, shanty or tent, or on whose premises any case or suspected case of infectious or epidemic disease shall occur, to at once report the same to the proper authority, that is to say in the Boroughs of Pietermaritzburg and Durban and other boroughs and townships to the Town Clerk, and elsewhere to the District Health Officer. He shall at once report to the same authority any unusual mortality or sickness among rats or other vermin, or among domestic animals.

Any person who knowingly fails to make such a report with all reasonable promptitude shall be liable upon conviction to a fine not exceeding Ten Pounds Sterling, or in default of payment to imprisonment, with or without hard labour, for any term not exceeding three months.

10. The words "Board of Health" shall be substituted for the words "Health Officer for the Colony," wherever occurring in Sections 20, 21, and 25, and the 5th line of Section 37 of the principal Act,

Amendment of Sections 20, 21, 25, and 37 of principal Act.

Repeal and re-enactment of Section 23 of principal Act.

11. Section 23 of the principal Act shall be repealed, and the following section shall be substituted therefor :—

The Minister may from time to time, with the advice of the Board of Health, provide buildings to be used as hospitals for the treatment therein of infectious or epidemic diseases, and may place such hospitals under such management and discipline as the Minister with the advice of the Board of Health shall direct.

Amendment of Section 25 of principal Act.

12. The following clause shall be added to Sub-section (f) of Section 25 of the principal Act :—

If the owner shall fail to forthwith carry out such alterations or other work, the Minister, or any Town Council or Town authority, acting under Section 33 or Section 43, may appoint any person or persons to enter upon the premises and carry out such work or alterations, and the cost thereof shall be recovered from the owner on the suit of the Minister, or of any Town Council or Town authority, as the case may be.

Amendment of Section 25 of principal Act.

13. The following sub-section shall be added to Section 25 of the principal Act :—

(h) For enquiry into the cause of death of any person, whether the cause of such death be certified by a medical practitioner or not, and for the ordering of *post mortem* examinations when necessary, and for forbidding burial except on the certificate of any officer appointed for the purpose.

This clause shall not be deemed to affect or in any way relate to cases under enquiry by a Magistrate in the administration of the criminal law.

Amendment of Section 27 of principal Act.

14. The words “cease to occupy or” occurring in the first line of Section 27 of the principal Act shall be expunged.

Amendment of Section 33 of principal Act.

15. The words “of the Board of Health” shall be inserted after the word “authority” occurring in the first line of the second paragraph of Section 33 of the principal Act.

Amendment of Section 38 of principal Act.

16. The following words shall be added to the first paragraph of Section 38 of the principal Act :—

A report of such inspection shall be made by the Health Officer to the Board of Health at its next meeting.

Amendment of Section 50 of principal Act.

17. The words “or by his neglect of reasonable precautions” shall be inserted after the words “or of any other law” occurring in the fourth line of Section 50 of the principal Act.

Given at Mahlabatini, Natal, this 21st day of November, 1903.

By command of His Excellency the Governor,
JNO. G. MAYDON,
Colonial Secretary.

[No. 44, 1903.]

HENRY McCALLUM,
Governor.**ACT,**

“To amend the Law relating to Marriages of Natives by Christian Rites.”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. No Minister shall solemnize any marriage between Natives according to Christian rites unless he shall have been licensed for that purpose by the Governor.

Who may solemnize Marriages.

The word “solemnize,” as used in this Act and in Law No. 46, 1887, includes the performance of the rites of marriage.

2. Application for a license to solemnize such marriages shall be made to the Secretary for Native Affairs through the Magistrate of the Division in which the Minister resides. The granting or refusal of a license and the period during which it shall remain in force shall be in the sole and absolute discretion of the Governor. The license shall be in the form of the Schedule of this Act.

Application for License.

3. Any person, not being a Minister licensed under this Act, who shall solemnize any marriage of Natives by Christian rites shall be guilty of an offence, and shall be liable to a fine or imprisonment according to the ordinary jurisdiction of Magistrates’ Courts.

Unlicensed Person solemnizing Marriage to be liable to a Penalty.

4. Any Minister who has solemnized a marriage of Natives by Christian rites, and who fails to keep the marriage registers and transmit the copies of duplicates of marriage registers as required by Law, shall be liable in respect of each such marriage to a fine not exceeding Ten Pounds Sterling.

Penalty for failure to keep Marriage Register.

Provisions of
Act 46, 1887,
to apply to all
Marriages under
Christian Rites.

5. The provisions of Sections 12, 13, 14, and 15 of Law No. 46, 1887, shall, as from the date of the commencement of this Act, apply to marriages of Natives by Christian rites solemnized in Natal or elsewhere otherwise than under the provisions of the said Law, and to Natives so married and their children, in the same manner as if such marriages were marriages solemnized under the said Law No. 46, 1887.

No fee for Regis-
tration of Birth

6. No fee shall have to be deposited or paid under Section 6 of Act No. 17, 1894, in the case of Natives married by Christian rites who may seek to obtain registration of the birth of a child in terms of the said section.

Commencement
of Act.

7. This Act shall not take effect unless and until the Governor shall, by proclamation in the *Natal Government Gazette*, notify that it is His Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Governor shall notify by the same or any other proclamation.

SCHEDULE.

Act No. 44, 1903.

LICENSE.

To a Minister of Religion to solemnize Marriages of Natives by Christian Rites.

Application having been made in terms of Act No. 44, 1903, by

A. B.,

a Minister of the Christian Religion, now residing at

, in this Colony, for a

license to solemnize Marriages of Natives by Christian Rites :

His Excellency the Governor has therefore been pleased to direct the issue of this License, in virtue whereof the said

A. B.

is authorised for a period of

, reckoned from the date of these presents, to solemnize Marriages of Natives by Christian rites according to Law.

Dated

day of

, 19

Secretary for Native Affairs.

Given at Mahlabatini, this Twenty-first day of November, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No 45, 1903.]

HENRY McCALLUM,
Governor.



“To empower the Governor to make, maintain, and equip a Line of Railway from the North Shepstone Station to Umhlangeni River.”

WHEREAS it is expedient that the Railway hereinafter described should be constructed :

AND WHEREAS certain plans showing generally the direction and route of the said Railway have been deposited at the Offices of the Clerks of the Legislative Council and Legislative Assembly :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. This Act may be cited as the “ Alfred County Railway Act, 1903.” Short Title.

2. In this Act the expression “ the Railway ” means the Line of Railway authorised by this Act. Meaning of Railway.

3. The Governor shall be a Corporation for the purposes of this Act, and shall be entitled and competent to take, hold, and dispose of lands and other property. Governor to be a Corporation for purposes of Act.

4. The Lands Clauses Consolidation Law, 1872, except as varied by this Act, is incorporated with this Act. Incorporation Law 16, 1872.

5. The Governor may make and maintain in the lines according to plans deposited, or in such of the lines and

Construction of
Railway author-
ised.

with such deviations from the deposited plans as the Governor shall think desirable, while preserving the general direction of the Railway, as shown on the same plans, the Railway hereinafter mentioned, with all proper stations, sidings, approaches, passing places, electric telegraphs, signals, works, and conveniences connected therewith respectively; and may so make and maintain the same upon such of the lands shown in the deposited plans, or upon such other lands as may be required for the purpose; and may enter upon, take, and use permanently or temporarily all such lands as aforesaid as may be so required. All waste lands of the Crown which may be required for the Railway, or any purpose connected therewith, may be taken and used without any charge or payment for the same.

Taking of
Crown Lands.

6. The Railway authorised by this Act is as under:—

Description of
Railway.

A line of Railway commencing by a junction with the existing line of Railway at or near the North Shepstone Station and ending at or near the mouth of the Umhlangeni River, in the County of Alfred.

Construction
departmentally
or by contract.

7. The Governor is hereby empowered to construct the Railway, or any part or parts thereof, either departmentally or by a contract or contracts, or partly in the one way and partly in the other, according as he shall deem it most expedient.

Contracts for
Works.

8. For the purpose of the construction of the Railway or any part thereof by contract, the Governor may enter into a contract or contracts for the execution of the works required for the above-mentioned Railway, that is to say:—

1st. For the construction of the whole of the works required for the above-mentioned line up to formation level, and including the provision and laying of all ballast, the laying of all permanent way material, and the erection and provision of all fencing which Government may order, together with the maintenance of the whole of the aforesaid works for a period of twelve months after their completion.

2nd. For the purchase of all permanent way materials required for the construction of the aforesaid line.

3rd. For the provision and erection of all stations, station works, and works accessory thereto.

4th. For the purchase and erection of all electric telegraph material:

Provided that it shall be lawful for the Governor to fix and appoint the several sections to be constructed under any such contract, and the time to be allowed for their construction.

Gauge—single
line.

9. The Railway shall be constructed as a single line on the gauge of 3 feet 6 inches, but the Governor may from time to time cause double lines to be constructed at such place or places on the course of the said Railway as he may think expedient.

10. The Railway shall in respect of all Crown Lands heretofore alienated and granted by the Government in quit-rent, or freehold, or leasehold, or any other tenure whatsoever, and in or over which the Railway or any part thereof shall be made, be deemed to be a road made or to be made for the public good by order of Government, and accordingly the proprietors of such lands shall not, except in the cases provided in their several title deeds, leases, deeds of grant, or other documents of title, be entitled to any compensation for the land taken for the purposes of the Railway, and the amount of said compensation shall be determined in accordance with the provisions of the Law No. 19, 1875 : Provided that lands granted or reserved by the Crown for the purpose of any town or village through which the Railway may pass shall be deemed for the purposes of this Act to be Crown lands heretofore granted, over which the Government had reserved the right to make roads for the public good by order of the Government.

Railway to be deemed a public road.

11. The Governor may employ all engineers, clerks workmen, and other persons for the purposes of the said contract or contracts, and for superintending the construction and maintenance thereunder of the Railway until six months after completion, and pay to all or any such persons such salaries, wages, or remuneration as may from time to time be voted by Act of Supply.

Governor may employ engineers, &c.

12. The Governor may provide all workshops, materials, plant, engines, rolling-stock, machinery, and other things which he may consider requisite for the maintenance, equipment, and working of the Railway, or otherwise necessary or desirable in relation thereto.

Governor may provide plant &c.

13. The Railway and electric telegraphs, and all stations, lands, works, property, and things belonging thereto, or held in connection therewith, shall be for ever exempt from all highway, municipal, police, and other local rates and taxes now or hereafter to be made or imposed.

Railway exempted from imposts.

14. The Governor, with the advice of the Executive Council, may, from time to time, appoint some fit person or persons to carry into effect the purposes of this Act, and may delegate to him or them all or any of the powers and authorities hereby conferred on the Governor, and may, from time to time, remove any person so appointed, and appoint another person in his stead.

Appointment of persons to carry out Act.

15. The Governor shall not be personally liable for any loss or damage arising from or caused by anything done under the authority of this Act.

Personal immunity of Governor.

Given at Pietermaritzburg, this Twenty-eighth day of November, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,

Colonial Secretary.

[No. 46, 1903.]

HENRY McCALLUM.
Governor.**E.****R.****ACT,**

“ To empower the Governor to make, maintain, and equip a Line of Railway from the Ennersdale Station to a point at or near the ‘ Honger’s Poort ’ Magistracy.”

WHEREAS it is expedient that the Railway hereinafter described should be constructed :

AND WHEREAS certain plans showing generally the direction and route of the said Railway have been deposited at the Offices of the Clerks of the Legislative Council and Legislative Assembly :

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Short title.

1. This Act may be cited as the “ Upper Tugela Railway Act, 1903.”

Meaning of “ Railway;”

2. In this Act the expression “ the Railway ” means the line of Railway authorised by this Act.

Governor to be a Corporation for purposes of Act.

3. The Governor shall be a Corporation for the purposes of this Act, and shall be entitled and competent to take, hold, and dispose of lands and other property.

Incorporation of Law 16, 1872.

4. The Lands Clauses Consolidation Law, 1872, except as varied by this Act, is incorporated with this Act.

Construction of Railway authorised.

5. The Governor may make and maintain in the lines according to plans deposited, or in such of the lines and with such deviations from the deposited plans as the Governor shall think desirable, while preserving the general direction of the Railway, as shown on the same plans, the Railway hereinafter mentioned, with all proper stations, sidings, approaches, passing places, electric telegraphs, signals,

works, and conveniences connected therewith respectively ; and may so make and maintain the same upon such of the lands shown in the deposited plans, or upon such other lands as may be required for the purpose ; and may enter upon, take, and use permanently or temporarily all such lands as aforesaid as may be so required. All waste lands of the Crown which may be required for the Railway, or any purpose connected therewith, may be taken and used without any charge or payment for the same.

Taking of
Crown Lands.

6. The Railway authorised by this Act is as under :—

Description of
Railway.

A line of Railway commencing by a junction with the existing line of Railway at or near the Ennersdale Station and ending at or near the "Honger's Poort" Magistracy, on the North side of the Tugela River, in the County of Klip River.

7. The Governor is hereby empowered to construct the Railway, or any part or parts thereof, either departmentally or by a contract or contracts, or partly in the one way and partly in the other, according as he shall deem it most expedient.

Construction de-
partmentally or
by contract.

8. For the purpose of the construction of the Railway or any part thereof by contract, the Governor may enter into a contract or contracts for the execution of the works required for the above-mentioned Railway, that is to say :—

Contracts for
works.

- 1st. For the construction of the whole of the works required for the above-mentioned line up to formation level, and including the provision and laying of all ballast, the laying of all permanent way material, and the erection and provision of all fencing which Government may order, together with the maintenance of the whole of the aforesaid works for a period of twelve months after their completion.
- 2nd. For the purchase of all permanent way materials required for the construction of the aforesaid line.
- 3rd. For the provision and erection of all stations, station works, and works accessory thereto.
- 4th. For the purchase and erection of all electric telegraph material :

Provided that it shall be lawful for the Governor to fix and appoint the several sections to be constructed under any such contract, and the time to be allowed for their construction.

9. The Railway shall be constructed as a single line on the gauge of 2 feet, or 3 feet 6 inches, as may be determined by the Governor and notified by him by Proclamation in the *Natal Government Gazette*. The Governor may from time to time cause double lines to be constructed at such place or places on the course of the said Railway as he may think expedient.

Alternative
gauge—single
line.

Enforcement
of Fines.

4. Any fine imposed by the Supreme Chief under this Act may be enforced under the authority of an order signed on behalf of the Supreme Chief by the Secretary for Native Affairs specifying the fines and the persons by whom the same are payable.

Execution
and Levy.

5. Every such order, or a copy thereof certified by the Under Secretary for Native Affairs, or by a Magistrate or Commissioned Officer of the Natal Police, shall have effect as if it were a warrant for the execution of a fine imposed in a criminal case, and it may be executed and levy made thereon by any person to whom it is addressed, or by the Sheriff or Bailiff of the Native High Court, or Messenger of a Magistrate's Court, or by their respective deputies, or by any police constable or other person thereto instructed in writing by a Magistrate or a Commissioned Officer of Police.

Imprisonment
for default of
payment of
fines.

6. If, by the return made by any person authorised to execute such order, it shall be made to appear to the Magistrate that any Native on whom a fine has been imposed has for fourteen days after demand made failed to pay and satisfy such fine, or to hand over to such person sufficient property whereon to levy in satisfaction of the fine, the Magistrate may issue his warrant to bring such Native before him, and, upon proof of lawful demand and of such default as aforesaid, he may sentence such Native to be imprisoned, with or without hard labour, for any term not exceeding six months, unless such fine be sooner paid.

Remission
of fines.

7. The Supreme Chief may remit the whole or any part of any fine imposed under this Act.

Repeal of
Section 6 of
Law 44, 1887.

8. Section 6 of Law No. 44, 1887, entitled "Law to amend the Native Administration Law, 1875," is hereby repealed, without prejudice to any proceedings taken or the execution of any fine imposed thereunder.

Removal of
Natives ;
extension of
Section 37 of
Code.

9. The power given by Section 37 of the Code of Native Law to the Supreme Chief acting in conjunction with the Natal Native Trust to remove Natives from one part of the Colony to another, shall extend to the removal of Natives residing upon private lands (that is to say all lands alienated from the Crown) in like manner as to Natives residing upon Crown or Location lands.

Commencement
of Act.

10. This Act shall not come into operation unless and until the Governor shall, by proclamation in the *Natal Government Gazette*, notify that it is His Majesty's pleasure not to disallow the same, and thereafter it shall come into operation on such date as the Governor may appoint by the same or any other proclamation.

Joint construc-
tion with
Law 19, 1891.

11. This Act shall be read and construed together with Law No. 19, 1891.

Given at Pietermaritzburg, this Fifth day of December, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 48, 1903.]

HENRY McCALLUM,
Governor.**ACT,**

"To amend the Squatters' Rent Law of 1884."

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. From and after the date of the passing of this Act there shall be payable by Native Squatters on or in the occupation of Crown Lands within the Colony a rent of Two Pounds Sterling per Hut per annum for the use and occupation of such lands, in lieu of the rent of One Pound Sterling as provided for by Section 1 of Law No. 41, 1884.

Increase of Squatters' Rent on Crown Lands.

2. This Act and Law No 41, 1884, shall not apply to the Province of Zululand unless and until the Governor in Council shall, by Proclamation, notify that the said Act and Law are extended to the said Province, and thereafter they shall take effect in the said Province on such date as shall be appointed by the Proclamation.

Act not to apply to Zululand unless specially extended.

3. This Act shall not come into operation unless and until the Governor shall, by Proclamation in the *Natal Government Gazette*, notify that it is His Majesty's pleasure not to disallow the same, and thereafter it shall come into operation on such date as the Governor may appoint by the same or any other Proclamation.

Commencement of Act.

Given at Pietermaritzburg, this Fifth day of December, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 49, 1903.]

HENRY McCALLUM,
Governor.



“To make better provision for the control and use of
Mission Reserves.”

WHEREAS certain Lands known as Mission Reserves have, from time to time, been granted upon Trusts for Natives, with the object that the same might be used for missionary work amongst the Natives by the ecclesiastical or missionary bodies named in the several deeds of grant :

AND WHEREAS difficulties have arisen in regard to the control and employment of the Mission Reserves, and it is expedient and also consonant to the wishes expressed on behalf of the ecclesiastical or missionary bodies aforesaid that the Trusts under which the Reserves are held should be transferred to and exercised by the Natal Native Trust, to be administered in accordance with the intention of the several deeds of grant, and for this purpose it is desirable to repeal and re enact with amendments the Act No. 25 of 1895 :

BE IT THEREFORE enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Title. **1.** This Act may be known as “The Mission Reserves Act, 1903.”

Repeal of Act 25,
1895.

2. Act No. 25, 1895, entitled Act “To regulate the use of Mission Reserves,” is hereby repealed.

- 3.** The lands mentioned in the schedule of this Act, and any other lands to which this Act applies, are shortly referred to as "Mission Reserves" or "Reserves." Meaning of "Mission Reserves."
- 4.** The Natal Native Trust shall be the Trustees of all the Mission Reserves mentioned in the schedule of this Act, and all appointments of Trustees made by or pursuant to the deeds of grant of such Mission Reserves shall, from the date of the commencement of this Act, be revoked. Natal Native Trust to be Trustees of Mission Reserves.
- 5.** The Mission Reserves shall be kept for occupation solely by Natives, save in so far as any part thereof may be set apart or placed at disposal for the purposes of this Act; and the Reserves shall be administered for the benefit of the Natives living thereon according to the intention of the several deeds by which the Reserves have been granted: Provided that the Natal Native Trust shall have the right to grant temporary and conditional occupation of store sites, as well as prospecting and mining rights where such rights shall not interfere with the rights and well-being of the Native residents and the work of the missionary body named in the deed of grant. Use and Administration of Reserves.
- 6.** No person, society, or body, other than the ecclesiastical or missionary body named in the deed of grant, shall be allowed to establish any mission or undertake religious or educational work, or have any right to use or be upon any such Reserve, saving, however, the right of occupation by Natives according to the intention of this Act: Provided that nothing herein contained shall prevent the Natal Native Trust, or the Government, from establishing and carrying on any system of Native education and industrial training in such a manner as may be prescribed by the rules of the Department of Education relative to Native education. Protection of Interests of Missionary Bodies, &c.
- 7.** The Governor in Council shall be empowered to grant to the Natal Native Trust any lands which have heretofore been delimited as Native Mission Reserves for, but have not been transferred to, any ecclesiastical or missionary body. Such lands shall be granted upon trust for Natives, in order that such ecclesiastical or missionary body may have a fixed population to labour amongst, and shall be administered according to the provisions of this Act in like manner, as far as may be, as the lands mentioned in the schedule of this Act. Lands reserved but not transferred to a Missionary Body may be granted to Natal Native Trust.
- 8.** Suitable sites for churches and schools for Natives, and other premises proper to be attached thereto, may be leased to or placed at the disposal of the Missionary bodies named in the deeds of grant upon a merely nominal rent. Any such leases shall not continue for more than twenty-one years, but may be renewed from time to time. Leasing of Sites for Native Churches and Schools.
- 9.** The Natal Native Trust may charge the Natives resident upon the Reserves such rent as they may determine, and may make charges for the supply and use of water which may be led, or of any other conveniences which may be provided by them for public purposes of the Reserve. Payment of Rents by Native Residents.

One-half of Rents, &c., &c., to be paid to Missionary Body named in Deed of Grant.

10. One half of all rents and other moneys collected under this Act from the Natives living on any Reserve, or received for store sites, as well as one-quarter of all moneys received in respect of minerals under the provisions of Section 5 of this Act, shall be paid by the Natal Native Trust to the missionary body named in the deed of grant of the Reserve; and such moneys shall be applied to the purposes of Native education and industrial training upon any Reserve of any such missionary body in such manner as may be prescribed by the rules of the Department of Education relative to Native education: Provided, however, that such moneys may, with the consent and approval of the Natal Native Trust, be spent in defraying the salaries of industrial and other teachers, holding the requisite certificates of proficiency from the Department of Education of this Colony, engaged in the education and industrial training of Natives in schools provided and erected by such missionary body upon the glebe lands within or adjoining such Reserve or Reserves.

Balance of Moneys to be utilised by Natal Native Trust for benefit of Reserves.

The remainder of such moneys shall, after repayment of any advance made or expense incurred by the Natal Native Trust, be applied to works of general utility and the benefit of the Reserve on which the money was collected.

Control of Reserves by Natal Native Trust.

11. Subject to the provisions of this Act, the Natal Native Trust shall have full and complete control of the Reserves, and may remove therefrom according to Law any Natives or other persons who have come upon the lands unlawfully, or whose residence there is, in the opinion of the said Trust, prejudicial to the interests of the Reserve: Provided that in the exercise of the powers conferred by this Act, and in interpreting the terms of the deeds of grants of the Reserves, just and impartial consideration shall be given to any representations which may be made on behalf of the missionary bodies.

Setting apart of portions of Reserves for Native Converts.

12. Any Reserve, or any portion of a Reserve, may be set apart by the Governor in Council for exclusive occupation by Natives who are converts from heathendom.

Any rules made by the Governor in Council as hereinafter provided may be made specially or exclusively applicable to portions of a Reserve set apart under this section, and such special rules may also prohibit all Native customs and heathen rites and ceremonies inconsistent with the tenets of the religious body referred to in the deed of grant, and may give to such Natives such a measure of local management of the affairs of the Special Reserve as may be suited to their circumstances.

Exercise of Powers by Native Chiefs.

13. The Governor may decide what powers, if any, are to be exercised by Native Chiefs in Mission Reserves.

14. Each Mission Reserve shall be deemed to be a part of the Colony within the meaning of Section 37 of Law No. 19 of 1891, from which the Supreme Chief, acting in conjunction with the Natal Native Trust, may remove any tribe, or portion of a tribe, or Native.

Reserves to come within meaning of Section 37, Law 19, 1891.

15. The Governor in Council may from time to time make and alter rules to regulate the use and occupation of Mission Reserves, and for all purposes of this Act.

Rules.

Such rules may amongst other things provide for :

- (a) The admission of Natives to the Reserve.
- (b) The lease and hire of land and the conditions to be imposed with regard thereto.
- (c) The appropriation of land for the purposes of cultivation, pasture and commonage.
- (d) All matters relating to roads, by-roads, fences, pounds, water-courses, woods and streams, and the use of water, wood, clay and stone.
- (e) The charges to be made for rent, the agistment of cattle, and for any other things for which a charge is authorised by this Act
- (f) The preservation of health and observance of decency.
- (g) The maintenance of order and any other matter or thing necessary to be done or be prohibited in the interests of the people living in the Reserve.
- (h) The education and industrial training of children living on the Reserve.
- (i) For the preservation of game.

Any person who shall contravene a regulation under this Act, or who shall disobey or disregard any duty imposed thereby or any lawful order made by a person having authority under the regulations shall be guilty of an offence, and shall be liable to a fine not exceeding Ten Pounds (£10) Sterling, or to imprisonment with or without hard labour for a term not exceeding six months.

16. Section 7 of Act No. 40, 1896, is hereby repealed.

The powers given to the Governor in Council by Section 5 of the said Act to define boundaries of lands occupied by Natives may be exercised in Mission Reserves as in Locations.

Boundaries of Reserves.

17. Nothing in this Act contained shall in any way lessen the rights as Missionaries or any Ministers of the religious denomination mentioned or referred to in the original grant of the Mission Reserve.

Saving of Rights.

SCHEDULE.

Mission Reserve.	Extent, Acres.	Missionary Body named in the Deed of Grant.	Date of Grant.
Umpumulo ...	12,000	Norwegian Mission in Natal ...	4 Nov., 1862.
Umlazi ...	7,521	Church of England in Natal ...	"
Umtwalumi ...	12,922 2r. 18p. Or. 21p.	American Board of Commissioners for Foreign Missions in Natal ...	"
Mapumulo ...	8,196	Ditto ...	"
Etembeni ...	5,939	Hanoverian Missionary Society ...	"
Umsindusi ...	5,595 3r. 12p.	American Board of Commissioners for Foreign Missions in Natal ...	"
Inanda ...	11,500	Ditto ...	10 July, 1873.
Itafamasi ...	5,500	Ditto ...	20 July, 1883.
Table Mountain ...	5,623 1r. 14p.	Ditto ...	10 July, 1873.
Isidumbeni ...	5,500	Ditto ...	15 June, 1875.
Charlottedale ... (Umvoti).	6,207	Ditto ...	10 July, 1873.
Amahlongwa ...	6,965	Ditto ...	18 Nov., 1862.
Ifumi or Imfumi ...	7,498	Ditto ...	4 Nov., 1862.
Amanzimtote ...	8,077	Ditto ...	"
Ifafa ...	6,209	Ditto ...	"
Indaleni ...	6,164	Ditto ...	"
St. Michael's ...	6,300	Wesleyan Missionary Society ...	8 Aug., 1865.
		Roman Catholic Mis- sions ...	3 May, 1887.

Given at Umlalazi, Natal, this 25th day of December, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.

[No. 50, 1903.]

HENRY McCALLUM,
Governor**E.****R.****ACT,**

“To amend the Law relating to Foreign Seamen.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. This Act may be cited as the “Foreign Seamen Act, 1903.”

Title.

2. If any seaman belonging to any foreign ship deserts therefrom, or otherwise absconds or absents himself from his duty whilst such ship is anywhere within the territorial limits of Natal, any Magistrate, upon the complaint on oath of the master, mate or other person having charge of such ship, of the fact of such desertion, absconding or absence from duty, may issue his warrant for the apprehension of such seaman; and thereupon—

Deserter seamen belonging to foreign ships may be apprehended.

- (a) May deal with such seaman as hereinafter is provided; or
- (b) May place such seaman at the disposal of the consul, vice-consul, or other consular officer or agent of the nation or state to which such ship belongs; or
- (c) At the request of such consul, vice-consul, or other consular officer or agent may order such seaman to be put forcibly on board the ship to which he belongs.

3. Every seaman of any foreign ship who, whilst such ship is within the territorial limits of Natal, commits any of the offences hereinafter mentioned, shall, upon conviction thereof before a Magistrate, be liable to be imprisoned with hard labour in a gaol in Natal for periods not exceeding

Punishment of seamen belonging to foreign ships for offences committed.

those hereinafter set against the said offences respectively, that is to say :—

- (a) For desertion from the ship to which he belongs, a period of twelve weeks for the first offence, and a period of six months for a second or subsequent desertion ;
- (b) For assaulting any master or other officer of such ship, a period of twelve weeks, or in the alternative a fine of not more than Three Pounds sterling.
- (c) For wilful disobedience to any lawful command of such master or other officer of such ship, a period of four weeks, or in the alternative a fine of not more than Two Pounds sterling.
- (d) For continued wilful disobedience to such lawful commands, or for continued wilful neglect of his duty as a seaman of such ship, a period of twelve weeks, or in the alternative a fine of not more than Three Pounds sterling.
- (e) For combining with any other or others of the crew of the ship to which he belongs to disobey the lawful commands of his officers or to neglect his duty as a seaman, or to impede the discharge, loading or departure of the ship, or the progress of the voyage, a period of twelve weeks.
- (f) For drunkenness or other misconduct disabling any such seaman for the discharge of his duty, a period of four weeks for the first offence and a period of eight weeks for any subsequent offence, or in the alternative a fine of not more than Two Pounds sterling in either case :

Provided that nothing herein contained shall take away or abridge any powers which a master of any such ship has over his crew.

4.

- (1) A Magistrate may, at the instance of the consul, vice-consul, or other consular officer or agent of the nation or state to which the ship of any seaman convicted and sentenced under this Act belongs, order any such seaman, at or after the expiration, or earlier determination of his sentence of imprisonment, or at any time during the continuance thereof, to be put forcibly or otherwise on board such ship.
- (2) In all such cases the Magistrate may grant an order to any gaoler or keeper of the prison to discharge such seaman from prison into such custody as such Magistrate directs, which shall be a sufficient warrant to such gaoler or keeper to deliver such seaman into such custody and for such purpose as aforesaid.

Return of
deserting
foreign seaman
to ship.

5. A Magistrate may, upon the complaint on oath of the master or other person having charge of any such ship as aforesaid, that he has good cause for suspecting that any runaway seaman of such ship is harboured, secreted or concealed on board any ship, boat, or other vessel, or in any house or place whatsoever, issue a warrant directing some constable to search such ship, boat, or other vessel, or such house or place, and to apprehend such seaman.

Search warrants.

Such warrant shall be executed accordingly, and every such seaman shall upon his apprehension be brought with all convenient speed before the Magistrate to be dealt with as is herein directed.

6. Whosoever—

- (a) Harbours, conceals, employs, or retains, or assists in harbouring, concealing, employing or retaining any seaman belonging to any such ship as aforesaid, who has deserted therefrom, or otherwise absconded or absented himself from duty, knowing such seaman to have deserted or otherwise absconded or absented himself from duty, without having used reasonable diligence to ascertain whether such seaman has been duly discharged from his last employment; or
- (b) Causes, induces or persuades any such seaman by words or by any other means whatsoever, to violate or to attempt or endeavour to violate any agreement which he may have entered into to serve on board any such ship as aforesaid; or
- (c) Knowingly connives at the desertion, absconding or absence from duty of any such seaman;

Punishments for harbouring, &c., of foreign seamen.

shall for every such offence, upon conviction thereof before a Magistrate in a summary way, be liable to a fine not exceeding Twenty Pounds sterling for the first offence, and not more than Fifty Pounds sterling for a second or subsequent offence; and in the case of non-payment thereof the Magistrate may commit him to gaol for any period not exceeding three months, with or without hard labour, such imprisonment to cease on payment of the fine.

7. No such warrant as is in this Act mentioned shall be issued, and no offence hereby made punishable shall be prosecuted or punished, except—

In what cases warrants may be issued and offences punished.

- (a) At the instance, or with the express assent in writing of the consul, vice-consul, or other consular officer or agent of the nation or state to which such ship as aforesaid belongs; or
- (b) It has been duly notified by order of the Governor in the *Natal Government Gazette* that the Government of such nation or state has, by its proper officer, signified its desire that this Act may be enforced in all cases against the crews of ships belonging to such nation or state.

Evidence as to
articles or
agreement.

8.

- (1) In prosecuting under this Act it shall not be necessary for the purpose of proving the articles or agreement under or by which any such seaman has engaged to serve on board any such ship, to call any subscribing or attesting witness thereto; but such articles or agreement may be proved as if there were no such subscribing or attesting witness.
- (2) A copy of any such articles or agreement as aforesaid, certified under the hand of the consul, vice-consul, or other consular officer or agent of the nation or state to which such ship belongs, to be a true copy thereof, shall be received as evidence of the existence and contents of such articles or agreement.

By whom ex-
penses payable.

9. All expenses incidental to the apprehension, confinement, and removal of any seaman under and by virtue of this Act shall be paid by the consul, vice-consul, or other consular officer or agent at whose instance such seaman was apprehended, proceeded against, or removed.

Jurisdiction
and procedure.

10.

- (1) All proceedings under this Act may be conducted in a Magistrate's Court.
- (2) The service of any summons or other matter in any legal proceedings under this Act shall be good service if made—
 - (a) Personally on the person to be served; or
 - (b) By leaving such summons for him on board any ship to which he belongs with the person being or appearing to be in command or charge of such ship.

Convictions and
warrants not to
be invalid for
certain defects.

11.

- (1) No conviction under this Act shall be quashed merely for want of form.
- (2) No warrant of commitment or order for imprisonment shall be held void by reason of any defect therein: Provided it is therein alleged that the person has been convicted or ordered to be imprisoned, and there is a good and valid conviction or an offence to sustain the same.

Given at Umlalazi, Natal, this Twenty-fifth day of December, 1903.

By command of His Excellency the Governor,

JNO. G. MAYDON,
Colonial Secretary.



COLONY OF NATAL.

ACTS

OF THE

PARLIAMENT OF THE COLONY OF NATAL,

PASSED IN THE

SECOND SESSION

OF THE

FOURTH COLONIAL PARLIAMENT,

1904.

PIETERMARITZBURG :

"TIMES" PRINTING AND PUBLISHING COMPANY, LTD.

1904.

COLONY OF NATAL.

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[No. 1, 1904.]

HENRY BALE,
Administrator.**E.****R.****ACT,**

“To amend the Cattle Stealing Act, 1898.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Section 57 of the Cattle Stealing Act, 1898, is hereby repealed, and the following Section is substituted therefor :

Every Native who shall be convicted of cattle stealing or cattle killing shall be liable :—

- (a) On the first conviction to a whipping of not more than twenty-five lashes, or to imprisonment, with hard labour, for any term not exceeding five years, or to both such whipping and imprisonment.
- (b) On the second conviction to imprisonment with hard labour for any term not less than three years and not exceeding nine years.
- (c) On a third or further conviction to imprisonment with hard labour for any term not less than six years and not exceeding fifteen years ; and
- (d) On each second or subsequent conviction to a whipping of not more than thirty lashes, in addition to any sentence of imprisonment :

Provided always :

1. That the punishment of whipping shall be in no case adjudged to be inflicted upon women.

Repeal and
reënactment of
Section 57 of
Cattle Stealing
Act, 1898.

2. That if at any time arrangements shall have been made by the Natal Government for the carrying out in any other Colony or country of sentences of transportation, then upon a second or subsequent conviction the convicted person may, in lieu of any sentence of whipping or imprisonment, be sentenced to be transported to such Colony or Country for any term not less than three years and not exceeding twelve years.
3. That in the case of offenders who appear to be under the age of sixteen years, any whipping shall be inflicted with a rod, and not with a lash.

Given at Government House, Natal, this Seventeenth day of March, 1904.

By command of His Excellency the Administrator,

JNO. G. MAYDON,
Colonial Secretary.

[No. 2, 1904].

HENRY BALE,
Administrator.**E.****R.****ACT,**

"To enable Town Councils to establish Native Locations."

WHEREAS it is expedient to provide for the establishment by Town Councils of Native Locations, in which certain Natives shall be compelled to reside :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The definition of the word "Native" appearing in Section 4 of Act No. 38, 1896, "To amend and consolidate the laws relating to the sale of intoxicating liquors," shall be applicable to this Act.

Definition of
"Native."

2. The Town Council of any Borough constituted under Law No. 19 of 1872 are empowered to establish Native Locations upon any lands, approved by the Governor, within which all Natives other than those hereinafter excepted may be compelled to reside, and such Town Council may, from time to time, with the approval of the Governor, close such locations and establish others.

Town Councils
empowered to
establish Native
Locations.

3. This Act shall in no case apply to Natives belonging to the following classes :—

Exemptions.

- (a) Those who are freehold owners of land within the Borough.
- (b) Those who are exempted from the operation of Native Law.
- (c) Those who are at the time actually employed in domestic service by the month, and for whom sleeping accommodation, to the satisfaction of

the Town Council is provided by their employers. The onus of proving that a Native is so employed shall be on the Native or his employer.

Special Exemptions.

Any Town Council shall have power to exempt from the operation of this Act such other Natives as they may think fit.

The Town Council shall be bound to exempt from the operation of this Act such Natives in Government service as may be notified from time to time by the Government to the Town Council.

By-laws for control of Locations.

4. The Town Council of any Borough constituted under Law No. 19, 1872, may from time to time, subject to the approval of the Governor, make by-laws for the proper control of such locations, for the charging of fees and rents, for the prevention of the manufacture and sale of Kafir Beer and other intoxicants therein, to impose penalties for any breach of this Act or of any Regulation passed thereunder, and generally for any other matters necessary or proper for the purpose of giving full and complete effect to the objects of this Act.

Residence in Locations to take effect from date provided in By-laws.

5. From and after such date as shall be provided for under the by-laws passed in terms of this Act by any such Town Council as aforesaid, all Natives, with the exception of those who may be exempted under Section 3 of this Act, shall thereafter be compelled to reside in the location or locations established by such Town Council.

On Establishment of Locations, Town Council may destroy buildings formerly used by Natives.

6. When any location shall have been established in terms of this Act, and so soon as the date hereinbefore provided shall have expired, such Town Council shall be empowered to close, remove, or pull down any hut, dwelling-house, or other building within such Borough used as a sleeping place by any Native or Natives: Provided, however, that such Town Council shall make compensation for the value of such premises to the owner thereof, and, in case the owner thereof shall refuse to accept such compensation, then the amount of such compensation shall be settled under the provisions of the Arbitration Act No. 24, 1898: Provided, further, that in no case shall premises as aforesaid be closed, removed, or pulled down by such Town Council until the amount of such compensation shall have been agreed upon or settled.

Town Councils may take lands.

7. The Town Council of any Borough constituted under Law No. 19 of 1872 is hereby empowered, with the consent of the Governor in Council, to take lands within the Borough for the purpose of establishing a location or locations under this Act, and such lands may be taken under the provisions of the "Lands Clauses Consolidation Law, 1872," which for the purposes of this section is incorporated with this Act.

Incorporation of Law 16, 1872.

8. The Registrar of Deeds is hereby empowered to give transfer of any lands acquired under the provisions of Section 2 of this Act free of transfer duty.

Authority to transfer.

9. This Act shall be applicable to any Borough so soon as the Town Council thereof shall have decided by resolution to adopt its provisions.

Act applicable to a Borough by resolution of Town Council.

Given at Government House, Natal, this Seventeenth day of March, 1904.

By command of His Excellency the Administrator,

JNO. G. MAYDON,

Colonial Secretary.

[No. 3, 1904.]

HENRY BALE,
Administrator.

“To amend Act No. 49, 1901, entitled Act ‘To facilitate the Identification of Native Servants.’”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

Principal Act to apply to others as to servants.

1. Act No. 49, 1901, shall apply to Natives of the under-mentioned classes in the same manner as to servants:

Policemen,
Persons in service as messengers,
Natives engaged in washing and laundry work,
Jobbers,
Ricksha pullers.

Amendment of Section 13 of principal Act.

2. Section 13 of Act No. 49, 1901, is hereby repealed, and the following section is enacted in lieu thereof:

If any master employs a native servant without such servant having produced his Identification Pass he shall be guilty of a contravention of this Act.

Addition to Section 10 of principal Act.

3. The following shall be added to Section 10 of Act No. 49, 1901:

The Secretary for Native Affairs shall have full authority and discretion in any case to order that an Identification Pass shall be granted or refused.

Issue of Passes to Native tenants under obligation to render service in lieu of rent.

4. Notwithstanding the provisions of Section 3 of Act No. 49, 1901, in cases where a Native tenant has agreed with his Landlord to render service to the Landlord, it shall be lawful for either party to require the other, on reasonable

notice, to attend, and he shall be bound to attend before a Magistrate, and when the Magistrate shall have ascertained the agreement between the parties, he shall destroy any existing Identification Pass and issue to the Native a new Identification Pass, endorsing on such new Pass the period during which the Native is to render service to the Landlord, and during such period no person other than the Landlord shall be entitled to hire the services of such Native. The appearance of the Landlord before the Magistrate may be by himself or by an Agent, or by delivery of the Landlord's statement in writing of the terms and period on and during which the Native has agreed to render service. It shall be the duty of the Magistrate to satisfy himself that the Native agrees to the terms. Any notice under this section by a Landlord to a Native shall not be taken to have been effectually given unless personally served or unless left at the kraal of such Native at a time when the Native is on the farm where his kraal is situated.

Whenever a Native shall cease to reside upon private land he shall, on giving satisfactory proof and on surrendering his endorsed Pass to a Magistrate, be entitled to obtain a new Identification Pass, and whenever a Native shall move from the land of one private owner to another the Native appearing before the Magistrate with the new Landlord shall, upon the surrender of his existing Pass, be entitled to the issue of a new Pass with the endorsement of the period, if any, during which the Native is to render service to the Landlord.

5. Schedules A and B of Act No. 49, 1901, and the references thereto in the Act, are hereby repealed. Passes shall be in such form as may be prescribed by rules.

Repeal of Schedules.

6. Upon the conviction of any person for having obtained or used a Pass in contravention of Act No. 49, 1901, the Magistrate may declare such Pass to be null, and order it to be produced to him and cancelled.

Cancellation of Pass upon conviction.

7. If any person contravenes the provisions of Sections 2 or 4 hereof, he shall be liable to a fine not exceeding Five Pounds (£5) Sterling, failing payment of which he shall be liable to imprisonment for a period not exceeding one month, with or without hard labour.

Punishment for contravention of Sections 2 and 4.

8. This Act and Act No. 49, 1901, shall be read and construed together as one Act.

Given at Government House, Pietermaritzburg, Natal, this Twenty-eighth day of March, 1904.

By command of His Excellency the Administrator,

JNO. G. MAYDON,
Colonial Secretary.

[No. 4, 1904.]

HENRY BALE,
Administrator.**E.****R.****ACT,**

"To amend the Laws relating to Game."

Preamble.

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

Repeal of
Section 6, Act
No. 24, 1894.

1. Section 6 of Act No. 24, 1894, entitled Act "To amend the Game Law, 1891," is hereby repealed, and after the passing of this Act the female bushbuck, commonly called the Imbabala, and the buck known as the Impala and Inyala, shall be included in Schedule C of Law No. 16, 1891, and shall no longer be included in Schedule B of the said Law.

Inclusion of
certain Animals
in Schedule C
of Law No. 16,
1891.

2. The following animals shall also be included in Schedule C of Law No. 16, 1891, that is to say:—

Buffalo, Waterbuck, Blue Wildebeest, Rhinoceros, Java (or Mauritius) Deer.

Partial Amend-
ment of Section
3, Law 16, 1891.

3. Notwithstanding the provisions of Section 3 of Law No. 16, 1891, the close season for wild duck and wild geese shall continue only until the end of the month of February in each year, and not to the 30th day of April.

Given at Durban, this Sixth day of June, 1904.

By command of His Excellency the Administrator.

JNO. G. MAYDON,
Colonial Secretary

[No. 7, 1904.]

HENRY BALE,
Administrator.

“ To make provision with regard to persons brought to Natal in pursuance of a scheme for the introduction of labourers into a neighbouring colony or territory.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. Whenever a scheme shall have been adopted or approved by the Government of any British Colony or Possession in South Africa for the introduction of labourers from overseas, the Governor in Council may, by proclamation, declare that this Act shall apply to all the persons to be introduced under such scheme, as labourers or otherwise, males as well as females, and their children, whether born in this Colony or elsewhere, and thereupon it shall be lawful, notwithstanding anything contained in the Immigration Restriction Act, 1903, for all such persons brought to Natal in pursuance of such scheme to enter and pass through this Colony, subject to the provisions of this Act.

Application of Act.

Such persons are in this Act referred to as “transit immigrants.”

Definition.

2. The Governor may from time to time make and alter regulations providing for everything which may be deemed proper for carrying out this Act, and for giving full and complete effect to the scheme for the introduction of labourers and for all matters and things whatsoever, nothing excepted, provided that they be not in conflict with this Act.

Authority to make Regulations.

3. Such regulations may, amongst other things, and without derogation from the powers given as aforesaid, make special provision for the following matters:—

Regulations.

(a) The entry of transit immigrants into Natal and the requirements to be observed before debarka-

tion, whether as to giving pratique to ships, or as to the examination, inspection or disinfection of such immigrants or of their effects.

- (b) The landing of transit immigrants, their detention in a compound, location or elsewhere.
- (c) The feeding, housing, and proper treatment of transit immigrants.
- (d) The powers, authorities, and duties of the persons entrusted with the charge of transit immigrants.
- (e) The conveyance and transit of such immigrants through and out of Natal.
- (f) The rules to be observed by transit immigrants.
- (g) The custody of transit immigrants whilst in and passing through Natal, the power of guards, constables, and others to enforce obedience to the rules, or to arrest and bring back deserters or those who may be found away from the party to which they belong.
- (h) The arrest, detention, mode of dealing with, and the removal from the Colony of transit immigrants who may come into Natal after being conveyed therefrom under this Act.
- (i) The conveyance and transit of immigrants through and out of Natal when returning or being sent back in pursuance of such scheme as aforesaid, and for all such matters connected with such return as are provided for in regard to the introduction of transit immigrants.

4. It shall be the duty of all Magistrates, police constables, and other officers of the law to aid and assist in enforcing the regulations and lawful orders relative to transit immigrants and in preventing the desertion or escape of such immigrants.

5. No person shall aid or abet a transit immigrant to desert from the party of transit immigrants with which he arrived in the Colony or to resist or obstruct any officer in the execution of his duty or to contravene any of the regulations made under or referred to in this Act.

6. The Immigration Restriction Act, 1903, shall not apply to or in respect of any transit immigrant coming within the provisions of this Act: Provided and excepted that the Governor in Council may, by Proclamation, from time to time, direct that any part of the said Act of 1903, or the regulations thereunder, shall so apply, and in such case the said Act or the regulations thereunder shall apply to such immigrants to the extent specified in the Proclamation.

Any such Proclamation may, from time to time, be varied or revoked by a like proclamation.

7. Every person guilty of a contravention of this Act, or of any regulation made thereunder, or made applicable to transit immigrants, shall be liable on conviction before a Magistrate to a fine not exceeding Fifty Pounds (£50) Sterling, or in default of payment thereof imprisonment

Duties of
Magistrates and
Police.

No person to
aid or abet
contraventions.

Immigration
Restriction Act,
1903, not to
apply to Transit
Immigrants.

Exception.

Penalties.

with or without hard labour for a period not exceeding six months, or he may be sentenced to such imprisonment, as aforesaid, without the option of a fine.

8. Any Chinese or other person belonging to a race from which transit immigrants are at any time being brought to South Africa, but who is not himself a transit immigrant, may, on application to the Magistrate of his Division, and on satisfying the Magistrate that he is lawfully resident in Natal, obtain from him a certificate showing that such person is a resident of Natal.

Certificate of Residence.

The certificate shall be in such form, and shall contain such particulars as may be prescribed by the regulations.

Only one person shall be named in any certificate, but certificates may be granted upon application of a parent for the several members of his family.

9. The possession of such a certificate as aforesaid shall protect the person named therein from being dealt with under the provisions of this Act with regard to transit immigrants.

Protection of Persons holding same.

10. Any certificate obtained by fraud or false representations shall be void, and any person by whom a certificate has been so obtained, or who shall knowingly use such a certificate, shall be guilty of the crime of falsity.

Offence of falsely obtaining Certificates.

11. A register shall be kept by every Magistrate of the persons to whom certificates have been issued.

Register of Certificates.

12. This Act may be known as the "Transit Immigrants Act, 1904."

Short Title.

Given at Government House, Natal, this Eighteenth day of June, 1904.

By command of His Excellency the Administrator,

JNO. G. MAYDON,
Colonial Secretary.

[No. 8, 1904.]

HENRY BALE,
Administrator.

“To apply a sum not exceeding £500,000 for the services of the year ending the 30th day of June, 1905.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

Appropriation
of £500,000 to-
wards services
of year 1904-5

1. The General Revenue of the Colony of Natal is hereby charged towards the services of the year ending the 30th day of June, 1905, with a sum not exceeding Five Hundred Thousand Pounds Sterling (£500,000), which sum shall be applied towards the services of the year in conformity with the Estimates of Expenditure for the said year which have been presented to Parliament during the present Session thereof, and in anticipation of the passing of the Supply Bill, 1904-1905.

Inclusion of
moneys already
expended to-
wards such
services.

2. The aforesaid sum of Five Hundred Thousand Pounds Sterling (£500,000) shall include all moneys which shall have been expended from the General Revenue towards the services of the said year in conformity with the said Estimates prior to the passing of this Act.

Commencement
of Act.

3. This Act shall take effect upon the date of the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this First day of July, 1904.

By command of His Excellency the Administrator

JNO. G. MAYDON,
Colonial Secretary.

[No. 9, 1904.]

HENRY BALE,
Administrator.**E.****R.****ACT,**

“To continue, with amendments, the operation of the Public Health Act, 1901.”

WHEREAS by Act No. 43, 1903, provision has been made for the continuance in force, with certain amendments, until the 31st day of December, 1904, of Act No. 44, 1901, known as the “Public Health Act, 1901,” and it is expedient that the said Act so amended as aforesaid should be continued in force until the 31st day of December, 1905 :

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Act No. 44, 1901, known as the “Public Health Act, 1901,” as amended by Act No. 43, 1903, shall be and remain in force and operation from and after the 31st day of December, 1904, until the 31st day of December, 1905.

Continuation in force of Public Health Act, 1901, as amended.

2. If any member of the Board of Health is prevented by absence from the Colony or other cause from attending to his duties as a member of the Board, the Governor may appoint a person to act in his stead. In making such an appointment, regard shall be had to the requirements of Section 3 of Act No. 43, 1903, in respect to the membership of the Board.

Appointment of substitutes on Board.

Given at Durban, Natal, this first day of July, 1904.

By command of His Excellency the Administrator,

JNO. G. MAYDON,
Colonial Secretary.

[No. 10, 1904.]

HENRY BALE,
Administrator.

E.



R.

ACT,

“To amend Act No. 12, 1898, entitled Act ‘To amend the Post Office Law, 1884.’”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Notwithstanding the provisions of Section 2 of Act No. 12, 1898, any newspaper, printed circular, advertisement or the like remaining unclaimed or undelivered at any Post Office on the last day of any month after having lain there for at least two months, may be destroyed by the Postmaster.

2 Section 31 of the Post Office Law, 1884, is hereby amended by substituting Forty Pounds for Ten Pounds as the maximum sum for which money orders may be issued.

Given at Government House, Natal, this eighth day of July, 1904.

By command of His Excellency the Administrator,
JNO. G. MAYDON,
Colonial Secretary.

Destruction unclaimed Newspapers, etc.

Maximum Money Orders, £40.

[No. 11, 1904.]

HENRY BALE,
Administrator.**E.****R.****ACT,**

"To amend the Telegraphs Act, 1901."

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. The Colonial Government shall have the sole and exclusive right to transmit telegrams from or to receive telegrams transmitted to, this Colony by sea or by land, by means of any agency other than a wire continuously connecting the points of transmission and reception.

Colonial Government's sole right to transmit or receive telegrams.

Such telegrams are hereinafter referred to as "wireless telegrams," and shall not be deemed to be included amongst the telegrams which by sub-section (c) of section 5 of the Telegraphs Act, 1901, are excepted from the exclusive privileges of the Colonial Government.

2. No person shall, except on behalf of the Colonial Government, make, equip or use within this Colony any station, machine, installation or apparatus capable of being used for the purpose of transmitting or receiving wireless telegrams.

Penalty for contravention.

Any person contravening this section, and any person transmitting or receiving a wireless telegram contrary to the provisions of this Act, shall be liable to a fine not exceeding One Thousand Pounds Sterling, or to be imprisoned, with or without hard labour, for any term not exceeding five years, or to both such fine and imprisonment; and any building, station, machine, installation or apparatus unlawfully made, erected, or used for the purpose of trans-

mitting or receiving wireless telegrams may be destroyed by order of the Government.

Construction of
Law.

3. This Act shall be read and construed together with the Telegraphs Act, 1901, as one Act.

Given at Government House, Natal, this eighth day of July, 1904.

By command of His Excellency the Administrator,

JNO. G. MAYDON,
Colonial Secretary.

[No. 12, 1904.]

HENRY BALE,
Administrator.

To amend, and extend, the provisions of the *Xanthium Spinosum* Law of 1874."

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The provisions of the *Xanthium Spinosum* Law No. 38, 1874, shall apply to the thistle known as *Cnicus diacantha*. Law 38, 1874, to apply to *Cnicus diacantha*

2. The Governor may appoint such officers as may be required for carrying out the provisions of Law No. 38, 1874, and such officers shall perform the duties and exercise the authority given by the said Law to Magistrates in other than judicial matters, and to inspectors, without limitation as to the summer or other season. Appointment and jurisdiction of Officers.

3. Law No. 38, 1874, Act No. 20, 1901, and this Act shall be construed together as one Act. Construction of Law.

Given at Government House, Natal, this eighth day of July, 1904.

By command of His Excellency the Administrator,

JNO. G. MAYDON,
Colonial Secretary.

[No. 13, 1904.]

HENRY BALE,
Administrator.

“To amend Act No. 33, 1896, entitled Act ‘For the Protection of certain Insectivorous and other Wild Birds.’”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Word “Wild”
expunged.

1. The word “wild” wherever occurring in Act No. 33, 1896, shall be expunged.

Addition of
Homing or
Carrier Pigeons
to Schedule.

2. Homing or carrier pigeons shall be added to the list of birds in the Schedule of Act No. 33, 1896.

Magistrate’s
jurisdiction.

3. The Magistrate before whom any person is convicted of killing, catching, or shooting at homing or carrier pigeons may, in passing sentence, adjudge such person to pay to the owners of the pigeons the value thereof or of the injury which may have been done to them, not exceeding Five Pounds (£5) Sterling, and any sum so awarded may be levied in execution of the Magistrate’s judgment, together with the costs incidental to the levy.

Given at Government House, Natal, this eighth day of July, 1904.

By command of His Excellency the Administrator,

JNO. G. MAYDON,
Colonial Secretary.

[No. 14, 1904.]

HENRY BALE,
Administrator.**E.****R.****ACT,**

“To provide for the appointment of Commissioners for Oaths.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. The Governor may from time to time, by commission signed by him, appoint any fit and proper persons to be Commissioners for Oaths, and may revoke any such appointment.

Commissioners to be appointed by Governor.

2. A Commissioner for Oaths in Natal may, by virtue of his commission, administer in Natal any oath or take any affidavit for the purposes of any court or matter.

Commission to apply to any Court or matter in Natal.

A Commissioner for Oaths appointed under this Act in any place out of Natal may by virtue of his commission administer any oath or take any affidavit for the purposes of any court or matter in Natal:

Provided that no Commissioner shall act as such in any proceedings in which he is solicitor to any of the parties to the proceeding, or clerk to any such solicitor, or in which he is interested.

3. Every person who, being an officer of or performing duties in relation to any court, is for the time being so authorised by a judge of the court, or by or in pursuance of any rules or orders regulating the procedure of the court, and every person directed to take an examination in any cause or matter in the Supreme Court, shall have authority to administer any oath or take any affidavit required for any purpose connected with his duties.

Powers given to Officers of Courts.

Oaths or Affidavits sworn in places outside Natal.

4. Any oath or affidavit required for the purpose of any court or matter in Natal or for the purpose of the registration of any instrument in Natal may be taken or made in any place out of Natal before any person having authority to administer an oath in that place.

In the case of a person having such authority by virtue of a commission under this Act, judicial and official notice shall be taken of his seal or signature affixed, impressed or subscribed to or on any such oath or affidavit.

Place and date of Oath to be stated.

5. Every Commissioner before whom any oath or affidavit is taken or made under this Act shall state truly in the jurat or attestation at what place and on what date the oath or affidavit is taken or made.

False Oath to be perjury.

6. Whoever wilfully and corruptly swears falsely in any oath or affidavit taken or made in accordance with the provisions of this Act, shall be guilty of perjury in every case where if he had so sworn in a judicial proceeding before a court of competent jurisdiction he would be guilty of perjury.

Forgery of signatures.

7. Whoever forges, counterfeits, or fraudulently alters the seal or signature of any person authorised by or under this Act to administer an oath, or tenders in evidence, or otherwise uses any affidavit having any seal or signature so forged or counterfeited or fraudulently altered, knowing the same to be forged, counterfeited, or fraudulently altered, shall be guilty of the crime of forgery.

Fees

8. A Commissioner appointed under this Act, and any Justice of the Peace, shall be entitled to charge and receive a fee of One Shilling Sterling for every oath or affidavit administered or taken by him: Provided that if such Commissioner or Justice of the Peace shall be an officer of the public service the fee shall be paid over by him to the general revenue.

Definitions.

9. In this Act, unless the context otherwise requires:—

“Oath” includes affirmation and declaration:

“Affidavit” includes affirmation, statutory or other declaration, acknowledgment, examination and attestation or protestation of honour:

“Swear” includes affirm, declare and protest.

Oaths may be sworn before a Commissioner instead of a Justice of the Peace.

10. Where by any Law or Act an oath is required to be taken or an affidavit or declaration made before a Justice of the Peace, such oath, affidavit, or declaration may be taken or made before a Commissioner appointed by this Act.

Given at Government House, Natal, this eighth day of July, 1904.

By command of His Excellency the Administrator,

JNO. G. MAYDON,
Colonial Secretary.

[No. 15, 1904.]

HENRY BALE,
Administrator.

“To authorise the issue in certain cases of certificates of registered title of lands situated in the Northern Districts.”

WHEREAS from divers causes many original deeds of grant or of transfer of lands situated in the Northern Districts have been lost or destroyed, and no duplicates thereof exist in the Registry Offices of the Transvaal Colony, and it is expedient to provide for the issue of certificates of registered title to replace the originals :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. In any case where an original deed of grant or subsequent transfer of land in the Northern Districts as defined by the Northern Districts Annexation Act, 1902, has been lost, and no duly authenticated copy thereof can be obtained, the registered owner may apply to the Supreme Court, upon notice to the Registrar of Deeds, and after the public notice hereinafter provided for, for an order authorising the issue to him of a certificate of registered title.

Loss of Deed.
Application to
the Supreme
Court for certifi-
cate of title.

2. Notice of an intended application, setting forth the particulars thereof, shall be published once in the *Natal Government Gazette* and twice in some newspaper published in the Colony at least a month prior to making the application.

Publication of
notice.

3. At the hearing of the application, the applicant shall produce to the Court a duly registered diagram of the land in question, together with a certificate by the Registrar of

Hearing.

Deeds that the applicant appears by the records of his office to be the registered owner of the land in question.

Court may
authorise issue
of certificate of
title.

4. On proof to the satisfaction of the Court that the applicant is the true owner of the land in question, and that the deed of grant or title has been destroyed or lost, and that no duly authenticated copy thereof can be obtained, the Court may authorise the Registrar of Deeds to issue to the applicant a certificate of registered title which shall be as nearly as is material in the form contained in the Schedule of this Act, and shall contain such conditions and reservations as the Court, upon enquiry as to the conditions affecting similarly granted lands, shall appoint.

Filing of dupli-
cate.

A duplicate of every such certificate shall be filed in the office of the Registrar of Deeds.

Stamp fees.

The original of every such certificate shall bear stamps of the value of Five Shillings, and the duplicate shall bear stamps of the value of Two Shillings and Sixpence, and a registration fee of One Guinea shall be payable to the Registrar of Deeds to cover all charges of his office for and in connection with the application for and issue and registration of the certificate.

Certificate to
take place of
original.

5. A certificate of registered title granted under this Act shall stand and avail in lieu of the original deed of grant or transfer, as the case may be, and shall suffice for all purposes for which such deed of grant or title would avail.

Finding of
original.

6. If the original, or a duly authenticated copy, of the deed shall at any time be found, it shall be the duty of the owner to at once produce the same to the Registrar of Deeds together with the certificate of registered title.

Cancellation of
certificate.

The Registrar shall thereupon take and file a copy of the deed, and shall cancel the certificate of registered title, at the same time making any necessary endorsements upon the original.

SCHEDULE.

Certificate of Registered Title.

Issued pursuant to an order of the Supreme Court
granted under Act No. , 1904.

Know all whom it may concern :—

That A.B., having applied to the Supreme Court of the Colony of Natal for the issue to him of a certificate of registered title under Act No. , 1904, in lieu of a certain Deed of Grant, or Deed of Transfer, as the case

may be) [*here describe the Deed of Grant or Transfer under which the applicant holds*] which has been lost or destroyed, and the said Supreme Court having authorised the issue to the applicant of such certificate of registered title :

Now THEREFORE, in pursuance of the provisions of the aforesaid Act, I, the Registrar of Deeds, do hereby certify that the said A.B. is the registered owner of [*describe the property*] the extent and boundaries of which will more fully appear from the annexed diagram :

And that by virtue of these presents the said A.B., his heirs, executors, administrators and assigns now is and henceforth shall be entitled thereto conformably to local custom, Government, however, reserving its rights.

The land to which this certificate applies is deemed to have been granted subject to the following conditions and reservations, that is to say :—

.....
.....
.....
etc. etc., etc.

In witness whereof I, the said Registrar, have subscribed to these presents and caused my seal of office to be affixed thereto.

Thus done and executed at the office of the Registrar of Deeds, Natal, on this the.....day of..... in the Year of our Lord One Thousand Nine Hundred and

Registrar of Deeds.

Given at Government House, Natal, this eighth day of July, 1904.

By command of His Excellency the Administrator,

JNO. G. MAYDON,
Colonial Secretary.

[No. 16, 1904.]

HENRY BALE,
Administrator.**E.****R.****ACT,**

“To empower the Governor to make, maintain, and equip a Line of Railway from or near Howick Station to or near the Village of Howick.”

WHEREAS it is expedient that the Railway hereinafter described should be constructed :

AND WHEREAS certain plans showing generally the direction and route of the said Railway have been deposited at the Offices of the Clerks of the Legislative Council and Legislative Assembly.

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Short Title.

1. This Act may be cited as the “Howick Branch Railway Act, 1904.”

Meaning of “Railway.”

2. In this Act the expression “the Railway” means the line of Railway authorised by this Act.

Governor to be a Corporation for purposes of Act.

3. The Governor shall be a Corporation for the purposes of this Act, and shall be entitled and competent to take, hold, and dispose of lands and other property.

Incorporation of Lands Clauses Consolidation Law, 1872.

4. The Lands Clauses Consolidation Law, 1872, except as varied by this Act, is incorporated with this Act.

Construction of Railway authorised.

5. The Governor may make and maintain in the lines according to plans deposited, or in such of the lines and with such deviations from the deposited plans as the Governor shall think desirable, while preserving the general direction of the Railway, as shown on the same plans, the Railway hereinafter mentioned, with all proper stations, sidings, approaches, passing places, electric telegraphs, signals,

Taking of Crown Lands.

works, and conveniences connected therewith respectively ; and may so make and maintain the same upon such of the lands shown in the deposited plans, or upon such other lands as may be required for the purpose ; and may enter upon, take, and use permanently or temporarily all such lands as aforesaid as may be so required. All waste lands of the Crown which may be required for the Railway, or any purpose connected therewith, may be taken and used without any charge or payment for the same.

6. The Railway authorised by this Act is as under :—

A line of Railway commencing by a junction with the existing line of Railway at or near the Howick Station and ending in or near the Village of Howick.

Description of Railway.

7. The Governor is hereby empowered to construct the Railway, or any part or parts thereof, either departmentally or by a contract or contracts, or partly in the one way and partly in the other, according as he shall deem it most expedient.

Construction departmentally or by contract.

8. For the purpose of the construction of the Railway or any part thereof by contract, the Governor may enter into a contract or contracts for the execution of the works required for the above-mentioned Railway, that is to say :—

Contracts for works.

1st. For the construction of the whole of the works required for the above-mentioned line up to formation level, and including the provision and laying of all ballast, the laying of all permanent way material, and the erection and provision of all fencing which Government may order, together with the maintenance of the whole of the aforesaid works for a period of twelve months after their completion.

2nd. For the purchase of all permanent way materials required for the construction of the aforesaid line.

3rd. For the provision and erection of all stations, station works, and works accessory thereto.

4th For the purchase and erection of all electric telegraph material :

Provided that it shall be lawful for the Governor to fix and appoint the several sections to be constructed under any such contract, and the time to be allowed for their construction.

9. The Railway shall be constructed as a single line on the gauge of 3 feet 6 inches, but the Governor may from time to time cause double lines to be constructed at such place or places on the course of the said Railway as he may think expedient.

Gauge—single line.

10. The Railway shall in respect of all Crown Lands heretofore alienated and granted by the Government in quit-rent, or freehold, or leasehold, or any other tenure whatsoever, and in or over which the Railway or any part thereof shall be made, be deemed to be a road made or to be made for the public good by order of Government, and accordingly

Railway to be deemed a public road.

the proprietors of such lands shall not, except in the cases provided in their several title deeds, leases, deeds of grant, or other documents of title, be entitled to any compensation for the land taken for the purposes of the Railway, and the amount of said compensation shall be determined in accordance with the provisions of the Law No. 19, 1875: Provided that such portions of the Commonage of Howick as are not now alienated shall be deemed for the purposes of this Act to be Crown Lands heretofore granted, over which the Government had reserved the right to make roads for the public good by order of the Government.

Governor may employ engineers, &c.

11. The Governor may employ all engineers, clerks, workmen and other persons for the purposes of the said contract or contracts, and for superintending the construction and maintenance thereunder of the Railway, and for the maintenance and working of the Railway, until six months after completion, and pay to all or any such persons such salaries, wages or remuneration as may from time to time be voted by Act of Supply.

Governor may provide plant, &c.

12. The Governor may provide all workshops, materials, plant, engines, rolling-stock, machinery, and other things which he may consider requisite for the maintenance, equipment, and working of the Railway, or otherwise necessary or desirable in relation thereto.

Railway exempt from Imposts.

13. The Railway, and electric telegraphs, and all stations, lands, works, property, and things belonging thereto, or held in connection therewith, shall be for ever exempt from all highway, municipal, police, and other local rates and taxes now or hereafter to be made or imposed.

Appointment of persons to carry out Act.

14. The Governor, with the advice of the Executive Council, may, from time to time, appoint some fit person or persons to carry into effect the purposes of this Act, and may delegate to him or them all or any of the powers and authorities hereby conferred on the Governor, and may, from time to time, remove any person so appointed, and appoint another person in his stead.

Personal immunity of Governor.

15. The Governor shall not be personally liable for any loss or damage arising from or caused by anything done under the authority of this Act.

Given at Government House, Natal, this eighth day of July, 1904.

By command of His Excellency the Administrator,

JNO. G. MAYDON,
Colonial Secretary.

[No. 17, 1904.]

HENRY BALF,
Administrator.

“To empower the Governor to make, maintain, and equip a line of railway from Esperanza Station to the Natal-Cape Railway Line.”

WHEREAS it is expedient that the Railway hereinafter described should be constructed :

AND WHEREAS certain plans showing generally the direction and route of the said Railway have been deposited at the Offices of the Clerks of the Legislative Council and Legislative Assembly :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. This Act may be cited as “The Stuartstown Railway Act, 1904.”

Short Title.

2. In this Act the expression “the Railway” means the lines of Railway authorised by this Act.

Meaning of “Railway.”

3. The Governor shall be a Corporation for the purposes of this Act, and shall be entitled and competent to take, hold, and dispose of lands and other property.

Governor to be a Corporation for purposes of Act.

4. The Lands Clauses Consolidation Law, 1872, except as varied by this Act, is incorporated with this Act.

Incorporation of Lands Clauses Consolidation Law, 1872.

5. The Governor may make and maintain in the lines according to plans deposited, or in such of the lines and with such deviations from the deposited plans as the Governor shall think desirable, while preserving the general direction of the Railway, as shown on the same plans, the Railway hereinafter mentioned, with all proper stations,

Construction of Railway authorised.

Taking of Crown Lands.

sidings, approaches, passing places, electric telegraphs, signals, works, and conveniences connected therewith respectively; and may so make and maintain the same upon such of the lands shown in the deposited plans, or upon such other lands as may be required for the purpose; and may enter upon, take, and use permanently or temporarily all such lands as aforesaid as may be so required. All waste lands of the Crown which may be required for the Railway, or any purpose connected therewith, may be taken and used without any charge or payment for the same.

Description of
Railway.

6. The Railway authorised by this Act is as under:—

A line of Railway commencing at Esperanza Station on the Umzinto Branch Railway, and terminating at the Cape-Natal Railway line now under construction at a point between Cart Hill and Donnybrook.

Construction
departmentally
or by contract.

7. The Governor is hereby empowered to construct the Railway, or any part or parts thereof, either departmentally or by a contract or contracts, or partly in the one way and partly in the other, according as he shall deem it most expedient.

Contracts for
works.

8. For the purpose of the construction of the Railway or any part thereof by contract, the Governor may enter into a contract or contracts for the execution of the works required for the above-mentioned Railway, that is to say:—

1st. For the construction of the whole of the works required for the above-mentioned line up to formation level, and including the provision and laying of all ballast, the laying of all permanent way material, and the erection and provision of all fencing which Government may order, together with the maintenance of the whole of the aforesaid works for a period of twelve months after their completion.

2nd. For the purchase of all permanent way materials required for the construction of the aforesaid line.

3rd. For the provision and erection of all stations, station works, and works accessory thereto.

4th. For the purchase and erection of all electric telegraph material:

Provided that it shall be lawful for the Governor to fix and appoint the several sections to be constructed under any such contract, and the time to be allowed for their construction.

Gauge—single
line.

9. The Railway shall be constructed as a single line on a gauge of two feet, but the Governor may from time to time cause double lines to be constructed at such place or places on the course of the said Railway as he may think expedient.

Railway to be
deemed a public
road.

10. The Railway shall, in respect of all Crown Lands heretofore alienated and granted by the Government in quit-rent, or freehold, or leasehold, or any other tenure whatsoever, and in or over which the Railway or any part thereof

shall be made, be deemed to be a road made or to be made for the public good by order of Government, and accordingly the proprietors of such lands shall not, except in the cases provided in their several title deeds, leases, deeds of grant, or other documents of title, be entitled to any compensation for the land taken for the purposes of the Railway, and the amount of said compensation shall be determined in accordance with the provisions of the Law No. 19, 1875 : Provided that any lands granted or reserved by the Crown for the purposes of any village through which the Railway may pass, shall be deemed for the purposes of this Act to be Crown Lands heretofore granted, over which the Government had reserved the right to make roads for the public good by order of the Government.

11. The Governor may employ all engineers, clerks, workmen, and other persons for the purposes of the said contract or contracts, and for superintending the construction and maintenance thereunder of the Railway, and for the maintenance and working of the Railway until six months after completion, and pay to all or any such persons, such salaries, wages, or remuneration as may from time to time be voted by Act of Supply.

Governor may employ engineers, &c.

12. The Governor may provide all workshops, materials, plant, engines, rolling-stock, machinery, and other things, which he may consider requisite for the maintenance, equipment and working of the Railway, or otherwise necessary or desirable in relation thereto.

Governor may provide plant, &c.

13. The Railway and electric telegraphs, and all stations, lands, works, property, and things belonging thereto, or held in connection therewith, shall be for ever exempt from all highway, municipal, police, and other local rates and taxes now or hereafter to be made or imposed.

Railway exempt from Imposts.

14. The Governor, with the advice of the Executive Council, may, from time to time, appoint some fit person or persons to carry into effect the purposes of this Act, and may delegate to him or them all or any of the powers and authorities hereby conferred on the Governor, and may, from time to time, remove any person so appointed, and appoint another person in his stead.

Appointment of persons to carry out Act.

15. The Governor shall not be personally liable for any loss or damage arising from or caused by anything done under the authority of this Act.

Personal immunity of Governor.

Given at Government House, Natal, this eighth day of July, 1904.

By command of His Excellency the Administrator,

JNO. G. MAYDON,
Colonial Secretary.

HENRY BALE,
Administrator.

E.



R.

ACT.

“To amend Act No. 27, 1902, entitled Act ‘To empower the Natal Native Trust to raise a Loan of Fifty Thousand Pounds Sterling, for the purposes of Irrigation.’”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

Loan under Act No. 27, 1902, guaranteed by Colonial Government.

1. The moneys borrowed by the Natal Native Trust, under the provisions of Act No. 27, 1902, and the due payment of the principal and interest to become payable under the debentures to be issued in reference thereto, shall be guaranteed by the Colonial Government, and shall be a charge on the general revenue of this Colony.

Form of guarantee.

The guarantee shall be in such form as shall be determined by the Governor in Council, and shall be signed by the Colonial Treasurer.

Natal Native Trust to execute agreement and furnish security to Colonial Government.

2 The Natal Native Trust shall, and is hereby authorised to enter into and execute such agreement and furnish such security as the Governor in Council may deem necessary for the protection of the Colonial Government in respect of the guarantee to be given as aforesaid.

Preference of holders of Debentures and Colonial Government over assets of Natal Native Trust.

3. Subject to the preference given to the holders of debentures issued under the principal Act, all moneys which may be paid by the Colonial Government under the guarantee to be given as aforesaid, shall be a first and preferent charge upon the landed properties, rents, revenues and other assets of the Natal Native Trust.

Given at Government House, Natal, this Twenty-third day of July, 1904.

By command of His Excellency the Administrator,

JNO. G. MAYDON,
Colonial Secretary.

[No. 20, 1904.]

HENRY BALE,
Administrator.**E.****R.****ACT,**

“To make special provision with regard to the salary and pension payable to Arderne Hulley, lately a Magistrate in the Public Service of the Colony.”

WHEREAS Arderne Hulley was on the 24th day of October, 1893, appointed as a Resident Magistrate in the Territory of Zululand and as an officer of the permanent public service thereof :

AND WHEREAS by the Zululand Annexation Act, 1897, the said Territory was annexed to the Colony of Natal under the title of the Province of Zululand, and it was by the said Act amongst other things provided that all existing rights of officers of the public service of the said Territory should be saved, and that service in Zululand should for the purposes of pension be deemed to have been service in Natal :

AND WHEREAS the said Arderne Hulley attained the age of 65 years on the 23rd day of September, 1902, and was therefore liable in terms of Act No. 16, 1902, to be retired from the public service upon that date notwithstanding that he had not then completed the period of ten years' service necessary to entitle him to pension under Law No. 22, 1874 :

AND WHEREAS the said Arderne Hulley continued to hold office as a Magistrate until the 23rd day of October, 1903, and it is expedient to exempt him from the operation of Act No. 16, 1902, in so far as may be necessary in order that the payment of his salary up to the 23rd day of October, 1903, may be made lawful and that he may be entitled to pension after that date :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the

Legislative Council and Legislative Assembly of Natal, as follows :—

1. Notwithstanding the provisions of Act No. 16, 1902, the said Arderne Hulley shall be deemed to have lawfully continued to hold office in the permanent public service of the Colony of Natal and as Magistrate of the District or Division of Emtongweni, in the Province of Zululand, till the 23rd day of October, 1903, and nothing in the said Act shall be deemed to have required that he should retire from the public service at any earlier date.

Given at Government House, Natal, this twenty-third day of July, 1904.

By command of His Excellency the Administrator,

JNO. G. MAYDON.

Colonial Secretary.

[No. 21, 1904.]

HENRY BAILE,
Administrator.

"To establish a Contingencies Fund."

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. This Act may be cited as the Contingencies Fund Act, 1904." Short title.

2. To enable the Executive Government from time to time to incur expenditure on such unforeseen services as cannot be postponed without serious injury to the public interest until adequate provision can be made therefor by Parliament, a Fund shall be created, entitled the "Contingencies Fund," to which temporary advances to meet such expenditure (duly certified by the Auditor-General) may be charged on warrants of the Governor. Objects.

3. The account of the Contingencies Fund shall be kept in the books of the Treasurer. The permanent capital of the Fund shall consist of a sum of Two Hundred Thousand Pounds Sterling, which sum shall be transferred to the account of the Fund from the general Revenue of the Colony immediately after the passing of this Act. Capital,
£200,000.

4 The capital of the Fund may from time to time be temporarily increased by such amount, not exceeding the amount of the accrued excess of Railway Revenue, as may be necessary to meet any insufficiency of the Votes for the working and maintenance of railways to cover expenditure properly chargeable as ordinary working and maintenance services. The Treasurer shall have power to advance from the general Revenue of the Colony such sums as may be necessary to provide the increased capital, provided that all Temporary increase of capital for railway purposes.

such advances from the general Revenue shall be repaid thereto from the Fund within the same financial year.

Definition.

The expression "accrued excess of Railway Revenue" in this Section shall be taken to mean the excess, if any, of the Railway Revenue collected from the beginning of any financial year to the end of the month next preceding that in which the increase is made over the estimated Railway Revenue for the same period, calculated *pro rata* upon the estimates for the financial year presented by the Governor to Parliament.

Outstanding advances.

5. The amount of outstanding advances from the Contingencies Fund shall at no time in the aggregate exceed the amount of the capital of the Fund as defined in this Act, and all such advances as may remain outstanding at the close of the financial year shall be repaid out of moneys to be voted by Parliament.

Auditing of accounts.

6 The account of the Fund for each financial year shall be audited by the Auditor-General and presented to Parliament.

Power of Treasurer to make advances

7. Nothing in this Act shall affect the power of the Treasurer to make advances out of the general Revenue of the Colony on behalf of other Governments on current account, provided that such advances are not for services finally chargeable to funds provided by the Parliament of this Colony.

Regulations.

8. The Governor in Council may from time to time make regulations for carrying out the purposes of this Act.

Given at Government House, Natal, this twenty-third day of July, 1904.

By command of His Excellency the Administrator,

JNO. G. MAYDON,
Colonial Secretary.

[No. 22, 1904].

HENRY BALH,
Administrator.**E.****R.****ACT,**

“To amend Act No. 22, 1898, entitled Act ‘To amend the Law relative to the Trial and Punishment of the Crimes of Rape and Indecent Assault and Conduct.’”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Section 5 of Act No. 22, 1898, is hereby repealed, and in lieu thereof the following is enacted :—

Repeal of
Section 5 of Act
No 22, 1898.

“**5.** The crime of indecent assault shall be cognizable in the Courts of Magistrates, and upon conviction thereof the Magistrate shall have power to impose punishment by imprisonment for a period not exceeding two years, with or without hard labour, or by a whipping not exceeding twenty-five lashes, or by both such imprisonment and whipping.”

2. A Magistrate by whom any person is convicted of any of the offences mentioned in section 9 of Act No. 22, 1898, may, in lieu of or in addition to a sentence of imprisonment as therein provided, order a whipping of not more than twenty-five lashes.

Offences
punishable by
lashes.

Given at Government House, Natal, this Twenty-third day of July, 1904.

By command of His Excellency the Administrator.

JNO. G. MAYDON,
Colonial Secretary.

[No. 23, 1904.]

HENRY BALE,
Administrator.**ACT,**

"To provide for the admission of Conveyancers."

WHEREAS it is expedient to make provision for the admission and better control of Conveyancers :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Definition of
"conveyancer."

1. In this Act "conveyancer" means any person who prepares or executes on behalf of other persons deeds of transfer or other deeds proper for registration in the office of the Registrar of Deeds, or who, for reward, draws wills, marriage contracts or similar documents, or any instrument relating to property, moveable or immovable.

Qualification.

2. No person not being a notary public or an advocate or attorney of the Supreme Court shall, save as is hereinafter excepted, be allowed to practise or to take out a license as a conveyancer unless he shall have been admitted and enrolled as a conveyancer by the Supreme Court.

Examination of
conveyancers.

3. The Supreme Court shall have power to approve, admit to practise and enrol as a conveyancer any person who has passed an examination in conveyancing prescribed by any rule of Court, and for this purpose the Court may make rules for the examination and admission of conveyancers and the conditions under which they may practise as such, and for the suspension from the right to practise, or the cancellation of admission and right to practise as such for any misconduct or for any offence.

Exceptions.

4. Any person who shall have been in actual practice under license as a conveyancer before the tenth day

of May, 1904, shall be entitled to be admitted without further examination. The provisions of this Section shall apply to any person whose name appears in any conveyancer's license as a partner of the person to whom such license was issued.

5. If any person who is by this Act required to be admitted and enrolled as a conveyancer in order to entitle him to practise as such shall without being so admitted and enrolled do any act constituting the practice of a conveyancer, he shall upon conviction be liable to a fine not exceeding Ten Pounds (£10) Sterling.

Penalty for
contravention of
Act.

Given at Government House, Natal, this Twenty-third day of July, 1904.

By command of His Excellency the Administrator,

JNO. G. MAYDON,
Colonial Secretary.

[No. 24, 1904.]

HENRY BALE,
Administrator.**E.****R.****ACT,**

“To facilitate Military Manœuvres.”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The Governor may, by Order in Council, from time to time, authorise the execution of military manœuvres within specified limits, and during a specified period not exceeding three months: Provided that the same limits or any part thereof shall not be specified more than once in any period of two years.

2. Notice of the intention to make the order shall, within three months before the order is to come into force, be published six times in the *Natal Government Gazette*, and in at least two newspapers circulating generally within the District.

3. Where the execution of military manœuvres is authorised as hereinbefore provided, such persons as are under the authority of His Majesty, or of the Colonial Government, engaged in the manœuvres (in this Act referred to as the authorised forces) may, under the direction of the Governor within the specified limits and during the specified period :—

(a) Pass over and encamp, construct military works not of a permanent character, and execute military manœuvres, on any land, whether under cultivation or not;

(b) Supply themselves with water from any sources of water, and for that purpose, dam up any running water: Provided always that such taking or damming up of water shall not inter-

Governor to
authorise
manœuvres.Publication of
notice.Powers of
officials defined.

fere with the carrying on of any trade or industry, or with the reasonable requirements of any persons entitled to the use of such water : Provided further that before taking or damming water, or exercising any of the rights hereby conferred, reasonable notice shall, whenever practicable, be given to the person or persons likely to be affected.

4. Nothing in this Act shall authorise entry on or interference with any dwelling house, place of worship, school, factory, workshop, store or premises used for the carrying on of any trade, business, or manufacture, farmyard, garden, orchard, pleasure ground or nursery ground, burial ground, ground attached to any place of worship or school, or tent or other enclosure attached to any dwelling-house.

Certain places
excepted

5. It shall be the duty of the Officer in Command of the authorised forces to prevent interference with any picturesque or valuable timber or other natural features of exceptional interest or beauty, and he shall be empowered to prevent trespass or damage to property by persons not belonging to the forces.

Valuable timber
not to be
interfered with.

He shall also cause all lands used under the powers conferred by this Act to be restored as soon and as far as practicable to their previous condition.

6. Subject to the provisions of this Act with respect to

(a) the closing of roads and footpaths ;

(b) obstruction of or interference with military manœuvres ; and

(c) entering or remaining in camp ;

nothing in this Act shall prejudicially affect any public right or any right of common.

Public rights
reserved.

7. Any Magistrate may, if he shall think fit, on the application of a commissioned officer in command of the authorised forces or part thereof, make an order suspending, for not longer than forty-eight hours, any right of way over any by-roads or footpaths within the specified limits in his division : Provided, however, that no such order shall be made in respect of a main road until notice of the intended application shall have been published for seven days in at least one newspaper circulating in the district.

Closing of roads

An order in respect of a main road shall not cover any longer time than twelve hours, and shall be subject to such terms and conditions as may be required by the Magistrate for the protection of individuals or of the public or of public bodies.

The Officer in Command of the authorised forces shall publish such notice of the order as the Magistrate may require for at least twelve hours before the order comes into force, and shall give all reasonable facilities for traffic whilst the order is in force.

Compensation
for damage to
property.

8. Where the execution of military manœuvres has been authorised as in this Act provided, full compensation shall be made in the manner hereinafter provided for any damage to person or property arising from putting in force any of the provisions of this Act and occasioned by the acts or defaults of the authorised forces, or any person or persons connected therewith, including therein all expenses reasonably incurred in protecting person, property, rights, and privileges.

Appointment of
Compensation
Officers.

9. (1) The Officer Commanding the authorised forces shall, with the concurrence of the Governor, appoint a Compensation Officer or Officers to determine as speedily as possible any claim for compensation under this Act, and to settle the amount payable.

Regulations.

(2) The Governor may, after consultation with the Officer Commanding the Forces, make regulations with respect to the procedure for making and determining claims for compensation, for limiting the time within which claims must be made, and for regulating the mode in which compensation is to be paid.

Arbitration.

(3) If the amount of compensation is not settled by agreement between the Compensation Officer and the claimant, the claim shall be determined by arbitration in the ordinary course; and as soon as practicable after the decision is given such amount shall be paid to the claimant by the Officer aforesaid.

Damage by
Natal Militia.

(4) All compensation for damage done and assessed as aforesaid shall, in so far as it has been caused by the Natal Militia form a charge against the Public Revenue of the Colony.

Punishment of
persons wilfully
obstructing
manœuvres, etc.

10. (1) If within the limits and during the period specified in an order authorising military manœuvres under this Act, any person

- (a) wilfully and unlawfully obstructs or interferes with the execution of the manœuvres; or
- (b) without due authority enters or remains in any camp;

he shall be liable on summary conviction to a fine not exceeding Five Pounds (£5) Sterling, and in default of payment to imprisonment with or without hard labour for a period not exceeding seven days, and he and any animal or vehicle under his charge may be removed by any constable or by order of any Commissioned Officer of the authorised forces.

Destruction of
flags and instru-
ments
punishable.

(2) If within the limits and during the period aforesaid any person

- (a) without due authority removes any flag or other distinguishing mark for the purposes of the manœuvres; or
- (b) maliciously cuts or damages any telegraph or telephone wire or instrument laid down by or for the use of the authorised forces;

he shall be liable on summary conviction to a fine not exceeding Ten Pounds (£10) Sterling, and in default of

payment to imprisonment with or without hard labour for a period not exceeding one month.

11. The powers given by this Act may be exercised in respect of Crown Lands, lands belonging to the Natal Native Trust, and any other lands by whatever title they may be held.

12. This Act may be cited as the “Military Manœuvres Act, 1904.” Title.

Given at Government House, Natal, this twenty-third day of July, 1904.

By command of His Excellency the Administrator,

JNO. G. MAYDON,
Colonial Secretary.

[No. 25, 1904.]

HENRY BALE,
Administrator.**ACT,**

“To increase the salaries of the Chief Justice and other Judges of the Supreme Court.”

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows : —

1. Act No. 5, 1901, is hereby repealed.
2. The Chief Justice and the Puisne Judges of the Supreme Court shall be paid out of the revenues of the Colony the yearly salaries assigned to their respective offices in the Schedule hereunto annexed.
3. This Act shall come into force as from and after the first day of July, 1904.

SCHEDULE OF YEARLY SALARIES.

Chief Justice	...	...	...	...	£2,000
First Puisne Judge	...	...	...	...	£1,750
Second Puisne Judge	...	...	...	...	£1,750
Third Puisne Judge	...	...	...	...	£1,750

Given at Government House, Natal, this Third day of August, 1904.

By command of His Excellency the Administrator,

THOS. WATT,
for Colonial Secretary.

[No. 26, 1904.]

HENRY BALE,
Administrator.

“To continue the operation of Law No. 9, 1882, entitled Law ‘To continue with certain amendments, the Law No. 25, 1880,’ entitled Law ‘To provide for the Management and Working of the Natal Government Railways.’”

WHEREAS by Act No. 39, 1903 provision is made for the continuance in force and operation until the 31st day of December, 1904, of the Law No. 9, 1882, and it is expedient that the said Law should be continued in force and operation until the 31st day of December, 1905 :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The Law No. 9, 1882, entitled Law “To continue with certain amendments, the Law No. 25, 1880,” entitled Law ‘To provide for the Management and Working of the Natal Government Railways,’ shall be and remain in force and operation from and after the 31st day of December, 1904, until the 31st day of December, 1905.

2. The words “Natal Government Railways,” wherever used in the said Law No. 9, 1882, shall include all Government Railways, now or hereafter to be constructed, and all Railways worked by the Natal Government Railways.

Given at Government House, Natal, this Third day of August, 1904.

By command of His Excellency the Administrator,

THOS. WATT,
for Colonial Secretary.

[No. 27, 1904.]

HENRY BALE,
Administrator.



“To empower the Governor to effect alterations and deviations in connection with the Natal Government Railways.”

WHEREAS under powers given by various laws, lines of Railway have been constructed in various parts of the Colony :

AND WHEREAS it is expedient to empower the Governor to effect improvements in such lines of Railway hereafter to be constructed, whenever necessary :

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Short title.

1. This Act may be cited as the “Railway Improvement Act, 1904.”

Interpretation of terms.

2. In this Act the expression “Railways” shall mean any lines of railway constructed or which may hereafter be constructed by the Colonial Government.

The expression “Deviation” shall mean any departure from the contemplated or existing route of any line of railway, and shall include the removal of existing and the erection of new rails, stations, bridges, telegraphs, and other works and accessories as may be necessary for the carrying out of such deviation.

Governor to be a Corporation for purposes of Act.

3. The Governor shall be a Corporation for the purposes of this Act, and shall be competent to take, hold and dispose of Lands and other property.

4. Nothing in this Act shall affect the powers given to the Governor under Act No. 10 of 1899.

Saving of powers under Act 10, 1899.

5. The Lands Clauses Consolidation Law, 1872, except as varied by this Act, is incorporated with this Act.

Incorporation of Law 16, 1872.

6. The Governor may make and maintain any deviation, from the existing route of any line of railway or the contemplated route of any line of railway hereafter to be constructed, and may enter upon, take, and use permanently or temporarily all such lands as may be required for any deviation. All waste lands of the Crown which may be required for any deviation, or any purpose connected therewith, may be taken and used without any charge or payment for the same.

Construction of Deviations from existing routes.

7. The Governor is hereby empowered to construct any deviation, or any part or parts thereof either departmentally or by a contract or contracts, or partly in one way and partly in the other, according as he shall deem it most expedient.

Construction departmentally or by contract.

8. For the purpose of any construction of any deviation or any part thereof by contract, the Governor may enter into a contract or contracts for the execution of the works required for such deviation, that is to say:—

Contracts for works.

1st. For the construction of the whole of the work required for the above-mentioned line up to formation level, and including the provision and laying of all ballast, the laying of all permanent way material, and the erection and provision of all fencing which Government may order, together with the maintenance of the whole of the aforesaid works for a period of twelve months after their completion.

2nd. For the purchase of all permanent way materials required for the construction of the aforesaid line.

3rd. For the provision and erection of all stations, station works, and works accessory thereto.

4th. For the purchase and erection of all electric telegraph material.

9. Any deviation shall in respect of all Crown Lands heretofore alienated and granted by the Government in quitrent, or freehold, or leasehold, or any other tenure whatsoever, and in or over which the Railway, or any part thereof, shall be made, be deemed to be a road made, or to be made, for the public good by order of Government, and, accordingly, the proprietors of such lands shall not, except in the cases provided in their several title deeds, leases, deeds of grant, or other documents of title, be entitled to any compensation for the land taken for the purposes of any deviation.

Deviations to be deemed public roads.

Lands granted or reserved by the Crown for the purpose of any town or village through which any deviation may pass, and such portions of the town lands of any municipal borough or of any township established under Law No. 11, 1881, as are not now alienated by the Town Council or Local Board, shall be deemed for the purposes of this Act to be Crown Lands heretofore granted, over which the Government

Township or Village Lands.

had reserved the right to make roads for the public good by order of the Government.

Exemption of plots of less than 100 acres.

Any such deviation shall not, however, be deemed to be a road made or to be made for the public good by order of Government in respect of a plot of land of any owner which shall be in extent less than one hundred (100) acres.

Materials, plant, &c., exempt from imports.

10. All materials, plant, and other things imported into the Colony from time to time, for the construction, maintenance, equipment, of any deviation, or for any purpose connected therewith, shall be free of import duty.

Deviations exempt from imports.

11. Any deviation and electric telegraphs, and all stations, lands, works, property, and things belonging thereto, or held in connection therewith, shall be for ever exempt from all highway, municipal, police, and other local rates and taxes now or hereafter to be made or imposed.

Appointment of persons to carry out Act.

12. The Governor, with the advice of the Executive Council, may, from time to time, appoint some fit person or persons to carry into effect the purposes of this Act, and may delegate to him or them all or any of the powers and authorities hereby conferred on the Governor, and may, from time to time, remove any person so appointed, and appoint another person in his stead.

Personal immunity of Governor.

13. The Governor shall not be personally liable for any loss or damage arising from or caused by anything done under the authority of this Act.

Given at Government House, Natal, this Third day of August, 1904.

By command of His Excellency the Administrator,

THOS. WATT,
for Colonial Secretary.

[No. 28, 1904.]

HENRY BALE,
Administrator.

“To empower the Governor to raise a Loan of £700,000, to be applied in payment of a certain public indebtedness in connection with the Northern Districts of Natal.

WHEREAS, in terms of the agreement for the annexation of the territories known as the Northern Districts, the Government of Natal, amongst other things, undertook to pay to the Government of the Transvaal Colony a sum of Seven Hundred Thousand Pounds (£700,000) Sterling :

AND WHEREAS it is expedient that a loan should be raised for the purpose of paying the said sum :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The Governor may borrow the sum of Seven Hundred Thousand Pounds (£700,000) Sterling, in accordance with the provisions of the General Loan Law, 1882.

Loan authorised, £700,000.

2. The moneys so raised shall be applied in payment to the Government of the Transvaal Colony of the indebtedness undertaken by the Government of Natal as aforesaid.

Application of moneys.

3. The interest upon the principal moneys borrowed under this Act shall be payable at the office of the Agent-General in London, or at such other place as may be agreed.

Interest—where payable.

4. Wherever in the General Loan Law of 1882 the Crown Agents for the Colonies are referred to, such reference shall, for the purposes of this Act, be deemed to be a reference to the Agent-General for the Colony of Natal.

Reference in General Loan Law of 1882.

5. The Governor in Council may borrow from time to time, in anticipation of the raising of the whole or any portion of the loan authorised by this Act, any sum or sums

Governor may borrow £700,000.

not exceeding at any one time in the whole the sum of Seven Hundred Thousand Pounds (£700,000) Sterling, by Treasury Bills, or in such other manner as may be convenient for the public service, and shall repay the moneys so borrowed out of the principal moneys to be raised under the provisions of this Act.

The raising of any moneys under this Section, or any part thereof, shall not *pro tanto* exhaust the borrowing powers conferred by this Act.

The interest upon any sum borrowed under this Section shall be and is hereby charged upon and made payable out of the general revenue of Natal, and shall in no case form a charge against the loan authorised by this Act.

6. This Act shall be known as "The Northern Districts Loan Act, 1904"

Given at Government House, Natal, this Third day of August, 1904.

By command of His Excellency the Administrator,

THOS. WATT,
for Colonial Secretary.

Interest pay-
able out of
general revenue

Short title.

[No. 29, 1904.]

HENRY BALE,
Administrator.**E.****R.****ACT,**

“To regulate the closing times of Shops within Boroughs and Towns.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. This Act shall only apply to Municipal Boroughs and Townships established under the laws relating to Boroughs and Local Townships, but shall not come into force in any such Borough or Township until By-laws have been made under this Act and promulgated in the *Natal Government Gazette*; and such By-laws shall be made and promulgated before the first day of January, 1905.

Application of Act.

2. In this Act :

Definitions

“Closed” means closed against admission of any person for the purpose of trade or business for the remainder of the day.

“Local Authority” means the Mayor and Town Councillors of any Municipal Borough or Local Board of any Township.

“Shop” means any building, room, market stall, or other place in or upon which goods are offered or exposed for sale to the public either by wholesale or retail.

“Shopkeeper” means the owner, or the representative in Natal, of the business carried on in any shop.

3. The Local Authority shall make By-laws in the ordinary manner to regulate the hours of closing of all shops in any Borough or Township, and may fix special hours of closing in respect of shops kept open for the sale of such goods as may be mentioned in such By-laws.

Making of By-Laws.

Not applicable to Hotels licensed to sell intoxicating liquors.

4. This Act shall, *inter alia*, apply to any shop kept for the sale of intoxicating liquors where a grocer's or any other business is carried on therein; but it shall not be applicable to hotels and any other premises licensed for the sale of intoxicating liquors.

Not to conflict with Law 24, 1878.

5. Nothing in this Act shall be construed to conflict with the provisions of Law No. 24, 1878, entitled Law "To provide for the better observance of the Lord's Day, commonly called Sunday."

Goods not to be sold after closing hour.

6. No goods shall be sold or offered or exposed for sale in any shop after the hour prescribed for closing, but any person who at the closing time was in the shop, and being served or waiting to be served, may be served within a reasonable time, provided that the shop doors are closed.

Public Holidays

7. The aforesaid By-laws may provide for the closing of shops during the whole of every day appointed as a public holiday by or under the provisions of any Act of Parliament, and for the exemption of certain shops from the operation of any By-law regarding the closing of shops on a public holiday.

Shopkeeper and Manager liable.

8. A shopkeeper and every person under him having the management or charge of a shop shall be liable for any contravention of a By-law made in terms of this Act, and it shall be immaterial whether he was present or had any direct cognizance of such contravention or not, but upon any charge for such contravention it shall be sufficient to prove that the contravention took place: Provided, however, that a shopkeeper and his manager shall not be both convicted for the same offence.

Promulgation of By-laws.

9. In the case of Municipal Boroughs and Townships established after the coming into force of this Act, the By-laws required by this Act shall be made and promulgated within six months after such establishment.

Punishment of offences,—by whom conducted.

10. Any person convicted of a contravention of a By-law made in terms of this Act shall be liable to a fine not exceeding Five Pounds (£5) Sterling, and prosecutions for such contraventions shall be instituted and conducted by the same persons and in the same manner as is provided in regard to prosecutions for contraventions of Borough or Township By-laws, and all fines recovered shall be paid to the Borough or Township Fund.

Institution of Prosecution.

11. No prosecution shall be instituted after the lapse of one month from the time when the contravention occurred.

Given at Government House, Natal, this Third day of August, 1904.

By command of His Excellency the Administrator,

THOS. WATT,
for Colonial Secretary.

[No. 30, 1904.]

HENRY BALE,
Administrator.

“To increase the Borrowing Powers of the Town Council of Pietermaritzburg.”

WHEREAS it is expedient to increase the Borrowing Powers of the Borough of Pietermaritzburg for the purpose of enabling the Town Council thereof to complete the Scheme for Water Supply for the Borough :

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of Natal, as follows :—

1. The short title of this Act shall be “The Pietermaritzburg Consolidated Stock Act, 1904.” Short title.

2. The Town Council of Pietermaritzburg are hereby authorised to borrow sums up to but not exceeding a total sum of Two Hundred Thousand Pounds (£200,000) Sterling, to be used for the purpose set forth in the schedule to this Act annexed. Loan authorised.

3. The Town Council are authorised to issue, in the manner provided by Law No. 20, of 1888, new Consolidated Stock for the moneys borrowed under this Act, and the stock issued under this Act shall bear interest at a rate not exceeding ~~four~~ per cent. per annum, and shall be deemed to be Consolidated Stock within the meaning of the said Law No. 20 of 1888, and shall be a charge upon, and shall, with the interest thereon, be payable out of the rents, rates and general revenue of the Borough in the same way as if the stock issued under this Act had been issued under the said Law No. 20 of 1888. Issue of Stock : Charge upon rents, rates, and revenues of Borough.

4. The Town Council are authorised, pending the issue of such new Consolidated Stock, to borrow on overdraft such sums as may from time to time be arranged with their Authority to borrow £100,000 on overdraft.

Bankers, and as are required for the purpose of such Scheme, in anticipation of the raising of the loan authorised by this Act, not exceeding at any one time in the whole the sum of **One Hundred Thousand Pounds (£100,000) Sterling**, in such manner as may be most convenient, on Special Resolution of the Town Council to be passed authorising the amount to be overdrawn, and shall repay the moneys so borrowed out of the principal sums to be raised under the provisions of this Act.

5. The Town Council may further authorise and empower the Mayor for the time being to draw and negotiate Bills of Exchange and Promissory Notes up to the said extent of **One Hundred Thousand Pounds (£100,000) Sterling** in lieu of borrowing on overdraft from the Bank, as provided in the immediately preceding section. Such Bills shall be signed by the Mayor and countersigned by the Town Clerk.

6. No liability, personally, shall attach to any Councillor for authorising the drawing or negotiating of such documents, nor shall the Mayor or Town Clerk be liable, personally, as such. The funds and effects of the Corporation shall be alone liable to be attached or taken in execution in satisfaction of any judgment which may be obtained thereon.

7. The Town Council shall keep a register of all such Bills of Exchange and Promissory Notes drawn or negotiated by them, which shall be open to the inspection of the Burgesses at all reasonable times.

8. The Town Council in borrowing on overdraft as provided in Section 4, or in issuing Bills of Exchange or Promissory Notes as provided in Section 5, shall not be restricted to the rate of interest provided in Section 3 hereof. The interest upon any sum borrowed on overdraft at Bankers, or on Bills of Exchange or Promissory Notes, shall be, and is hereby charged upon and made payable out of the general revenue of the Borough, and shall in no case form a charge against the loan authorised by this Act.

9. Nothing in this Act, and nothing done under the provisions of this Act, shall take away, abridge or prejudicially affect any right or interest by way of priority or otherwise, of any person in or to the rates, rents, or general revenue of the Borough.

SCHEDULE.

For Completion of the Scheme for Water				
Supply	...	...	...	£200,000

Given at Government House, Natal, this Third day of August, 1904.

By command of His Excellency the Administrator,

THOS. WATT,
for Colonial Secretary.

Authority to borrow £100,000 on Bills of Exchange and Promissory Notes.

Funds and effects of Corporation alone liable.

Register—open to inspection.

Interest payable out of general revenue.

Saving of rights.

Schedule.

[No. 31, 1904.]

HENRY BALE,
Administrator.

“To increase the Borrowing Powers of the Town Council of the Borough of Durban.”

WHEREAS it is expedient to increase the borrowing powers of the Borough of Durban for the carrying out of certain Municipal Works, and providing funds for works already carried out and others to be carried out under Public Improvement Account :

AND WHEREAS it is desirable to authorise the said Town Council to transfer the amount of £20,000 set out in the Schedule to “The Durban Consolidated Stock Act, 1901” (No. 25, 1901), against the item “Proposed Hydraulic Power System” to the item “Water Supply £100,000” in the same Schedule, the proposed hydraulic power system having been abandoned in favour of Electricity :

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The short title of this Act shall be “The Durban Consolidated Stock Act, 1904.” Short title.

2. The Town Council of the Borough of Durban are authorised to borrow sums up to, but not exceeding, a total sum of Nine Hundred Thousand Pounds (£900,000) Sterling, to be used for the purposes set forth in the Schedule to this Act annexed. Loan authorised.

Issue of stock.
Charge upon
rents, rates, and
revenues of
Borough.

3. The said Town Council are authorised to issue in the manner provided by Law No. 29 of 1888, new Consolidated Stock for the money borrowed under this Act. The Stock issued under this Act shall be deemed to be Consolidated Stock within the meaning of the said Law No. 29 of 1888, and shall be a charge upon and shall, with the interest thereon, be payable out of the rents, rates, and general revenue of the Borough in the same way as if the stock issued under this Act had been issued under the said Law No. 29 of 1888.

Saving of
rights.

4. Nothing in this Act, and nothing done under the provisions of this Act, shall take away, abridge, or prejudicially affect any right or interest by way of priority or otherwise of any person in or to the rates, rents, or general revenue of the Borough.

Amendment of
Schedule to Act
25, 1901.

5. The Schedule to "The Durban Consolidated Stock Act, 1901," is hereby amended as follows:—The item "Proposed Hydraulic Power System, £20,000" is expunged, and the said amount of £20,000 transferred to item "Water Supply, £100,000," and from and after the passing of this Act the figures £120,000 shall be deemed to be substituted for the figures £100,000 occurring in the Schedule to the said "Durban Consolidated Stock Act, 1901," against the item "Water Supply."

SCHEDULE.

	£
Public Improvement Account	200,000
Storm-water Drainage	100,000
Sewerage	50,000
Town Hall Buildings, including Library, Museum, Art Gallery, and Municipal Offices	200,000
Tramway Extensions	50,000
Electric Department	150,000
Waterworks	150,000
	<hr/>
	£900,000

Given at Government House, Natal, this Third day of August, 1904.

By command of His Excellency the Administrator,

THOS. WATT,
for Colonial Secretary.

[No. 32, 1904.]

HENRY BALE,
Administrator.

“To confer borrowing powers upon the Town Council of the Borough of Ladysmith, in addition to the powers heretofore given to the said Town Council and to the Local Board of Ladysmith, for the purpose of enabling the said Town Council to carry out certain works in order to provide for the improvement and extension of the Water Supply of the said Borough.”

WHEREAS it is expedient to increase the borrowing powers of the Town Council of the Borough of Ladysmith to enable the said Town Council to carry out certain works in order to provide for the improvement and extension of the Water Supply of the said Borough :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of the Colony of Natal as follows :—

1. The Town Council of the Borough of Ladysmith is hereby authorised to borrow from time to time the moneys required for the purpose of carrying out certain works in order to provide for the improvement and extension of the Water Supply of the said Borough to an amount not exceeding Thirty-five Thousand Pounds (£35,000) Sterling.

Loan authorised, £35,000.

2. The moneys borrowed under this Act shall be applied to the object mentioned in the last preceding section, and to no other object.

Application of moneys.

3. “The Lands Clauses Consolidation Law, 1872” (Law No. 16 of 1872), and all the clauses and provisions thereof (save in so far as they shall be expressly varied or excepted by this Act) shall be incorporated with this Act.

Incorporation of Law 16, 1872.

Authority to
take lands.

4. The Town Council of Ladysmith may purchase or take the lands or user of lands required for the purpose of the works and undertaking authorised by this Act.

Moneys to be
raised upon
stock.

5. The Town Council of Ladysmith is authorised to issue in the manner provided by the "Ladysmith Loan and Waterworks Law of 1890" (Law No. 15 of 1890), and as provided by Act No. 39 of 1899, stock for the moneys to be borrowed under this Act, and the stock issued under this Act shall be deemed to be stock issued under the provisions of the said Law No. 15 of 1890 and Act No. 39 of 1899, and shall be a charge upon, and shall, with the interest thereon, be payable out of the rates, rents, and revenues of the Borough in the same way as the stock issued under the said Law No. 15 of 1890 and Act No. 39 of 1899.

Certain sec-
tions of "Lady-
smith Loan and
Waterworks
Law of 1890" in-
corporated.

6. Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 of the Ladysmith Loan and Waterworks Law of 1890 shall be deemed to have been incorporated, *mutatis mutandis*, in this Act, and wherever in the said Law the Local Board and the Township of Ladysmith are referred to, such reference shall for the purpose of this Act be deemed to be a reference to the Town Council and the Borough of Ladysmith respectively.

"Waterworks
Loan Sinking
Fund."

7. The fund called "The Waterworks Loan Sinking Fund," created under Section 7 of Act No. 39 of 1899, shall be kept up in terms of the provisions of the said section until such time as the moneys raised in terms of this Act shall have been fully paid off.

Security

8. In addition to the security created by Law No. 15 of 1890, and by this Act, the said Fund shall be held and reserved specially as a security for all moneys borrowed under the powers conferred by this Act, subject, however, to the special provision that the moneys borrowed under this Act shall rank as a second charge on the said fund, second only to the moneys already borrowed under the powers conferred by the Law No. 15 of 1890, and the Act No. 39 of 1899.

Interest may be
applied as Gen-
eral Revenue.

9. The interest accruing from any investments of the said Fund may be taken and applied by the said Town Council as part of the General Revenue of the Borough.

Drawing of
water from
Klip River au-
thorised.

10. The Town Council of Ladysmith is authorised to draw such water as may be required from the Klip River or any other source or sources of supply at any and all point or points below that shown on the plan filed with the Clerk of the Legislative Council and the Clerk of the Legislative Assembly, and to lead such water through pipes and conduits, and to lay such pipes and conduits within the area shewn in the said plan, and to make all necessary dams, reservoirs, and filter beds and service tanks and other works, and with wagons, carts and vehicles, or otherwise, to have access to the pipe route, dams, reservoirs, filter beds, tanks, and other works, for purposes of construction, examination, or repair, or other purposes of the work, and to distribute such water, and from time to time to do such further and other acts, matters, and things, and to exercise

such further powers from time to time as shall be necessary to carry out the objects of this Act.

11. If the taking, impounding, diversion, appropriation or conveyance of water under the authority of this Act shall deprive any person of any water or right of water which he may at the time of such taking, impounding, diversion, appropriation, or conveyance of water possess or be entitled to possess and shall thereby cause damage to such person or to his property, such person shall be entitled to recompense or compensation to be settled in case of difference as if the diversion of water constituted a damage to the land within the meaning of the 65th Section of the Lands Clauses Consolidation Law, 1872.

Existing water rights—compensation.

12. No person shall be entitled to dispute any water rate or act of the Town Council of Ladysmith or its officers authorised by the said Law No. 15 of 1890, on the ground that the water in respect of which such rate shall be levied or act done, shall in fact have been brought elsewhere than from the Klip River or otherwise than under the said Law No. 15 of 1890, and all water supplied by means of the works authorised by this Act shall, for the purposes of Sections 19, 20, 22 and 24 of Law No. 15 of 1890, be deemed to be water supplied under the said Law No. 15 of 1890.

Water rate.

13. The powers to make by-laws given to Town Councils under Law No. 19, 1872, and any like Law or Act, are extended to the Town Council of Ladysmith for all the purposes of this Act.

Framing of By-Laws.

14. If any person shall pollute any water led under the authority of this Act, or shall obstruct any person in discharge of his duty in connection with the Waterworks hereby authorised, or shall mischievously do any damage to property connected with the Waterworks, such person, on conviction thereof before the Magistrate having jurisdiction, shall be liable to a penalty for each offence not exceeding £10, to be paid to the Borough Fund, or in default of payment, to imprisonment, with or without hard labour, for a period not exceeding one month, and any person charged with contravening this Act may be prosecuted by any Officer appointed in that behalf by the Ladysmith Town Council.

Offences.

15. This Act shall commence and take effect from and after promulgation thereof in the *Natal Government Gazette*.

Commencement.

Given at Government House, Natal, this Eleventh day of August, 1904.

By command of His Excellency the Administrator.

THOS. WATT,
for Colonial Secretary.

[No. 33, 1904.]

HENRY BALE,
Administrator.**E.****E.****ACT,**

“To authorise and empower the Mayor and Councilloirs of the Borough of Dundee to transfer to themselves the Dundee Commonage No. 2, in extent 1,415 acres 1 rood and 25 perches, free from all trusts and servitudes at present affecting the same, and to declare the said land to be a portion of the said Borough.”

WHEREAS by Deed of Grant dated the 19th day of January, 1899, the Government of Natal transferred to the Local Board of the Township of Dundee all that piece or parcel of land, in extent 1,415 acres 1 rood and 25 perches, known as Dundee Commonage No. 2, situate in the Division of Dundee, County of Klip River, in trust for the inhabitants and owners of property in the said Township :

AND WHEREAS the said land was so transferred as a Commonage for the use of owners and residents in the said Township of Dundee, and without power to sell, lease, or alienate any portion thereof, and reserving certain other rights :

AND WHEREAS the said Township having become a Municipality under the Provisions of Law No. 19 of 1872, the said land was duly transferred to the said Municipality on the 28th day of April, 1903, subject to the trusts created by the original grant :

AND WHEREAS the said piece of land is not now required for the purpose for which it was set apart :

AND WHEREAS the said Mayor and Councilloirs are desirous of transferring the said piece of land to themselves free from all the trusts and servitudes at present affecting the same :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of Natal, as follows :—

1. It shall or may be lawful for the said Mayor and Councillors, with the consent in writing of the Governor, to transfer to themselves all that piece or parcel of land, in extent 1,415 acres 1 rood and 25 perches, known as Dundee Commonage No. 2, situate in the Division of Dundee, County of Klip River, free from all trusts and servitudes affecting the same, and with power to alienate or otherwise deal with the same as if it formed a part of the Town Lands of the said Borough, but subject to the following servitudes and conditions, viz. :—

Authority to transfer.

1. The Colonial Government shall continue to have and enjoy the right of mining for and disposing of all minerals found or being in, upon, or under the said lands, with the further rights

Mining rights.

(a) By itself, or by any person authorised for such purpose, to enter upon the said lands for the purpose of prospecting for, mining, or removing therefrom any minerals, and for the carrying out thereon and therein of such workings as may be required for the utilization or removal thereof.

(b) To grant leases of or licenses over any part or parts of the said lands for mining purposes and for carrying out mining operations in and under the said lands and for all purposes connected with mines.

(c) To make and use roads to and from such mines.

2. The said transfer shall be under and subject to all existing Leases or Agreements between the Colonial Government and third parties, which said Leases or Agreements shall continue in full force and effect, notwithstanding the said transfer.

Existing Leases and Agreements.

3. The Colonial Government shall have the right at all times, free of charge, to enter upon, resume and take possession of any unalienated portions of the said lands as may be required for any public purposes whatsoever, and upon notice of such resumption the said Mayor and Councillors shall sign and execute all necessary documents to effect transfer, and shall transfer to the Colonial Government the land so resumed, which transfer the Registrar of Deeds is hereby empowered to register free of all charge.

Lands for public purposes.

4. All authorised roads, thoroughfares, railways, railway stations, telegraphs, telegraph stations, and water-courses now made or running on the said lands, shall remain free and uninterrupted as in their present or past use.

Authorised Roads, &c., to remain free.

Right of Colonial Government to quarry stone, etc.

5. Any person, by order of the Colonial Government, shall have the right, free of charge, at all times, for the purpose of constructing public buildings, or works, to quarry and convey away any stone, sand, or other materials required for the aforesaid purposes from any part or parts of the land hereby granted, and not sold, alienated, or let to hire by the said Mayor and Councillors.

Roads, railways, etc., may be made—without compensation.

6. The said lands shall be liable, without compensation to the holder or holders thereof, to have any roads, railways, railway stations, telegraphs, telegraph stations, reservoirs, or watercourses, made over any part of them for the public use and benefit by order of the Colonial Government.

Travellers' right to outspan.

7. The land shall be subject to the right of all travellers to outspan upon the said land in suitable places, to be selected and appointed by the said Mayor and Councillors, for not more than twenty-four hours, unless longer detained by just cause.

Authority to Registrar of Deeds.

2. The Registrar of Deeds is hereby empowered to transfer the said land to the Mayor and Councillors of the Borough of Dundee free of Transfer Duty.

Commencement.

3. This Act shall commence and take effect from and after the promulgation thereof in the *Natal Government Gazette*.

Given at Government House, Natal, this 13th day of August, 1904.

By command of His Excellency the Administrator,

THOS. WATT,
for Colonial Secretary.

[No. 34, 1904.]

HENRY BALE,
Administrator.**ACT,**

"To amend Section 21 of the Act No. 12, 1902."

WHEREAS it is desirable that Act No. 12, 1902, should be amended :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Section 21 of the Act No. 12, 1902, shall be repealed, and the following shall be enacted in lieu thereof :—

Power of purchase by Government.

The Governor in Council shall be empowered, subject to the approval of Parliament, at any time after giving not less than six months' notice, to purchase and take the whole of the works authorised by this Act, and the Company shall be required to sell, transfer, and hand over to the Colonial Government the works so purchased, and the purchase price shall be paid to the Company : Provided, however, that the Governor in Council shall not be entitled to give any such notice as aforesaid until after the expiry of Twenty-five years from the 23rd day of May, 1902.

Given at Government House, Natal, this 13th day of August, 1904.

By command of His Excellency the Administrator,

THOS. WATT,
for Colonial Secretary.

[No. 35, 1904.]

HENRY BALE,
Administrator.

“To make provision with regard to the lands reserved as Commonages in connection with certain townships.”

WHEREAS certain lands of the Crown have been reserved by Government as commonage or town lands in connection with sites intended for townships :

AND WHEREAS the extent of such commonage in some cases greatly exceeds the requirements of the holders of erven in the townships, and it is expedient to provide for the resumption and disposal by Government of a part thereof and for the proper control and utilization of the remainder :

BE IT THEREFORE enacted by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Title.

1. This Act may be known as the “Commonages Act, 1904.”

Applicable to certain Lands.

2. This Act shall apply to the Town Lands of Weston and Fort Nottingham as specified in the Schedule of this Act.

Inclusion of Crown Lands.

The Governor in Council may by proclamation extend the operation of this Act to any township and the commonage thereof reserved out of the Crown Lands in manner aforesaid, which may not have been brought under the operation of any law for the municipal government of townships or boroughs.

Definition.

The town lands of Weston and Fort Nottingham, and the lands so reserved as aforesaid are in this Act referred to as commonages.

Resumption of Commonages.

3. The Governor in Council may resume on behalf of the Crown any commonage to which this Act applies : Provided, however, that no lands shall be resumed by the

Government in the case of any Township or Commonage to which this Act may be extended, except in the case of Weston and Fort Nottingham, until a resolution in that behalf shall have been passed by the Legislative Council and Legislative Assembly.

There shall, however, be excluded from such resumption so much of the commonage as the Governor in Council may deem sufficient for the reasonable requirements of the township, not being less in any case than one thousand (1,000) acres.

4. Before any commonage is resumed the Surveyor-General shall cause the land which is to be retained as town lands to be selected in a convenient position for the purposes of the township, and shall have it surveyed and beacons off.

Town Lands to be surveyed.

5. One month's notice shall thereafter be given in the *Natal Government Gazette* and in two newspapers published in the Colony, fixing a date for the resumption of the commonage, and describing the part which will be retained as town lands.

Publication of Notice.

6. As soon as may be after the expiry of such notice the order of the Governor in Council for the resumption of the commonage shall be published in the *Natal Government Gazette*, and thereupon the commonage shall, save as to the excepted part, become the absolute property of the Crown, free from all rights of pasture or any other private rights whatsoever, and shall be at the disposal of the Government in the same manner as ordinary Crown lands.

Publication of Order.

7. This Act shall not affect any lands which shall have been transferred from the Crown, or the tenure of any lands which have been leased, or the exclusive use of which has been specially granted to any person or society, so long as such lease or use shall subsist in terms of the grant thereof, but upon the expiry of such lease or right of user the land shall, in so far as it may lie within the limits of the unresumed commonage, form a part of such commonage, and in so far as it may lie within the limits of the resumed lands, it shall become the property of the Crown in the same manner as the resumed lands: Provided that an outgoing lessee shall be allowed at any time within six months after the expiry of of his lease to remove any buildings or machinery erected by him.

Exclusion of certain lands.

8. No person shall be entitled to compensation by Government of any kind in consequence of the resumption of a commonage under this Act.

Compensation.

9. Where any lands resumed as aforesaid on which buildings or improvements have been made by any lessee shall be sold or leased by Government to any person other than such lessee or his successors or assigns, the said buildings and improvements shall be valued by a Valuator, to be appointed by Government, and the purchaser or lessee from the Government shall, without delay, pay the amount of such

Valuation of Buildings and Improvements.

valuation to the Surveyor-General, who shall pay same to the lessee who erected such buildings or made such improvements, or his successors or assigns. Machinery shall not be included in such valuation.

Town Lands—
open to public
use.

10. That part of a commonage which shall have been excluded as aforesaid from the resumption by Government shall, subject to the provisions of this Act, be dedicated to the public use and enjoyment of persons resident upon the erven of the township to which such land is attached, as commonage or town lands. Such lands are hereinafter referred to as town lands.

Regulations.

11. The Governor in Council may, from time to time, make regulations for all matters connected with the management and use of the town lands to which this Act applies, and in particular for the following purposes:—

- (a) The regulation of grazing, and the fees to be paid by any persons depasturing stock in excess of any number which may be prescribed.
- (b) The utilization of any parts of the town lands for brickmaking, quarrying stone, or for other purposes for the public advantage of the township.
- (c) The prohibition of any injurious or improper use of the town lands.
- (d) The preservation of forest, bush or water, the use of water for irrigation or otherwise, and of dead wood for domestic purposes.
- (e) The regulation of outspan, and also for the taking of materials for the construction of public works within the village, such as roads, bridges, buildings and the like.

Contraventions.

12. Any person contravening a regulation made under this Act shall be liable to a fine not exceeding Ten Pounds (£10) Sterling.

Sale or Lease
of Town Lands.

13. The Governor may sell as erven or lease as small allotments any part of the town lands upon such terms as may appear suitable, having regard to the interests of the township.

Application of
moneys.

14. All moneys received as purchase money of town lands or for rents or fees from the town lands shall be paid to an account to be kept by the Surveyor-General for each township to which this Act applies, and such funds shall be drawn upon and applied for the purpose of the respective townships in such manner as may be appointed by the regulations.

Law 3, 1870, to
cease on re-
sumption.

15. Law No. 3, 1870, shall cease to apply to the town lands of Weston and Fort Nottingham, and to any other town lands hereafter brought under this Act, so soon as the powers of resumption conferred by Section 3 shall have been exercised. Any moneys which may have accumulated under the said Law for any such township shall be paid to the fund created under this Act.

16. No claim or liability whatsoever shall rest upon the public revenue of the Colony for any matter arising out of the control or management of town lands by Government.

Management of Town Lands.

17. The Governor may, without payment of compensation, appropriate any unalienated part of the town lands for the purpose of cemeteries, pounds, schools or other institutions, or for other public purposes for the benefit of the township and the surrounding district.

Appropriation for public purposes.

18. This Act shall not apply to Commonages which may be vested in Trustees.

Exemption of Commonages vested in Trustees.

SCHEDULE.

Schedule.

Township.	Approximate area of Commonage.	Boundaries of Commonage.
Weston	6,800 acres.	Bounded Eastwards by Hopeful, Mount Victoria, and the Mooi River, Southwards by Robin Hood's Well, Westwards by Greenfield, Grantleigh and the Mooi River, Northwards by Langewacht and The Heights.
Fort Nottingham	13,000 acres.	Bounded on the North-east by Defence, Vaalkop, and J. Howard's Grant, Eastwards by J. Howard's Grant and Leeuwbosch, South-westwards by Geelhoutboom and Vlakplaats, Southwards by Geelhoutboom, Westwards by Land granted to the Collegiate Institute, North-west by Nooitgedacht.

Given at Government House, Natal, this 13th day of August, 1904.

By command of His Excellency the Administrator,

THOS. WATT,

for Colonial Secretary.

[No. 36, 1904.]

HENRY BALE,
Administrator**E.****R.****ACT,**

“To give effect to a certain agreement made between the Corporation of Durban and the Government of Natal, bearing date the 14th day of April, 1904, in so far as it relates to the transfer or sale to the Government of certain lands adjacent to the Bay of Durban and to the renunciation of certain rights and privileges under the Durban Bay Embankment Act of 1895 and otherwise.”

WHEREAS by an agreement bearing date the Fourteenth day of April, 1904, made between the Mayor of Durban as representing the Mayor, Councillors, and Burgesses of the Borough of Durban (called the Corporation) of the one part, and the Minister of Lands and Works, as representing the Colonial Government of Natal (called the Government) of the other part, which agreement forms the Schedule of this Act, it was amongst other things agreed that the Corporation should re-transfer to the Government certain lands abutting on the Bay of Durban, together with the Admiralty Reserve running therewith, in extent approximately 282 acres, and to sell and transfer to the Government certain other adjacent lands in extent together 62 acres more or less, which lands are more particularly described in the agreement and shown in the plan thereto annexed; all upon certain terms set forth in the agreement:

AND WHEREAS by the said agreement the Corporation renounced and abandoned all the rights and privileges claimed under the Durban Bay Embankment Act of 1895 as well as the other rights and privileges in regard to the Bay of Natal or the foreshore thereof in any way held or enjoyed by the Corporation, so that thenceforth the Government

should have and enjoy the full, free and absolute right to carry out such works and operations in, over and in connection with the said Bay and the Harbour of Natal as the Government might at any time think fit, but subject to certain reservations and conditions :

AND WHEREAS it is expedient to confer upon the Corporation all such powers and authority as may be necessary in the premises :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Notwithstanding anything contained in Section 76 of the Municipal Corporations Law of 1872, the Mayor of Durban, acting on behalf of the Mayor, Councillors and Burgesses of the Borough of Durban (in this Act called the Corporation), shall be deemed to have and to have had full power and authority to enter into the agreement forming the Schedule of this Act, and more especially to agree with the Colonial Government of Natal (in this Act called the Government), for the re-transfer and for the sale and transfer to the Government of the lands hereinbefore respectively referred to ; and the Corporation are hereby empowered to give transfer and conveyance of the said lands to the Government in pursuance of the said agreement.

Power of Mayor to make agreement and Corporation to transfer.

2. The following clause contained in the above recited agreement made between the Corporation and the Government, which is as follows :—

“ The Corporation, subject to the reservations herein-after contained, renounces and abandons all the rights and privileges claimed under the aforesaid Bay Embankment Act of 1895, as well as such other rights and privileges of, in, and to, or over the Bay of Natal or the foreshore thereof in any way held or enjoyed by the Corporation, so that henceforth the Government shall have and enjoy full, free and absolute right of carrying out such works and operations in, over, and in connection with the said Bay and the Harbour of Natal as the Government may at any time think fit,”

Ratification of clause.

is hereby confirmed and ratified so far as may be necessary in order that the same may have full force and effect notwithstanding anything contained in the Durban Bay Embankment Act of 1895, or in any other Law or Act, and the Government shall have full power and authority to exercise the rights conferred by the said agreement, and to carry out without hindrance the works therein referred to.

The said Act of 1895, and any Acts amending the same, are hereby amended in so far as they relate to the rights and privileges referred to in the said agreement.

Reservations or conditions of agreement not to be invalidated.

Indemnity of Corporation and Government.

3. Nothing in this Act shall be deemed to invalidate or prejudice any reservations or conditions contained in the aforesaid agreement.

4. No person shall have any right of action against the Corporation or against the Government to enforce the carrying out of the provisions of the Durban Bay Embankment Act of 1895, or of any Acts amending the same, in so far as they may be affected by the above recited agreement, or any right of action against the Corporation or the Government by way of damages or otherwise in respect of the non-exercise or abandonment or cession to the Government of the rights and privileges referred to in the said clause, or by reason of the sale or transfer to the Government of the lands mentioned in the said agreement, or of the exercise of any of the rights thereby conferred upon the Government.

Reclamation and other works.

5. Clause 6 of Part No. 2 of the said agreement shall be taken to mean that, without waiting until the whole of the Congella lands shall have been fully equipped with wharfage and in full active use, Parliament may decide that the same will not be sufficient for the trade requirements of the Port, and may empower the Government to proceed with the reclamation and other works immediately in front of the Victoria Embankment.

Short Title.

6. This Act may be known as the ' Harbour Lands Act, 1904.'

Schedule

SCHEDULE.

AN AGREEMENT

Between the Worshipful the Mayor of Durban, as representing the Mayor, Councillors, and Burgesses of the Borough of Durban, hereinafter referred to as the Corporation, of the one part, and the Honourable Joseph Baynes, in his capacity as Minister of Lands and Works, and as such representing the Colonial Government of Natal, hereinafter referred to as the Government, of the other part, relative to certain lands at and about the foreshore of the Bay of Durban, between Cato's Creek and the Umbilo River.

WHEREAS on the 19th day of February, 1895, the Government did grant and transfer to the Corporation certain lands which originally belonged to the Government, situated between Cato's Creek and the Umbilo River, in extent 396 acres 12.62 perches, more or less, and bounded on the Southward and Eastward by the Bay of Natal, and Northward and Westward by the Borough and Borough Lands of Durban, including the lands theretofore known as the Admiralty Reserve :

AND WHEREAS under and by virtue of the "Durban Bay Embankment Act of 1895" the Corporation acquired certain rights and privileges which are fully set forth in Sections 2, 3, and 4 of the said Act, viz. :—

2. (a) To make a wall to the height of not less than two feet above the level of high water within the new Bay Boundary Line as fixed by the Town Council and the Natal Harbour Board in terms of Law 42, 1888.
- (b) To fill up the area on the landward side of the wall with spoil removed from the Bay of Natal, such filling up to be concurrent as near as may be with the construction of the said wall.
- (c) To remove spoil from the Bay of Natal for the purpose of filling up any other low-lying areas within the Borough of Durban.
- (d) To continue from Addington the canal now in course of construction by the Natal Government.
3. To construct a wharf at any point or points within the Boundary Line, provided that no such wharf should be constructed between the Southern Boundary of Albert Park and Cato's Creek.
4. To make by-laws and regulations, passed in the manner provided by Law 19 of 1872, regulating the use of the Bay Embankment and the charging of dues on goods landed thereon and shipped therefrom.

AND WHEREAS the Corporation has erected between Cato's Creek and Albert Park a wall which is now known as the "Victoria Embankment," with roadways thereon, but has not otherwise exercised any of the other rights and privileges above referred to :

AND WHEREAS it is necessary and for the public good and benefit that the Harbour of Durban should be considerably extended and improved, and the Government is about to undertake the necessary works and operations for that purpose :

AND WHEREAS such works and operations render it necessary that the Government should become re-possessed of most of the lands transferred to the Corporation by the said Deed of 19th February, 1895, and that the Corporation should give up the unexercised rights and privileges above referred to :

AND WHEREAS the Government also requires certain other lands belonging to the Corporation :

AND WHEREAS the parties hereto have come to a **mutual** understanding in the premises, and have agreed upon the terms and conditions subject to which the requirements of the Government are to be fully met and satisfied, which terms and conditions the parties are desirous should be reduced to writing :

NOW THEREFORE these presents witness :—

PART No. 1,

Which has special reference to certain lands at and about the foreshore of the Bay of Durban, between Albert Park and the Umbilo River.

1. The Corporation agrees and binds itself :

First :—To re-transfer to the Government as its own sole property all the lands coloured green and burnt sienna on the Plan annexed hereto, marked "A," measuring Two Hundred and Eighty Two acres, more or less, being the Lots marked "A1," "A2," "A3," "B1," on the said Plan, inclusive of the Admiralty Reserve so far as it runs with them, such lands being bounded on the south-east and east by the Bay of Natal, and on the west and north-west by Town Lands :

The said Lands, with the exception of Lot B1, shall be transferred free of charge, and as to B1, which is bounded on the south-east by the Bay of Natal, on the north-west by the one-hundred-foot road which forms the south-east boundary of the Albert Park and the Town Lands marked "C1," and on the west by Lot A1, the Government shall pay to the Corporation such sum not exceeding Seven Thousand Pounds sterling (£7,000) in cash immediately on transfer, as may represent the amount expended by the Corporation in improving the said lands, such payment to be the sole consideration for the said transfer.

Second :—To sell and transfer to the Government those pieces of land marked "C1," "C2," and "C3" on the said Plan "A," and therein fully described, each in extent respectively as follows :—

Lot "C1," twenty-nine acres ;

Lot "C2," sixteen acres ;

Lot "C3" seventeen acres ;

all more or less ; and being bounded respectively as follows :—

Lot "C1," to the north-west by the Natal Government Railway, to the south-east by Lots marked respectively "B1" and "A1," and on the east by the one-hundred-foot road abutting on the western boundary of the Albert Park ;

Lot "C2," to the north-west by the Natal Government Railway, to the south-east and east by Lot "A1," and to the south by Lot "A2."

Lot "C3," to the west and north-west by the main Umbilo Road and the Natal Government Railway, to the south and south-west by the Umbilo River, and to the east and north-east by Lots "A3" and "A2."

The price of the said lands to be the sum of One Thousand Pounds (£1,000) per acre, and the date of Sale shall be deemed to be the date of ratification of this Agreement by Parliament.

2. The Government agrees and binds itself to raise the whole of the low-lying lands coloured yellow on the said Plan, measuring one hundred and sixty-three acres, more or less, and the land coloured burnt sienna and marked "B2" and "B3" respectively on the said Plan, containing thirty-six and seven acres respectively, more or less, all lying to the north-west of the Natal Government Railway. The north-west boundary of the low lying land to be raised is the contour line shown on the said Plan eighteen feet above the level of low water; and the level of the land so raised when completed shall not be more than eighteen feet and not less than fourteen feet above the level of low water.

The cost of raising the said low-lying land shall be borne by the Corporation; the Government agreeing to carry out the work of such raising of the land at cost price; but the amount payable therefor by the Corporation shall not exceed ten pence per cubic yard. The extent of such reclamation to be limited to 1,500,000 cubic yards.

The reclamation of the said low-lying land by the Government shall proceed in continuity with the construction or extension of any wharf.

3. On the transfer to the Government of the unalienated Town Lands, Lots "C1," "C2," and "C3," the money due to the Corporation in respect thereof shall remain as an outstanding account until the whole of the works herein referred to of Part I. have been completed. A full and detailed account of the cost of the reclamation of the low-lying lands shall be kept by the Government, and a monthly statement thereof shall be rendered to the Corporation. Such statement as agreed upon by the parties hereto shall be certified as correct by the Corporation within fifteen days after the same shall have been rendered, and shall be final and conclusive except as to any errors and omissions as may be found therein prior to the final settlement hereinafter referred to.

Interest at the rate of four per centum per annum shall be debited from month to month in account current between the parties, such interest commencing upon the transfer of the Lots referred to.

For such monies as may finally become due to the Government by the Corporation the Corporation shall issue to the Government its own debenture bonds, each for the sum

of One Hundred Pounds, bearing interest at the rate of four per centum per annum, payable half-yearly at the Natal Bank, Pietermaritzburg, redeemable at the same place fifty years after date or at such earlier date as may be agreed upon. The first of such debentures shall be issued when any debt of the Government to the Corporation shall have been satisfied by any set-off as aforesaid, and after the final completion of the whole works and Part I. of this agreement.

If the balance remaining should be a debit against the Government, settlement shall be made by payment in cash to the Corporation.

PART No. 2,

Which has special reference to the Bay foreshore lying between Cato's Creek and the Albert Park.

4. The Corporation, subject to the reservations hereinafter contained, renounces and abandons all the rights and privileges claimed under the aforesaid Bay Embankment Act of 1895, as well as such other rights and privileges of, in, and to, or over the Bay of Natal or the foreshore thereof in any way held or enjoyed by the Corporation, so that henceforth the Government shall have and enjoy full, free and absolute right of carrying out such works and operations in, over, and in connection with the said Bay and the Harbour of Natal as the Government may at any time think fit.

5. The Government has the right to erect a passenger landing jetty at or near the foot of Gardiner Street on the said Embankment, after the submission of plans and particulars to the Corporation. This provision is only temporary pending the exercise by Government of their rights and powers hereunder.

6. The reclamation of land and the works of Harbour improvement contemplated under this agreement shall be first commenced and proceeded with on and in respect of the lands referred to in Part No. 1 of this Agreement, which are known as Congella Lands, and the Government undertakes that the reclamation and other works immediately in front of the Victoria Embankment, that is to say between the **Albert Park and Cato's Creek**, which may in the future become necessary, as part of the general scheme of Harbour improvements, shall not be commenced until such time as Parliament shall have decided that the whole of the said Congella Lands, after being fully equipped with wharfage and in full active use, will not be sufficient for the trade requirements of the Port.

7. Before the commencement by the Government of the reclamation and other works in front of the Victoria Embankment they shall give to the Corporation ninety days' notice in writing of their intention so to do, and no such works shall be commenced until the expiration of the said notice.

Prior to the commencement of the works in front of the Victoria Embankment no spoil shall be deposited by the Government between the said Embankment and the line of works known as the Hartley-Barry scheme.

8. The Victoria Embankment shall remain the sole property of the Corporation, and the southern boundary of such Embankment shall be the outer edge of the coping of the existing wall, shown by blue coloured line on Plan A, Part 2.

9. All land reclaimed by the Government southward of the boundary of the Victoria Embankment as described above will become the sole property of the Government ; but the Government shall take upon itself all liabilities and penalties (if any) which may arise by reason of such reclamation or any other cause, and hold the Corporation harmless and indemnified in respect thereof. Provided always that nothing herein contained shall be deemed to prevent Parliament from exonerating Government from any liability in the premises.

10. By reason of the Government taking away the advantages and privileges now enjoyed by the Burgesses on the Victoria Embankment the wall built by the Corporation for the purpose of retaining such Embankment will be of no further practical value, and the Corporation having incurred an expenditure of approximately Eighty-Five Thousand Pounds (£85,000) and their income from the sale of Bay Foreshore lands having amounted to approximately Sixty-Five Thousand Pounds (£65,000), the Government shall re-imburse and pay to the Corporation the sum of Twenty Thousand Pounds sterling (£20,000) when the lands to the southward of the Victoria Embankment have been reclaimed. Provided always that in case the Government shall make provision for and maintain an open space or canal, between the said Embankment and the reclaimed land, of a width of 150 feet and a depth of two feet below low water mark, in order not to disturb the present drainage arrangements, such canal to be open at both ends, then and in such case the Corporation shall not require the payment of the said sum of Twenty Thousand Pounds sterling (£20,000). In the event of provision being made for such a canal, the Government shall be at liberty to erect or construct such bridges as they may deem necessary between the land so reclaimed and the Embankment, such bridges to be level with such Embankment.

11. The reclamation and works before referred to in Clause 10 are understood to be included in and form part of the undertaking known as the Hartley-Barry scheme.

12. At the ground level of all vacant reclaimed land between the proposed wharf and the Victoria Embankment the

Government undertakes to turf or harden so as to prevent the drifting of sand or other spoil. The Government shall be relieved of this undertaking should the canal referred to in Clause 10 hereof be decided upon.

The whole of this Agreement, as described in Parts Nos. 1 and 2, is subject to the following conditions :—

13. All the lands to be transferred to the Government in terms hereof shall be and remain part of the Borough of Durban in exactly the same manner as the lands at the Point belonging to the Government, and the Corporation shall at all times have and exercise in reference thereto the same rights and powers as are at present or as may hereafter be held or enjoyed by them in reference to the said Point lands, more especially those of levying rates on private property, surface drainage, roads, and other servitudes or rights necessary for sewerage, waterworks, lighting, electric power, tramways, telephones, and other public purposes, excluding police control. These rights and powers are more fully detailed as follows :—

- (a) The laying off of all roads and sub-Divisions of land which may be offered for sale or lease shall, as far as practicable, be the subject of mutual arrangement between the Government and the Corporation so that roads and arrangements generally shall be made to serve the public convenience in connection with the roads of the Borough.
- (b) The Government shall harden, kerb and channel all new roads made either for their exclusive use or for general public purposes. In the event of such roads being contiguous to rateable property the Corporation will thereafter take them over and maintain them.
- (c) Should the Borough lands comprised in Part No. 1 of this Agreement be so developed as to necessitate the crossing of the Natal Government Railway by bridges, such bridges, not exceeding three in number, shall be provided at places to be mutually agreed upon and at the joint expense of the Government and the Corporation.
- (d) The Corporation reserves the right of surface drainage, and the Government undertakes to grant servitude over all roads and other lands where it is necessary to construct at the Corporation expense underground conduits for the purpose of taking off storm water drainage.
- (e) With reference to the future extension of the existing storm water drains now discharging into the Bay on the Victoria Embankment, the

Government undertakes at its own expense to extend all the existing storm water culverts of sufficient capacity for the effectual drainage of the various drainage areas for the purpose of effectually conveying storm water to the satisfaction of the Borough Engineer to any new point or points of discharge to be decided upon by the Government. The Government shall, however, be relieved of this undertaking should the canal referred to in Clause 10 hereof be decided upon.

- (f) The Corporation reserves all rights and powers under their Acts for sewerage, water, lighting, tramways and telephones.
- (g) The Corporation reserves the right to supply under existing powers and obligations, electric light and power, telephones, and tramway services, as now supplied to other parts of the Borough, to all rateable properties and Government lands comprised in Parts Nos. 1 and 2 of this Agreement.
- (h) All lands comprised in Parts Nos. 1 and 2 shall be regarded as part and parcel of the Borough, and, in so far as any portions occupied by other than Government Departments are concerned, shall be liable to rates and all the other provisions of the Municipal Acts.

14. The transfer of the said lands described in Part No. 1 to the Government and to the Corporation respectively, and all surveys in reference thereto, shall be at the cost of the Government.

15. The said reclamation referred to in Part No. 1, and the extension of storm water drains referred to in Section E of Clause 17, Part 2, shall be effected according to the requirements of the Corporation, whose Engineer shall at all times have free access to the lands being reclaimed and works above referred to, and shall be supplied with all information he may reasonably desire in reference to the said operations.

16. It is hereby agreed that the operations comprised in Part No. 1 shall be commenced within five years of the date of signing this Agreement, and the work of reclamation of land and construction of wharfage reasonably continued, subject to the voting of supplies therefor by Parliament.

17. In the event of failure on the part of the Government to so commence the said works within the aforesaid period of five years, the said lands to remain or again to become the property of the Corporation, according to whether such lands shall or shall not have been previously transferred to the Government.

18. Any question which may arise between the Corporation and the Government with reference to any of the matters herein contained or in any way referring thereto, save and except the question of reclamation of Part No. 2 and referred to in Clause No. 10, shall be referred to and settled by Arbitration in the usual way, the provisions of the Arbitration Act, 1898, being for that purpose incorporated with these presents.

19. The Government undertakes to introduce into Parliament any legislation which may be necessary in order to give effect to this Agreement, and the Corporation undertakes to loyally support the same in so far as may be necessary.

In witness whereof the Mayor has signed these Presents on behalf of the said Mayor, Councillors and Burgesses, and the Common Seal of the Said Mayor, Councillors, and Burgesses has been hereunto affixed, in pursuance of a Resolution of the Council, dated March 22nd, 1904, and the said Honourable Joseph Baynes, in his aforesaid capacity, has hereunto set his hand this Fourteenth day of April, 1904, in the presence of the subscribing witnesses.

As Witnesses :

(Signed) WILLIAM COOLEY,
Town Clerk.



(Signed) J. ELLIS BROWN.
Mayor.

As Witness :

(Signed) G. T. PLOWMAN,
Secretary, Lands and Works.

(Signed) JOSEPH BAYNES,
Minister of Lands and Works.

Given at Government House, Natal, this 13th day of August, 1904.

By command of His Excellency the Administrator,

THOS. WATT,
for Colonial Secretary.

[No. 37, 1904.]

HENRY BALE,
Administrator.**E.****R.****ACT,**

“To enable certain persons in the Province of Zululand to practise as Dentists.”

WHEREAS by Act No. 37 of 1903, entitled Act “To assimilate the Laws in force in the Province of Zululand with the general Laws of Natal,” the Dentists’ Act, 1896, as amended by Act No. 21, 1899, is applied to the Province of Zululand :

AND WHEREAS it is expedient to allow certain persons residing in the Province of Zululand, not duly qualified for registration under the said Dentists’ Act, 1896, to be so registered :

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Every person who, on the First day of January, 1904, shall have been *bona fide* engaged in the practice of dentistry or dental surgery, in the Province of Zululand, either separately or in addition to his practice as a physician, surgeon or accoucheur, shall be entitled to be registered under the Dentists’ Act, 1896 : Provided, however, that such person shall, unless otherwise specially qualified, be restricted to carry on such practice in the Province of Zululand.

Given at Government House, Natal, this 13th day of August, 1904.

By command of His Excellency the Administrator,

THOS. WATT,
for Colonial Secretary.

[No. 38, 1904.]

HENRY BALE,
Administrator.**E.****R.****ACT,**

“To amend the Acts relating to the Supreme Court.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Repeal of Section 32 of Supreme Court Act, 1896, and 3, 4, and 6, of Act 31, 1899.

1. Section 32 of the Supreme Court Act, 1896, and Sections 3, 4, and 6 of Act No. 31, 1899, entitled Act “To amend the Supreme Court Act, 1896,” are hereby repealed.

Constitution.

2. The Supreme Court of the Colony of Natal shall consist of one Chief Justice and three Puisne Judges, but nothing in this Section shall be deemed to affect the appointments, Commissions, or salaries of the Chief Justice and the two Puisne Judges holding office at the time of the passing of this Act.

Three Judges form Full Bench

3. In all proceedings or cases depending before the Supreme Court, other than criminal cases or trials with a jury, or matters within the jurisdiction of a judge in chambers, or the like, any three of the Judges, and no more, shall ordinarily sit, and shall form the full Bench of the Supreme Court; but any two Judges shall form a quorum, and shall be competent to execute all and every the powers, jurisdiction, and authorities granted to and vested in the Supreme Court. The rota of Judges so to sit shall be determined from time to time by rule or order of the Supreme Court.

Quorum.

Rota by Rule.

Vacancies

4. Whenever a vacancy on the Bench of the Supreme Court shall occur, whether by the death, resignation, or sickness of any Judge, or acting Judge, of the Supreme Court, or from any other cause, the Governor may appoint some fit and qualified person to act in the place of the Judge or acting Judge whose seat shall be so vacant.

Acting Appointments.

5. It shall be competent for the Governor in Council to require any Judge of the Supreme Court who shall have attained the age of sixty-five years to retire from office upon such pension as he shall be then entitled to receive. Retiral at 65.

If any Judge shall be so retired before he shall have served for the full period of ten years, he shall be entitled to receive such pension as the Governor shall in the circumstances consider to be reasonable, not exceeding one-half of the annual salary which shall have been payable to him at the time fixed for his retirement. Pension in case of retiral before ten years' service.

6. This Act shall take effect on such date after the passing thereof as the Governor in Council shall notify by Proclamation. Commencement

Given at Government House, Natal, this 13th day of August, 1904.

By command of His Excellency the Administrator,

THOS. WATT,
for Colonial Secretary

[No. 39, 1904.]

HENRY BALE,
Administrator.**E.****R.****ACT,**

"To amend Law No. 8 of 1878."

WHEREAS it is expedient to amend Law No. 8 of 1878 entitled Law "To provide for the amendment of the Jury Laws, and the Constitution and Formation of Special Juries in certain cases."

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. The words "not exceeding fifty," occurring in Sections 1 and 2 of Law No. 8 of 1878, shall be expunged, and the words "not exceeding One Hundred" shall be inserted in lieu thereof.

Given at Government House, Natal, this 13th day of August, 1904.

By command of His Excellency the Administrator,

THOS. WATT,
for Colonial Secretary

[No. 40, 1904.]

HENRY BALE,
Administrator.

“To provide for the Extermination of Locusts.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. This Act may be cited as the “Locust Extermination Act, 1904.” Short Title.

2. Act No. 33, 1895, Act No. 30, 1898, and Act No. 42, 1901, are hereby repealed, without prejudice to any liability incurred, or the prosecution of any offence, or to the validity of any regulation, order or notice made or given, save so far as may be inconsistent with this Act. Repeal.

3. In this Act:—

“Minister” means the Minister charged with the administration of this Act. Definitions.

“Person” includes a firm, company, society or corporation.

“Locusts” means the insects called respectively “*Acridium pupuriferum*” and “*Pachytylus migratorius*,” while in the stage known as Hoppers or Voetgangers.

“Owner” includes the person holding land under lease from the Crown, and the purchaser of Crown Lands not yet transferred.

“Owner or occupier” includes joint owners or occupiers, and the agent or manager of an owner or occupier.

“Land” includes all Crown Lands, Native Locations and lands of the Natal Native Trust,

“ Farm ” means any rural property, inclusive of Crown Lands and lands of the Natal Native Trust, and applies to Europeans, Natives, Indians, and others.

“ Officer ” means any officer appointed under the provisions of this Act or of the regulations.

Rules.

4. The Governor in Council may, from time to time, make and alter such regulations as may be required to give full and complete effect to this Act.

Orders.

The Governor may make and enforce all such orders as may be necessary for the extermination of locusts and for carrying out the provisions of this Act.

Officers.

5. The Governor in Council may from time to time appoint a Chief Locust Officer and such other officers as may be required to carry out this Act, and may delegate to him or them such of the powers and authority hereby conferred on the Governor as he may think proper.

Proclamation of Locust Area.

6 The Governor may, from time to time, by Proclamation, declare any portion of the Colony to be a locust area, within the meaning of this Act.

Occupiers and Owners may be ordered to assist.

7. The Governor may at any time order the occupiers of land in any locust area, and, in the case of unoccupied lands, the owners thereof, whether Europeans, Natives, Indians, or others, to concur in such steps and to take such action as he may order for exterminating locusts upon the lands so owned or occupied.

Chief Locust Officer's powers

8. When any such order shall have been made by the Governor, the Chief Locust Officer shall have authority to carry out the same, and to make, issue, and cause to be served upon the persons affected thereby all orders and notices required for giving effect thereto.

Any such orders or notices, and any other orders or notices made or given by officers under this Act or the regulations, shall be in such form and shall be served in such manner as may be prescribed by the regulations.

Order may be served on Agent.

When any person upon whom an order or notice is required to be served is absent from the Colony or cannot be found, service may be made upon any known agent.

Failure to comply with orders.

9. If any occupier of land, or the owner as the case may be, or his agent, shall fail to forthwith comply with the directions contained in any order for the destruction of locusts, duly made and served upon him, the Chief Locust Officer may, by direction of the Minister, authorise any officer to enter, with such assistance as he may require, upon the lands of such person at all reasonable times and to carry out such order.

Costs recoverable from Owner or Occupier.

Any costs and expenses incurred in or about the carrying out of such order may be recovered by the Chief Locust Officer from the owner or occupier as the case may be.

Prosecution.

Nothing done under this section shall be deemed to relieve an owner or occupier or any other person from any prosecution or penalty to which he would otherwise be liable.

- 10.** Any officer, and any person acting in aid or under the authority of such officer, may from time to time, upon such notice as may be prescribed by the regulations, enter into and upon the land of any person and may cut grass and take brushwood thereon or therefrom, and do all other things necessary for the purpose of carrying out the objects of this Act. Cutting of grass and brushwood.
- 11.** The Government shall not be liable, nor shall the Governor be personally liable, for any loss or damage arising from, or caused by anything done under the authority of this Act. Government and Governor not to be liable.
- 12.** The Chief Locust Officer and any officer or other person lawfully acting under the authority of the Minister or of an officer in the execution of this Act or the Regulations, shall not be deemed to be a trespasser by reason of entry upon any land, or liable for any damages occasioned by any act done under such authority or in the execution of his duty. Officers not trespassers and not liable.
- 13.** If any person is sued or prosecuted for anything done by him in pursuance or execution, or intended execution of this Act, or of any regulation or order made thereunder, he may plead generally that the same was done in pursuance or execution, or intended execution of this Act, or of the regulation or order made under authority of this Act, and may give the special matter in evidence. Plea in prosecutions.
- 14.** Where any matter or thing is by this Act, or by any regulation, order, or notice under the authority hereof, directed or forbidden to be done, or where any authority is given by this Act to any person to direct any matter or thing to be done, or to forbid any matter or thing to be done, and such act so directed to be done remains undone, or such act so forbidden to be done is done, in every such case every person offending against such direction or prohibition shall be deemed guilty of an offence against this Act. Offences.
- 15.** Any person who shall wilfully drive, or be a party to the wilful driving of locusts off any property on to any neighbouring property, shall be liable upon conviction to a fine not exceeding Fifty Pounds Sterling, or, as an alternative, to imprisonment, with or without hard labour, for any term not exceeding Six Months. Punishment for driving locusts to other property.
- 16.** Every person guilty of an offence against this Act or any regulation passed hereunder, shall, except as otherwise specially provided, be liable to a penalty not exceeding Twenty Pounds Sterling, and, in default of payment thereof, shall be imprisoned, with or without hard labour, for any period not exceeding Three Months. Punishment of Offences under this Act.
- 17.** The enforcement of any penalty may be either by prosecution or by a civil suit at the instance of the Chief Locust Officer, who shall have the discretion of demanding, accepting or suing for the whole or any part of such penalty. Enforcement of penalty.
- 18.** All prosecutions or suits for penalties under this Act or the regulations shall be cognizable in the Court of the Legal proceedings.

Magistrate of the Division in which such offence shall have been committed or in which the offender may be found.

Ingredients
etc., carried
free on Natal
Government
Railways.

19. All ingredients, mechanical and other appliances, used in the destruction of locusts and the carrying out of this Act shall be carried free of charge over the Natal Government Railways.

Given at Government House, Natal, this 13th day of August, 1904.

By command of His Excellency the Administrator,

THOS. WATT,
for Colonial Secretary.

[No. 41, 1904.]

HENRY BALE,
Administrator.

“To empower the Governor to make, maintain, and equip a Line of Railway from the Main Line of Railway to a point at or near the Village of Weenen.

WHEREAS it is expedient that the Railway hereinafter described should be constructed :—

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. This Act may be cited as the “Weenen Railway Act, 1904.” Short Title.
2. In this Act the expression “the Railway” means the line of Railway authorised by this Act. Meaning of “Railway.”
3. The Governor shall be a Corporation for the purposes of this Act, and shall be entitled and competent to take, hold, and dispose of lands and other property. Governor to be a Corporation for purposes of Act.
4. The Lands Clauses Consolidation Law, 1872, except as varied by this Act, is incorporated with this Act. Incorporation of Law 16, 1872;
5. The Governor may make and maintain the Railway hereinafter mentioned, with all proper stations, sidings, approaches, passing places, electric telegraphs, signals, works, and conveniences connected therewith respectively ; and may so make and maintain the same upon such lands as may be required for the purpose ; and may enter upon, take, and use permanently or temporarily all such lands as aforesaid. All waste lands of the Crown which may be required for the Railway, or any purpose connected therewith, may be taken and used without any charge or payment for the same. Construction of Railway authorised.

Taking of Crown Lands.

Description of
Railway.

6. The Railway authorised by this Act is as under :—

A Line of Railway commencing at such point on the Main Line of Railway as shall be determined by the Governor and notified by him by Proclamation in the *Natal Government Gazette*, and terminating at or near the Village of Weenen.

Construction
departmentally
or by contract.

7. The Governor is hereby empowered to construct the Railway, or any part or parts thereof, either departmentally or by contract or contracts, or partly in the one way and partly in the other, according as he shall deem it most expedient.

Contracts for
Works.

8. For the purpose of the construction of the Railway or any part thereof by contract, the Governor may enter into a contract or contracts for the execution of the works required for the above-mentioned Railway, that is to say :—

- 1st. For the construction of the whole of the works required for the above-mentioned line up to formation level, and including the provision and laying of all ballast, the laying of all permanent way material, and the erection and provision of all fencing which Government may order, together with the maintenance of the whole of the aforesaid works for a period of twelve months after their completion.
- 2nd. For the purchase of all permanent way materials required for the construction of the aforesaid line.
- 3rd. For the provision and erection of all stations, station works, and works accessory thereto.
- 4th. For the purchase and erection of all electric telegraph material :

Provided that it shall be lawful for the Governor to fix and appoint the several sections to be constructed under any such contract, and the time to be allowed for their construction.

Gauge—single
line.

9. The Railway shall be constructed as a single line on the gauge of two feet, but the Governor may from time to time cause double lines to be constructed at such place or places on the course of the said Railway as he may think expedient either by way of deviations or otherwise.

Railways to be
deemed a public
road.

10. The Railway shall in respect of all Crown Lands heretofore alienated and granted by the Government in quit-rent, or freehold, or leasehold, or any other tenure whatsoever, and in or over which the Railway or any part thereof shall be made, be deemed to be a road made or to be made for the public good by order of Government, and accordingly the proprietors of such lands shall not, except in the cases provided in their several title deeds, leases, deeds of grant, or other documents of title, be entitled to any compensation for the land taken for the purposes of the Railway, and the

amount of said compensation shall be determined in accordance with the provisions of the Law No. 19, 1875 : Provided that lands granted or reserved by the Crown for the purpose of any town or village through which the Railway may pass shall be deemed for the purposes of this Act to be Crown Lands heretofore granted, over which the Government had reserved the right to make roads for the public good by order of the Government.

11. The Governor may employ all engineers, clerks, workmen, and other persons for the purpose of the said contract or contracts, and for superintending the construction and maintenance thereunder of the Railway, and for the maintenance and working of the Railway until six months after completion, and pay to all or any such persons such salaries, wages, or remuneration as may from time to time be voted by Act of Supply.

Governor may employ engineers, etc.

12. The Governor may provide all workshops, materials, plant, engines, rolling-stock, machinery, and other things which he may consider requisite for the maintenance, equipment, and working of the Railway, or otherwise necessary or desirable in relation thereto.

Governor may provide plant, etc.

13. The Railway and electric telegraphs, and all stations, lands, works, property, and things belonging thereto, or held in connection therewith, shall be for ever exempt from all highway, municipal, police, and other local rates and taxes now or hereafter to be made or imposed.

Railway exempted from imposts.

14. The Governor, with the advice of the Executive Council, may, from time to time, appoint some fit person or persons to carry into effect the purposes of this Act, and may delegate to him or them all or any of the powers and authorities hereby conferred on the Governor, and may, from time to time, remove any person so appointed, and appoint another person in his stead.

Appointment of persons to carry out Act.

15. The Governor shall not be personally liable for any loss or damage arising from or caused by anything done under the authority of this Act.

Personal immunity of Governor.

Given at Government House, Natal, this 13th day of August, 1904.

By command of His Excellency the Administrator,

THOS. WATT,
for Colonial Secretary.

[No. 43, 1904.]

HENRY BALE,
Administrator.



“To provide for the pension of the Honourable Robert Isaac Finnemore, First Puisne Judge of the Supreme Court of the Colony of Natal.”

BE IT ENACTED by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

1. Notwithstanding anything contained in Section 30 of the Supreme Court Act, 1896, there shall be paid to the Honourable Robert Isaac Finnemore, the present First Puisne Judge of the Supreme Court of the Colony of Natal, upon his retirement from office, a pension of One Thousand Pounds (£1,000) Sterling per annum, payable monthly.

Given at Government House, Natal, this Nineteenth day of August, 1904.

By command of His Excellency the Administrator,

THOS. WATT,
for Colonial Secretary.

[No. 44, 1904.]

HENRY BALE,
Administrator.

“To aid and encourage the Agricultural Development of Natal.”

WHEREAS it is expedient to provide for the settlement of persons of European descent on the uncultivated and waste lands of the Colony, and generally to aid and encourage the development of agriculture :

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

PART I.

Preliminary.

1. This Act may be known as “The Agricultural Short Title.
Development Act, 1904.”
2. This Act shall come into operation upon such date Commencement.
after the passing thereof as the Governor in Council shall appoint by proclamation.
3. In this Act—

“Reside” means to have one’s ordinary habitation on and to live upon the land not less than nine months in each year.

“Improvements” means fences, houses, farm buildings, roads, dams, reservoirs, wells, mills, windmills, permanent irrigation channels, water pipes, drains, dipping tanks, the improvement of pasture, planting of trees, increase of value effected by the application of approved manures, and any other works or things, which may in-

Definitions.

clude ploughing, tending to improve the agricultural or pastoral value of the land, which may by order of the Governor in Council be notified in the *Natal Government Gazette* as being added to the above list.

“**Crown Lands**” means any unoccupied lands belonging to the Government of Natal, other than such as may be specially exempted from the operation of this Act by order of the Governor in Council.”

“**Private Lands**” means lands not belonging to or occupied by His Majesty’s Imperial or Colonial Government.

“**Rural Lands**” means lands outside the limits of a Borough or statutory township or of any township or village under any Law or Act relating to such, or of any village or any group of houses which in the opinion of the Minister is of an urban and not of a rural character.

“**Owner**” means the registered holder of land held under freehold or quit rent tenure, or the purchaser of Crown Lands to which title has not yet been given.

“**The Minister**” means the Minister having charge of the Department entrusted with the administration of this Act.

“**Proper Officer**” means the officer charged with the performance of a particular duty.

“**Settler**” includes a lessee of land under this Act, and his successors in title.

“**Holding**” includes a lease or allotment.

4. This Act shall apply only to rural lands.

5. For the administration of this Act there shall be a Board called a “**Land Board.**”

6. The Land Board shall consist of five members, as follows :—The Secretary to the Minister of Agriculture and four persons with a knowledge of agriculture and other farming pursuits appointed from time to time by the Governor in Council, and hereinafter referred to as the nominated members.

7. The members shall be persons not holding seats in either of the Houses of Parliament; they shall not whilst holding office either acquire or sell land under this Act; nor shall they receive any assistance for the purpose of land settlement under this Act.

8. A nominated member shall hold office for not more than three years at a time, but may be re-appointed, and may at any time resign or be removed by the Governor in Council for any sufficient cause.

9. Nominated members shall retire by rotation on the 30th day of June, year by year; the member to retire on the 30th day of June, 1905, shall be chosen by ballot, and the member to retire on the 30th June, 1906, shall be chosen by

Rural Lands.

Land Board.

Formation of.

Conditions.

Term of office.

Retirement.

ballot from the other three, and the member to retire on the 30th June, 1907, shall be chosen by ballot from the other two.

10. In the event of a vacancy occurring before the expiry of any member's term of office, the member appointed in his place shall hold office only till the expiry of such term. Vacancy.

11. The Board shall elect a Chairman at its first meeting in each year. In the absence of the Chairman from any meeting, the members may elect one of their number as Chairman for the time being. Chairman.

12. Members of the Board shall hold office for not more than three years at a time, but may be re-appointed, and may at any time resign or be removed by the Governor in Council. Tenure of office.

13. Each unofficial member shall be entitled to receive payment at the rate of one guinea a day whilst attending meetings of the Board, and when inspecting land or travelling on the business of the Board, he shall receive one guinea a day and travelling allowances at the same rate as that allowed to permanent heads of Government departments. Payment of members.

14. The Governor may appoint any person temporarily as a member of the Board during the absence or inability of any member to attend. Acting appointment.

15. The Governor in Council may from time to time make regulations for all purposes necessary for the administration of this Act. Regulations.

16. The regulations may, amongst other things, define the conditions under which permission may be given to a settler to transfer, sub-let, or surrender his holding, Conditions of Transfer, etc.

17. The regulations may empower the Board, subject to such conditions as shall be prescribed, to allow any modification of the stringency of this Act as to residence or other requirements in regard to the tenure and occupation of land which may be expedient : Provided that such alteration be not in any wise contrary to the tenor of this Act, or calculated to lessen the efficiency of its operation. Power to modify Act.

18. All leases issued under this Act shall be in such form and shall contain such terms and conditions as may be prescribed by the regulations, including, in particular, reservations or servitudes regarding roads, railways, telegraphs, minerals, forests, water, and other matters of public utility. Leases.

19. No settler, without the written permission of the Board, shall mortgage, charge, or otherwise encumber his holding, or any interest therein, and any attempted mortgage, charge, or encumbrance without such permission shall be null and void. Mortgages, etc.

20. All debts owed by a settler to Government in connection with this Act shall be a first charge upon his holding. Security.

21. The Land Board shall have power :— Powers of Board

(a) To advise the Minister on all matters connected with the administration of this Act ;

(b) To make rules of procedure of the Board ;

(c) To institute and conduct, in the name of its Chairman, legal proceedings for the recovery of

any moneys due, or the enforcement of its powers and authority, or of any obligations arising under this Act;

(d) To exercise such further and other powers as are provided for by this Act.

Subject to
Minister

22. The powers and authority of the Board shall be exercised subject to the general authority of the Minister, to whom the Board shall from time to time report, and whose sanction shall be necessary before any schemes shall be undertaken by the Board, or before any liability in respect thereof is incurred,

Surveys.

Any necessary surveys shall, unless the Minister otherwise directs, be carried out through the Department of the Surveyor-General upon application therefor being made by the Board through the Minister.

Death of Settler.

23. If a settler die, or be declared a lunatic, the conditions of his lease may be fulfilled by any member of his family, or by any other person approved by the proper officer. If no such person is forthcoming, the holding shall revert to the Crown, compensation being paid for the improvements, if any, to the representative of the settler.

Fences.

24. The Fencing Law, 1887, shall be in force in every settlement made under this Act, but subject to any modifications which may be made by the regulations for the purpose of adapting it to the requirements of such settlements.

Cost of Adminis-
tration.

25. The cost of the administration of this Act, save so far as it may be defrayed from loans or other moneys received under this Act, shall be a charge upon the general revenue of the Colony.

Age of Appli-
cants.

26. No person shall be allowed to select lands under this Act who shall not be at least twenty-one years of age, but lands may be selected on behalf of a person between the age of seventeen and twenty-one years, provided that provision is made for the proper occupation of lands on his behalf, and that security shall in such cases be required for the payments under any lease and for the fulfilment of its conditions.

Selection of
Applicants.

27. The regulations under this Act may prescribe any further or other conditions in regard to the selection of applicants or any requirements to be complied with by intending applicants, and may provide for the forfeiture of any rights by and for imposing liabilities upon persons who may make application or take up allotments in contravention or in fraud of the regulations or of this Act.

Area.

28. No person already owning any rural land in Natal shall be allowed to acquire by lease or otherwise from the Crown any greater area of land than will, together with the land which he already owns, amount to the maximum area appointed by this Act for the classes of land so acquired. Grazing leases not being for a longer term than one year shall be excepted from this provision,

PART II.

Settlements on Private Lands.

- 29.** If any available lands are considered suitable for settlement, the Minister shall submit a plan of the proposed settlement, together with an estimate of the cost, for approval by the Governor in Council. Available Lands.
- 30.** Upon the approval of such plan by the Governor in Council, the Government shall have power to acquire the lands included therein by agreement with the owner. Acquisition of Lands.
- 31.** The Board may, after any revision and final settlement of the plans of settlement, have the lands surveyed, sub-divided and laid off in allotments, and may determine the values to be placed upon them and fix the rents to be charged. Surveys, etc.
- 32.** The Board shall, as soon as the lands are ready to be thrown open, advertise them for selection, and shall receive and decide upon applications for allotments. Selection.
- 33.** All lands to which this part of the Act applies shall be classed as under, and shall be divided into allotments as hereinafter provided for respective classes : Classification.
- First class : Lands suitable for special farming.
 Second class : Lands suitable for mixed farming.
 Third class : Lands suitable for pasture or tree planting.
- 34.** Lands of the third class may be reserved for afforestation, or they may be surveyed into blocks not exceeding 2,000 acres each, to be let on pastoral residential leases on the following terms :— Afforestation.
- The leases shall be for a term of thirty-three years, with the right to cultivate.
- The lessee shall be required to make improvements to the value of three shillings per acre during the first six years, and to maintain the improvements throughout the term of the lease.
- The leases shall be terminable summarily for non-payment of the rent or for the non-fulfilment of their conditions.
- 35.** At the expiry of the lease it may be renewed upon a renewed rental, or the land may be resumed by the Government for tree planting, or the land may be classed under the first class or second class, in which case the outgoing tenant shall have the right of selecting an allotment in the class in which the land has been ranked ; in either case the outgoing tenant shall receive compensation for his improvements. Renewal of Lease.
- 36.** Lands of the second class shall be divided into agricultural allotments of from 250 to 500 acres, and shall be offered on lease for ninety-nine years, upon such terms and conditions as may be determined by the Governor in Council. Agricultural Allotments.
- The allottees shall be required to reside on their allotments during nine months in each year, and to effect improvements in the first three years to the extent of five shillings per acre, and in the second three years to a further Beneficial occupation.

value of six shillings and eightpence per acre, and to maintain the improvements.

Breaches of conditions.

The lands shall be liable to be resumed by the Crown for non-payment of rent, or for the non-fulfilment of the conditions of occupation, and the lease of any land so resumed shall be sold by public auction, and the upset price shall be the amount due to the Government, with cost of proceedings added thereto; any balance above such amount shall be paid to the defaulting settler.

Irrigation areas

37. Lands of the first class may be divided into blocks for irrigation areas, small dairy, poultry, or bee farms, or the like, the cultivation of fruit, tobacco, fibre plants, essential oil plants, vegetables, or any other agricultural products of high market value.

Extent of Blocks.

38. The allotments shall be approximately upon the following scale :

Blocks intended for irrigation shall be divided into lots not to exceed 60 acres each, save where the quality of the soil renders some extension advisable.

Blocks not intended for irrigation shall be divided into lots not exceeding 250 acres.

Such lands may in the discretion of the Government be grouped round centres set apart for factory or township purposes.

First class allotments.

39. Allotments of land of the first class shall be offered on lease upon terms as to rent and otherwise similar to those prescribed in respect to lands of the second class, save as is hereinafter specially provided.

In the case of lands planted and duly maintained as fruit farms, the Board may remit the rent for a period not exceeding three years.

Lessee to reside on land.

40. The lessees shall in every case be required to reside on the land, and to make improvements to the value of ten shillings per acre in the first three years, and to the value of a further ten shillings in the next three years.

Reserves.

41. The Government may in their discretion reserve temporarily so much of the land round the factory or township centres as may in their opinion be requisite for grazing purposes, but this shall not be made to give to anyone rights of commonage, and the land may at any time be offered by the Government in allotments for settlement.

PART III.

Crown Lands.

Crown Lands.

42. Crown Lands coming within the category of first or second-class lands may be dealt with as provided in the case of private lands under Part II. of this Act.

PART IV.

Provisions for Promoting the Success of Settlements.

Tramways.

43. The Board may authorise the use of tramways upon any roads between settlements established under this Act and the neighbouring railway stations, towns, or ports.

44. The Board may, out of the funds placed at their disposal as hereinafter provided, make and maintain any local roads within a settlement, and may make, construct and maintain, or authorise the use of, tramways upon any such roads. Roads.

45. The Board shall similarly have power to make water furrows and to take and lead water for the purpose of a settlement from any stream or river passing through or near it, and to regulate the flow and distribution thereof; and for that purpose they shall have the right to catch and collect water and to construct dams, weirs, and other works, at any part of such stream in or above the settlement, to enclose or fence in water or water works, and to convey water to and over any land in the settlement by furrows, pipes, or otherwise, with all such other powers as may be necessary for securing a sufficient supply of water. Water Supply.

46. Such powers shall not be exercised so as to deprive any person who is at the time of the formation of the settlement, or at the time of the commencement of any such works, a riparian owner of the water necessary for domestic use or for animal life, and, if the taking and using of any water shall injuriously affect any such riparian owner or any person who has up to the time of the taking of the water had a right to use the same, such person shall be entitled to compensation in terms of this Act. Riparian Owners.

47. The Board may, upon the application of any settler within the first three years of his occupation of an allotment, advance him an amount not exceeding two-thirds of the assessed value of any improvements which may have been made by him on his land with the approval of the Board, and the amount of such advance shall be a charge upon the land, and shall be repaid, with interest at four and a half per cent., by instalments to be added to the instalments otherwise payable by him. Advances for Improvements.

48. The Board may, upon the application of a settler during the first year of his occupation, advance him an amount, not exceeding sixty pounds sterling, for the purchase of live stock, implements, seed, manure, or food: Such advance shall be a charge upon the land, and shall be repayable, with interest at four and a half per cent., in three equal annual instalments. Advances for Stock, etc.

49. If any settler to whom an advance shall have been made as aforesaid shall apply the moneys to purposes other than those for which they were supplied, he shall be guilty of the crime of fraud. Fraud.

50. The Board shall have power, under regulations to be made as hereinbefore provided, to levy and get in such rates as may be necessary for the maintenance and repair of roads, tramways, furrows, or any other works carried out for the public benefit of the settlement and for all current charges and costs of the settlement. Rates.

51. Such regulations may also determine the basis and mode of valuation for the purposes of the rates, and may Valuation.

make such exemptions as may from time to time be considered proper in the public interest of lands held and used for public purposes, or for purposes of a church, public institute, school, or hospital, or for charitable institutions.

Water Rates. **52.** The Board may also make such annual or special charges as may be fixed by the regulations for the supply and use of water for domestic, industrial, and irrigation purposes respectively.

Other rates. **53.** The Board may also under such regulations fix and levy charges for the use of tramways and public conveniences other than roads.

Public Works. **54.** The Governor in Council shall be authorised to advance such sums of money as may from time to time be required for public works and undertakings in connection with settlements made under this Act, and for the construction of which the authority of the Governor in Council may have been given.

All moneys so advanced shall be made a charge upon the lands of the settlement in such proportion as the Board shall determine, and the annual sums required for the repayment thereof, with interest, may be added to the rent payable in respect of the several allotments.

Sites for public purposes. **55.** Suitable sites shall be set apart for schools and for public purposes of a settlement.

Factories. **56.** The Board may, with the approval of the Governor in Council, assist agriculturalists in the establishment of factories or the like for the purpose of the manufacture of dairy or farming produce, such as butter, cheese, and tobacco, or the packing or preserving of fruit, or any other factories for the purpose of the better utilization or marketing of raw produce.

Co-operative Association. **57.** No scheme for any such undertaking shall be approved unless it is to be established and carried on by an association in the nature of what is known as a co-operative association, or until the constitution and articles of such association have been submitted to the Board and approved by them.

Conditions. **58.** The regulations under this Act may prescribe the conditions necessary to be complied with before any association can receive the approval of the Board, whether in respect of its formation, membership or liabilities, the distribution of profits, or any other matters whatsoever relative to its constitution.

Contribution by Government. **59.** The assistance to be given by the Government shall be by way of a contribution towards the capital outlay, and such contributions shall be made upon such terms as to payment, repayment and otherwise as to the Board shall seem proper.

Remittal of Contribution. **60.** The Governor in Council may at any time direct that the repayment of any part of such contribution shall be remitted.

Contribution to be a first charge. **61.** All sums so contributed shall be a first charge preferred to all others whatsoever upon the lands leased to settlers who are members of the association, and the amount

the factory and its buildings and machinery if situated upon land not belonging to the Crown. Bonus.

62. The Governor in Council may at any time, by proclamation offer bonuses for the export of approved agricultural products.

Such bonuses shall be paid from moneys provided for the purpose by Parliament.

PART V.

Loans and Advances.

63. For the purpose of this Act the Governor may from time to time borrow moneys not exceeding in the whole the sum of One Million Pounds Sterling (£1,000,000), in accordance with the provisions of the General Loan Law, 1882. Loans.

64. The interest upon principal moneys so borrowed shall be payable at the office of the Agent-General in London, or at such other places as may be agreed. Interest.

65. Wherever in the General Loan Law of 1882 the Crown Agents for the Colonies are referred to, such reference shall for the purposes of this Act be deemed to be a reference to the Agent-General for the Colony of Natal. Agent-General.

66. The Governor in Council may borrow from time to time, in anticipation of the raising of any portion of the loan authorised by this Act, any sum or sums not exceeding at any one time in the whole the sum of Two Hundred and Fifty Thousand Pounds (£250,000), in such manner as may be most convenient for the public service, and shall repay the moneys so borrowed out of the principal moneys to be raised under the provisions of this Act. Governor may borrow in anticipation of Loan.

The raising of any moneys under this section, or any part thereof, shall not *pro tanto* exhaust the borrowing powers conferred by this Act.

67. Any moneys which may have been expended out of the general revenue of this Colony under the provisions of the Land Acquisition Act, 1902, or Act No. 12, 1900, entitled Act "To provide for the appropriation of certain of the lands forming portion of the Commonage of Weenen, and for the irrigation and sale in small allotments," shall be made a charge upon any loan raised under this Act, and may be repaid to the general revenue from the proceeds of any such loan. Weenen Settlement.

68. All receipts in respect of rent upon leases of settlement lands or the repayment of advances or contributions made under the authority of this Act shall be paid to the general revenue of the Colony. Receipts.

The Treasurer shall keep a separate account of all such receipts and likewise of all payments made out of general revenue in respect of interest and sinking fund upon moneys borrowed for the purposes of this Act, so that any excess of

such receipts over such payments may, if further moneys are needed, for the purposes of any settlements formed under this Act, be applied by Parliament as advances for such purposes, to be charged on the lands of the settlement and repaid in like manner as any other moneys advanced under this Act.

Given at Government House, Natal, this Nineteenth day of August, 1904.

By command of His Excellency the Administrator,

THOS. WATT,
for Colonial Secretary.

[No. 45, 1904.]

HENRY BALE,
Administrator.

“To prevent the Introduction and Spread of Disease in
Plants.”

BE IT ENACTED by the King's Most Excellent Majesty,
by and with the advice and consent of the Legislative
Council and Legislative Assembly of Natal, as follows : —

1. This Act may be cited as the “Plants Diseases Act, Short title.
1904.”

2. Law No. 15, 1881, entitled Law “To regulate the Repeal.
introduction into this Colony of Plants or Cuttings, which
by reason of Disease, or otherwise, might be injurious to the
interests thereof,” is hereby repealed, without prejudice to
any proclamation, order, or regulation made thereunder, all of
which shall continue in force until revoked by a proclama-
tion, order, or regulation under this Act.

3. In this Act :—

“*Plant*” means any tree, shrub, or vegetation, and Definitions.
the fruit, leaves, cuttings, bark, and any part or
product thereof whatsoever, whether severed or
attached.

“*Disease*” means any of the insect pests or plant
diseases mentioned in the Schedule of this
Act, and any insect pest or plant disease
which the Governor in Council may by
proclamation declare to be a pest or disease
within the meaning of this Act.

“*Diseased*” means affected with such disease ; and
“*Healthy*” means not so affected.

“*Nursery*” means any land or premises whereon
are grown any plants intended for sale or dis-

tribution for the purpose of being grown elsewhere.

“*Orchard*” shall mean any land or premises where are grown and cultivated any fruit-bearing plants or trees, and extends to and includes a garden or vinery.

“*Minister*” means the Minister of Agriculture

“*Board*” means the Honorary Board of Advice.

Inspectors.

4. The Minister may from time to time appoint Inspectors and other officers necessary for the carrying out of this Act.

Board of Advice.

5. The Minister may, from time to time, appoint an Honorary Board of Advice, consisting of five members, of whom one shall be the Government Entomologist, and the others representative fruit farmers and nurserymen. Such Board of Advice to exist at the pleasure of the Minister, and the members thereof to receive no fee or reward for their services, save only travelling expenses. The functions of the Board to include advising the Minister with regard to:—

(a) Prohibiting or restricting the importation of plants, and their removal within the Colony from place to place.

(b) The framing of rules and regulations under this Act.

(c) What pests and diseases shall be brought under the provisions of this Act, and regarding the administering of the Act generally.

Introduction of plants.

6. The Governor may from time to time, by Proclamation, prohibit the introduction into Natal of any plant which may be considered likely to introduce any disease. Such Proclamation may either be absolute or subject to such conditions or exceptions as may seem proper, and may apply to the introduction of plants either generally or from any specified place.

Destruction of plants.

7. The Governor may from time to time, by Proclamation, on the advice of the Board, order that all plants in nurseries throughout the Colony which may be affected with any specified disease shall be destroyed, or that they shall be isolated and treated in any specified manner.

Rules.

8. The Governor in Council may, from time to time, make and alter regulations for all purposes necessary for carrying out this Act, and for giving full effect thereto. Such regulations may, amongst other things, prescribe the conditions under which plants may be introduced into this Colony; the duties and authority of inspectors or other officers, and the mode and means of carrying out and enforcing the provisions of this Act or of any proclamation or order.

Registration.

9. Every nursery shall be registered by the occupier thereof at the office of the Magistrate of the Division on or before the 31st day of January in each year.

Inspection.

10. An Inspector may at all reasonable times enter a nursery or orchard, with his assistants, for the purpose of making an inspection or carrying out any other duties therein.

- 11.** The Minister may, on the advice of the Board, make an order requiring the occupier of a nursery or orchard to take, within a specified time, all such measures for the eradication of diseases as may be prescribed in the order. The Minister may in like manner make an order placing any nursery or orchard under quarantine. Measures.
- 12.** So long as an order of quarantine applies to a nursery or orchard, it shall not be lawful to remove any plant or any part or product of a plant therefrom, except with the permission and under the direction of an Inspector, and the occupier shall comply with all instructions contained in the regulations or specially prescribed by an inspector, with the approval of the Minister, for eradicating or preventing the spread of the disease. Quarantine.
- 13.** The occupier of every nursery shall provide proper and approved chambers for fumigating with hydrocyanic acid gas, and it shall be his duty to fumigate all plants immediately before delivery in accordance with the regulations. Fumigation.
- 14.** No person shall send out from a nursery any plant affected with disease. If any plant is so sent out, the occupier of the nursery, as well as every person actually ordering or superintending the sending out of such plants, shall be deemed guilty of a contravention of this Act. Diseased plants.
- 15.** Every nurseryman selling plants shall be deemed to have warranted the same as being free from disease, and he shall not be entitled to receive or recover payment for any plant which may be so diseased: Provided that no defence or claim for the restitution of price, other than such as would be maintainable if this Act had not been passed, shall be competent to a purchaser unless he shall show that he gave written notice of such disease to the vendor or his agent, either delivered personally or by telegram, or sent by registered post within three days next after the day on which the plants actually reached the purchaser. Sale of plants.
- 16.** When any disease considered by the Minister, on the recommendation of the Board, to be a source of danger is prevalent in any nursery, orchard, or fruit garden he may, if he deems such a measure necessary in order to prevent its spread, order the special treatment and, if necessary, the destruction of any specified kinds of plants therein, whether such plants be diseased or not: Provided that compensation shall be paid for healthy plants so destroyed. The amount of compensation shall be fixed as provided for in this Act. Treatment, etc., of plants.
- 17.** Any Inspector appointed under this Act or any officer of the Customs may seize any plant which is being imported into the Colony and which is suspected of being affected with disease; and any Inspector may inspect the same and require it to be disinfected to his satisfaction, and if he is satisfied that it is diseased, and that the disease cannot otherwise be satisfactorily eradicated, he may have the plant destroyed, together with any box, basket or package in which it has been packed. An Inspector may similarly Powers of Inspectors.

seize and deal with any plant which may be found in transit or exposed for sale in the Colony or which is being sent out from a nursery, and appears to be diseased.

Compensation.

18. No person shall be entitled to receive any compensation whatever for the destruction of plants ordered to be destroyed on account of disease, except that where healthy plants are ordered to be destroyed as a measure of precaution, the owner shall be entitled to receive payment of their value from the public revenue. Such value shall, unless agreed, be assessed by two persons chosen by the Inspector and the owner respectively, and failing agreement between them, it shall be determined by the award of a competent person mutually chosen by the assessors.

Trespass.

19. No Inspector and no person acting under the direction or order of such Inspector shall be deemed to be a trespasser by reason of any entry or destruction under this Act, or be liable for any damages occasioned by carrying out the provisions of this Act unless the same were occasioned maliciously and without reasonable cause.

Obedience of orders.

20. Every owner of plants, nurseryman, or occupier of premises, and every person representing him, or having charge of any plants or premises under him, shall be bound to obey all lawful orders made by the Minister or by an Inspector, and shall give the Inspector every assistance in carrying out such order, or shall himself carry it out if so required.

Obligations.

21. Any obligation placed by this Act upon the occupier of a nursery or other land shall in his absence or default, or if there be any doubt as to who is to be considered as the occupier, be equally binding upon every person having the charge or superintendence of such nursery or land.

Offences.

22. Every person shall be guilty of a contravention of this Act who :—

(a) In any manner obstructs or impedes any person in the execution of any of the powers conferred by this Act or refuses any assistance which he is required to give ; or

(b) Disobeys or neglects to comply with any of the provisions of this Act or the terms of any regulation, order, or proclamation made thereunder.

Penalty.

23. All persons contravening this Act, or any regulation or lawful order made thereunder, shall for each offence be liable to a penalty not exceeding Twenty Pounds (£20) Sterling, to be recovered in the Court of a Magistrate by the Clerk of the Peace or by an Inspector or other proper officer of the department.

Promulgation.

24. This Act shall not come into force until six months after the promulgation of the same in the *Natal Government Gazette*.

SCHEDULE.

INSECT PESTS.

Codling moth (*Carpocapsa pomonella*).
San Jose Scale (*Aspidiotus perniciosus*).
Pear Slug (*Selandria cerasi*).
Cape Fruit Fly (*Ceratitis capitata*).
Apple Mussel Scale (*Mytilaspis pomorum*).
Orange Mussel Scale (*Chionaspis citri*)
Parlatoria of the orange (*Parlatoria ziziphus* and *Parlatoria Pergandei*).
Glover's Scale (*Mytilaspis gloveri*).

PLANT DISEASES.

Orange Yellows and Peach Rosette.
Crown Gall.
Fusicladium of the Apple.

Given at Government House, Natal, this Nineteenth day of August, 1904.

By command of His Excellency the Administrator,

THOS. WATT,
for Colonial Secretary.

[No. 46, 1904.]

HENRY BALE,
Administrator.**E.****R.****ACT,**

“To establish a Consolidated Loans Fund.”

WHEREAS it is expedient to systematise the Public Expenditure out of Loans and to make provision out of the Revenues of the Colony towards the redemption of the public debt :

BE IT THEREFORE ENACTED, by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :—

Short title.

1. This Act may be cited as the “Consolidated Loans Fund Act, 1904.”

Interpretation

2. The expression “public debt of the Colony” or “public debt” as used in this Act, means all moneys which have already been, or which may hereafter be borrowed by the Colonial Government on the security of debentures or stock charged upon the public revenue of the Colony in terms of any Law or Act.

Establishment of Fund.

3. A Fund shall be established called the Consolidated Loans Fund, hereafter in this Act referred to as “the Fund,” to which shall be credited and charged all receipts and payments in respect of the Public Debt of the Colony.

Accounts to be kept by Treasurer in name of Board of Commissioners.

4. Separate accounts of the Capital and Income of the Fund shall be kept by the Treasurer in the name of a Board of five Commissioners, to be called the Public Debt Commissioners (hereinafter called the Commissioners), who shall be charged with the control and administration of the Fund, subject to this Act and the regulations made thereunder.

To the Income Account of the Fund shall be credited such portion of each instalment of the various annuities created and hereafter to be created under this Act as may from time to time be necessary to provide for the interest charges due thereto upon the capital liability, for repayment of which the annuity was set up, in so far as such liability shall not already have been repaid by the operation of the annuity, and upon the Income Account shall be charged all payments for interest upon the public debt of the Colony, and likewise any Restitution Annuities created under Section 10 of this Act.

Income Account.

To the Capital Account of the Fund shall be credited the balance of the instalments of all annuities after providing the sums required to be paid to the Income Account, as well as such other sums as are directed to be paid to the Capital Account of the Fund in this Act, and upon the Capital Account shall be charged all sums issued for expenditure chargeable against loans or for repayment of the public debt or other purposes as hereinafter provided.

Capital Account

The accounts of the Fund shall be audited by the Auditor-General and presented to Parliament.

Audit of Accounts.

5. The Commissioners shall be the Treasurer of the Colony (who shall be *ex officio* Chairman of the Board), the President of the Legislative Council, the Speaker of the Legislative Assembly, and the Auditor-General, for the time being, together with one other official member to be nominated by the Governor-in-Council.

Constitution of Board of Commissioners.

6. (1) A terminable annuity equal to four per centum of the public debt incurred in respect of capital expenditure on Railways up to the 30th June, 1904, shall be paid to the Income Account of the Fund from the general revenue of the Colony for the service of such debt year by year for a period of sixty years beginning with the year ending 30th June, 1906, and ending with the year ending 30th June, 1965, but after the payment therefrom of the actual interest payable in respect of the then existing Railway debt, the remainder thereof shall be transferred to the Capital Account of the Fund.

Special payments to Income Account.

(2) The sum of £116,109 paid by the Government of the Transvaal Colony as the difference between the purchase price of the Railway from Van Reenen's to Harrismith due to this Colony and that of the Railway from Buffalo River to Vryheid due to the Transvaal Colony shall be paid to the Capital Account of the Fund.

Special payment to Capital Account.

7. For the service of the remainder of the existing public debt, not provided for under the preceding section, there shall be paid to the Income Account of the Fund, year by year, an annuity consisting of a payment (1) from the general revenue of a sum equal to three and a half per centum upon the amount of such remainder, and likewise (2) to the

Further payments to—
1. Income Account.

2. Capital Account.

Capital Account of the Fund the several classes of money mentioned in the schedules of this Act until the aggregate amount, which shall have been carried to the Capital Account in respect thereof, after providing for repayments (if any) under Sections 14 and 15 of this Act, reaches the amount of the total liability on account of such debt at the passing of this Act. The payment from general revenue shall thereupon terminate, but the several classes of money mentioned in the Schedules shall continue, notwithstanding, to be paid to the Capital Account of the Fund until Parliament shall otherwise determine.

Further payments to Capital Account.

8. There shall likewise be paid to the Capital Account of the Fund the sums provided under previous Acts, on account of Sinking fund upon existing loans, which shall continue to be applied as provided by those Acts. The cancellation of Stock by the operation of such sinking funds shall, when the Stock is cancelled, be regarded as extinguishing *pro tanto* the unrepaid capital liability under Section 7 of this Act.

Adjustment of Loan Funds.

9. (1) All loan funds in hand upon the 30th June, 1904, and all moneys raised hereafter by the creation of debt under existing or future Acts shall be credited to the capital account of the Fund. Provided that the receipts under this Sub-section shall be distinguished in such account from the receipts under Sections 6, 7, and 8 of this Act."

(2) All moneys necessary for expenditure chargeable against loans shall, after the 30th June, 1904, be provided out of the capital account of the Fund.

(3) Issues from the Fund under Sub-section 2 of this section shall be treated as advances, and be made subject to repayment thereto with interest by means of terminable annuities for such periods not exceeding 60 years as the Treasurer may, with the consent of the Commissioners, determine, regard being had to the durability of the works for which the expenditure is required.

(4) The rate of interest for such advances shall be fixed from time to time by the Treasurer with the consent of the Commissioners, having regard to the terms on which new loans can be raised, so that the advances may be made without loss to the Fund.

(5) All annuities created under this section shall be charged on the general revenue of the Colony.

Restitution Annuity.

10. Whenever hereafter, upon the creation of new public debt, the amount realised on account of any loan, after deducting expenses of issue, is less than the amount of the capital liability contracted in respect thereof, there shall be charged upon the Income Account and paid to the Capital

Account of the said Fund a terminable annuity to be called a Restitution Annuity, calculated to make good the amount of such deficiency before the date upon which the loan shall become redeemable.

11. Any deficiency appearing upon the Income Account shall be charged upon the General Revenue of the Colony.

Deficiency in
Income Account.

12. The Commissioners may from time to time devote any sum standing to the credit of the capital account of the Fund and not required for advances under Section 9 of this Act, to the redemption or purchase of debentures or stock issued for the loans forming the public debt.

Credit balance of
Capital Account may be
devoted to
redemption or
purchase of
loan debentures.

All debentures or stock so purchased or redeemed, together with the interest coupons of such debentures, shall be immediately cancelled and destroyed.

13. Until such debentures or stock can be purchased on sufficiently favourable terms it shall be lawful for the Commissioners from time to time to invest, temporarily, and on the best terms procurable, any moneys available for redemption of debt under the preceding section.

Moneys may be
invested.

14. The Government may by notice in the *Natal Government Gazette* fix periods of time, after the lapse of which the several classes of money mentioned in the second Schedule of this Act shall be payable to the Capital Account of the Fund, and immediately upon the expiration of the appointed times all such money shall be paid to the Capital Account of the Fund, without prejudice to any claims which but for this Act might be competent to any persons in respect thereof.

Payment to
Capital Account
of moneys
named in
Schedule 2 after
notice in
Gazette.

In fixing such periods regard shall in all cases be had to any law specially affecting any of such moneys.

In so far as this section refers to moneys in the hands of the Master of the Supreme Court, or the proceeds of investments thereof, it shall be immaterial whether such moneys shall come into the custody of the said Master before or after the passing of this Act.

15. (1) If any claim in respect of any moneys referred to in the two preceding sections shall be established at law the judgment shall be forthwith satisfied out of the Fund.

Refunds.

(2) If any person shall prove to the satisfaction of the Governor in Council that he is entitled to any of such money, the Governor in Council may direct the issue of a warrant for the payment thereof out of the Fund.

16. The Governor in Council may from time to time make regulations for all matters necessary for giving effect to this Act.

Regulations.

SCHEDULE 1.

Moneys received for the redemption of quit rents or the conversion of leased lands into freeholds.

Proceeds of sales under the Customs Acts other than sales in execution of judgment.

Interest on moneys deposited with the Master of the Supreme Court which would accrue to the public revenue.

Proceeds of sales of old Government stores or materials in connection with works of which the cost has been defrayed out of loans.

The sum of £55,963 18s. 7d. which has been repaid by the Indian Immigration Trust Board on account of moneys advanced to them by the Government, and any further sums which shall be so repaid.

SCHEDULE 2.

Unclaimed expired Government debentures or stock :
Unclaimed interest on Government debentures or stock.

Proceeds of the sale of unclaimed property or stock in the hands of the Master of the Supreme Court.

Unclaimed moneys deposited with the Master of the Supreme Court, or the proceeds of any securities representing same.

Unclaimed proceeds of pound sales.

Unclaimed postal and money orders.

Given at Government House, Natal, this Fifth day of September, 1904.

By command of His Excellency the Administrator,

JNO. G. MAYDON,
Colonial Secretary.

[No. 47, 1904.]

HENRY BALE,
Administrator.**E.****R.****ACT,**

“To provide for the lodging of security by Assurance and Insurance Companies not having their head office in Natal.”

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. Every Company, whose head office shall not be situated within this Colony, which shall after the passing of this Act commence to carry on in this Colony the business of fire or life assurance, or insurance against any kind of risk, shall first be required to deposit with the Colonial Treasurer approved securities to his satisfaction to the value of Ten Thousand Pounds (£10,000) Sterling. Such security may consist in whole or in part of approved first mortgage bonds in favour of or ceded to the Government over immovable property in Natal: Provided that, in the case of Companies carrying on the business of marine or accident assurance only, the security to be deposited with the Colonial Treasurer shall be to the value of Five Thousand Pounds (£5,000) Sterling: And provided also that any Company carrying on the business of plate glass assurance only shall be exempt altogether from the operation of this Act.

Securities.

2. Every such Company which at the time of the passing of this Act is carrying on such business as aforesaid shall be required to make a similar deposit on or before the first day of January, 1905.

Time for deposit.

Exchange of Securities.

3. A Company may, on giving due notice to the Colonial Treasurer, withdraw from his custody any securities so deposited on depositing with him other approved securities of an equal value, and any such substituted securities shall for all purposes be treated as securities originally deposited.

Value of Security to remain constant.

4. Every such Company as aforesaid shall keep the securities deposited with the Colonial Treasurer up to the full value of Ten Thousand Pounds (£10,000) Sterling, or Five Thousand Pounds (£5,000) Sterling, as the case may be; and upon his demand at any time or if any of such securities shall have been taken in execution or the like, the Company shall immediately lodge with the Colonial Treasurer such further securities as may in his opinion be necessary to bring up the securities to the value of Ten Thousand Pounds (£10,000) Sterling, or Five Thousand Pounds (5,000) Sterling, as the case may be.

Interest

The income derived from all securities deposited under this Act may be received by the depositor.

License.

5. No license shall be issued under the License and Stamp Acts to any Company as aforesaid, except upon production of a certificate under the hand of the officer of the Treasury Department appointed thereto, that the provisions of this Act in regard to security have been complied with by the company.

Withdrawal of Securities.

6. Except as may be otherwise provided by this Act, upon any Company ceasing or being about to cease to carry on business in Natal it shall be entitled to withdraw all the securities deposited under this Act: Provided that the Company shall have given twelve months' notice to that effect to the Colonial Treasurer: And provided further that a copy of such notice shall have been published three times in the *Natal Government Gazette* and in at least two daily newspapers published in Pietermaritzburg or Durban at least twelve months before such withdrawal shall be made.

Retention of Securities.

7. In the case of any policy issued by a Company about to cease carrying on business in the Colony, being still outstanding, the Colonial Treasurer shall retain such of the securities deposited under this Act as he may deem fit until such policy shall have been satisfied or shall have lapsed.

Given at Government House Natal, this Fifth day of September, 1904.

By command of His Excellency the Administrator,

JNO. G. MAYDON,
Colonial Secretary.

No. 48, 1904].

HENRY McCALLUM,
Governor.

“To regulate the signing of negotiable instruments by
Indians.”

WHEREAS it is expedient to regulate the signing of negotiable instruments by Indians :

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows :

1. No judgment shall be given in any Court of Law against any Indian founded upon a promissory note, bill of exchange, or other liquid document of debt, exclusive of Mortgage Bonds over immovable property hereinafter provided for, unless such promissory note, bill of exchange, or other liquid document of debt shall be in English and signed in English characters by the Indian sought to be charged, or shall have endorsed thereon a certificate signed by a Magistrate, Justice of the Peace, or Commissioner of Oaths, to the effect that such Indian signed his name or made his mark thereto in the presence of such Magistrate, Justice of the Peace, or Commissioner of Oaths, after the same had been explained and interpreted to him in the presence of such Magistrate, Justice of the Peace, or Commissioner of Oaths.

Validity of liquid documents executed by Indians.

2. No Mortgage Bond over either movable or immovable property executed by any Indian shall be accepted for registration in the office of the Registrar of Deeds unless such Mortgage Bond, or the Power of Attorney authorising the passing thereof, shall be in English, and signed in English characters by the Indian by whom the same shall

Mortgage Bonds

have been executed, or shall have endorsed thereon or attached thereto a certificate signed by a Magistrate, Justice of the Peace, or Commissioner of Oaths, to the effect that such Indian signed his name or made his mark thereto in the presence of such Magistrate, Justice of the Peace, or Commissioner of Oaths, after the same had been explained and interpreted to him in the presence of such Magistrate, Justice of the Peace, or Commissioner of Oaths.

Certificate.

3. No such certificate, signed by a Magistrate, Justice of the Peace, or Commissioner of Oaths, having an interest in any document in respect of which the same may be given, shall be of any force or effect.

4. This Act shall not apply to any documents executed before the passing of this Act.

Given at Government House, Natal, this Ninth day of December, 1904.

By Command of His Excellency the Governor.

W. L'ESTRANGE,
Colonial Secretary.